

Appendix F

This appendix provides information about the Record of Agency correspondence and coordination.

Here is the text for the opening of Appendix F to explain how it is set up. I ran the text through Faith once already.

Appendix F is organized by the following categories:

- Cooperating Agencies;
- Participating Agencies;
- Other Agencies; and,
- Section 106 Correspondence.

Cooperating and Participating Agencies include those identified in Chapter 8 of the Final Environmental Impact Statement (EIS) as Cooperating and/or Participating agencies. Additional correspondence from agencies outside those identified as Cooperating or Participating are catalogued under Other Agencies. Draft EIS comment letters from Cooperating/Participating/Other agencies are included in Appendix A of this document and not replicated in this appendix.

Section 106 correspondence contains letters and e-mails pertaining to the Section 106 process for this project. Correspondence from/to Consulting and Participating Agencies are duplicated in this section. Consulting party correspondence regarding the programmatic agreement has been placed under one title; however, it also can be found under the Section 106 agency's bookmark as well.

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Delegation of Authority Letters

TP158681



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

JUN - 6 2006

Mr. Peter T. Young
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Office
Kakuhihewa Building, Room 555
601 Kamokila Blvd.
Kapolei, Hawaii 96707

Re: Honolulu High-Capacity Transit Corridor
Delegation of Authority

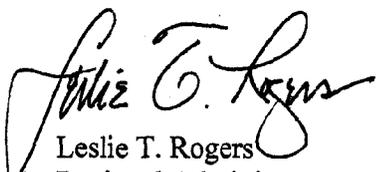
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DTS
TRANS PLANNING

Dear Mr. Young:

The Federal Transit Administration (FTA) is the lead Federal agency on the City and County of Honolulu, Department of Transportation Services (DTS) High-Capacity Transit Corridor Project. DTS is responsible for implementing activities associated with the project including compliance with historic preservation act regulations. FTA has delegated DTS the authority to work directly with your office on FTA's behalf, pursuant to 36 CFR 800.3-800.4. We understand that FTA remains legally responsible for all findings and determination pursuant to 36 CFR 800. We request your agreement with this delegation.

If you have questions, please call Donna Turchie of the Office of Planning and Program Development at (415) 744-2737.

Sincerely,


Leslie T. Rogers
Regional Administrator

cc: Kenneth Hamayasu, DTS



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 24, 2006

LOG NO.: 2006.2536
DOC NO.: 0607MC02

JUL 31 1 50 PM '06

DTS
TRANS PLANNING

Mr. Leslie T. Rogers
Regional Administrator
Region IX
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Subject: Honolulu High-Capacity Transit Corridor Delegation of Authority

This is in response to your June 6, 2006 letter regarding the Honolulu High-Capacity Transit Corridor Delegation of Authority. We agree with your delegation to authorize the City and County of Honolulu Department of Transportation Services (DTS) to work directly with our office on this project.

If there are any questions regarding this project, you may contact Ms. Melanie Chinen of the Historic Preservation Division at (808) 692-8015.

Sincerely,

Peter T. Young, Chairperson
State Historic Preservation Officer

MC:sy

c: Kenneth Hamayasu, DTS

FTA Correspondence



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

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OCT 16 2009

Mr. Wayne Yoshioka
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Re: Approval of Preliminary Engineering
for the Honolulu High-Capacity
Transit Corridor Project

Dear Mr. Yoshioka:

The Federal Transit Administration (FTA) is pleased to inform you that FTA has approved the request by the City and County of Honolulu (the City) to advance the Honolulu High-Capacity Transit Corridor Project into Preliminary Engineering (PE). This approval is a requirement of Federal transit laws governing the New Starts program (49 U.S.C. Section 5309(e)(6)).

This PE approval is for an approximately 20-mile alignment extending from East Kapolei through the Airport to Ala Moana Center. The project includes 21 stations, 4 park-and-ride facilities with 4100 total spaces, and approximately 76 rail vehicles. Nearly all of the rail line and its stations will be elevated structure. The total expected Full Funding Grant Agreement (FFGA) project cost including finance charges in Year of Expenditure (YOE) dollars is \$5,348 million. The City is seeking \$1,550 million in Section 5309 New Starts funds. The rail line is expected to carry 116,000 trips on the average weekday by 2030.

With this approval, the City has pre-award authority to incur costs prior to grant approval for PE activities while retaining eligibility for future FTA grant assistance for the incurred costs. As with any pre-award authority, all Federal requirements must be met prior to incurring costs in order to retain eligibility of the costs for future FTA grant assistance. This pre-award authority does not constitute an FTA commitment that federal funds will be approved for the project in the future. FTA's approval of PE is not a commitment to approve or fund any final design or construction activities. Such decisions must await the outcome of PE, including completion of the environmental process.

In addition, per FTA's Final Policy Guidance on New Starts and Small Starts published September 2, 2009, the City will have pre-award authority to procure vehicles, acquire real property and real property rights, and perform utility relocations upon completion of the National Environmental Policy Act (NEPA) process. FTA reminds the City that the procurement of vehicles must comply with all Federal requirements including, but not

limited to, competitive procurement practices, the American with Disabilities Act, and Buy America. FTA encourages the City to discuss the procurement of vehicles with FTA prior to exercising the pre-award authority.

FTA is required by law to evaluate a proposed project against a number of New Starts criteria and ensure that prospective grant recipients demonstrate the technical, legal, and financial capability to implement the project. Based on an evaluation of the project against these criteria, FTA has assigned to the project an overall rating of *Medium*. The project must maintain at least a *Medium* New Starts rating at the completion of PE for it to be eligible to advance into final design.

FTA has also conducted detailed reviews (1) of the project, with the help of project management oversight (PMO) contractors; (2) of the financial plan, with the help of a financial management oversight (FMO) contractor, and (3) of the environmental documents prepared in compliance with NEPA. Based on these reviews, FTA has identified a number of items that the City must address as part of PE. The City must work with FTA during PE to address these items as well as any other issues that may emerge in the course of PE. The objectives of this collaborative effort are to ensure that:

- All environmental impacts are identified and adequate provisions are made for their mitigation in accordance with the requirements of 49 U.S.C. 5324(b);
- All major and critical project elements are designed to a level that no significant unknown impacts remain in their costs; and
- All cost estimating is advanced to the level of confidence necessary for the City to implement the financial plan for the project before entry into final design.

Further, the City should be aware that FTA's standards for the financial rating are higher for entry into final design than for entry into PE. The higher standard for final design includes an assessment of the robustness of the financial plan against increases in costs, shortfalls in revenue streams, and competing demands on funding sources. Some elements of the current financial plan may not fare well in the stress tests that FTA will apply to evaluate robustness. These elements include the projected revenue stream from the General Excise Tax, the diversion of FTA Section 5307 funds from ongoing capital needs of the bus system, and the increasing share of the City's annual budget that is required to fund the transit system. Were this plan submitted today in support of a request to advance the project into final design, its weaknesses would likely cause FTA to deny the request. Therefore, continued development and strengthening of the financial plan will be a crucial part of the PE effort.

The City should also be aware of certain realities as they relate to the anticipated publication of the Final Environmental Impact Statement (FEIS) for the project. As you know, very detailed negotiations with the Advisory Council for Historic Preservation are proceeding towards a Programmatic Agreement (PA) that address that several historical preservation issues that have surfaced during the consultation process. That Programmatic Agreement must be executed by all signatories before FTA publishes the FEIS. Commitment to the PA by the City and County of Honolulu must also come through

legislative action by the City Council before the FEIS is published. In addition, the Federal Aviation Administration must provide written agreement regarding the scope of mitigations proposed at the Honolulu International Airport before the FEIS is published. Given these and other requirements, FTA now anticipates that publication of the FEIS is likely to occur in late November at the earliest. As such, the completion of a Record of Decision for the project is very likely to extend into next year. FTA believes this schedule is necessary to achieve our mutual goal of conducting an environmental review that is consistent with all Federal requirements and that will withstand judicial scrutiny.

The following items are detailed findings from FTA's PMO contractors that FTA has determined to be crucial for the City to address as part of PE:

Project Scope, Design, and Development

- Identify any third party agreements necessary for project completion, including utility agreements with private and public owners and the military;
- Resolve the specifics regarding proximity of the guideway to runways 22R/4L and 22L/4R at the Honolulu International Airport with the Hawaii Department of Transportation and the Federal Aviation Administration;
- Fully develop vehicle basis of design and functional sizing;
- Determine rail fleet size requirement;
- Fully develop scope for the administration building and operations control center;
- Determine the final location of the maintenance and storage facility;
- Finalize a contracting packaging plan which includes a source selection plan(s) and contract specific work plans;
- Develop strategies to streamline the City's process to award contracts and to enter into grant agreements, especially as applicable to FTA grants;
- Develop a preliminary operation plan; and
- Ensure the service velocity does not erode over the next course of design changes.

Project Schedule

- Provide a baseline of the Master Project Schedule (MPS) early in PE which will be used for monthly progress updates and tracking schedule variances;
- Address the utilization manpower and equipment resource loading and budget and cost loading;
- Include critical activities in the MPS: utility activities, real estate acquisitions, system integration, starting and testing, operational commissioning and training, vehicle procurement, major construction material procurements, FTA review and comment, detail activities for early construction packages;
- Develop a right-of-way schedule; and
- Modify the Work Breakdown Structure to cross over with the project budget and cost breakdown structure.

Project Cost

- Develop a detailed bottoms-up-style project cost estimate to Standard Cost Category format. The estimate should be detailed sufficiently to determine

distributions of materials, labor, equipment and general conditions elements at a minimum. The soft cost estimates should be based on staffing plans, force account plans, contracts, and so forth rather than solely on percentages. The estimate should eliminate parametric-style values, cost estimating relationships, and lump sums as much as possible during PE;

- Escalate the cost estimate in accordance with the MPS; and
- Provide justification and backup documents to support the quantification and assumptions for the “soft costs” and related general conditions of the project.

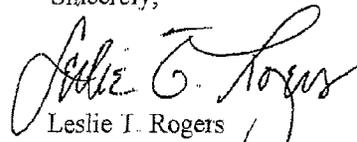
Technical Capacity

- Update the Project Management Plan to bring it into full conformance with FTA requirements, and implement the configuration management and change control mechanism;
- Develop detailed staffing plans for all remaining phases of the project to ensure adequate technical capacity. The plans should include the dates by which the City will fill each key position. All key City management positions should be filled during PE;
- Work with the State of Hawaii to establish a State Safety Oversight Agency office to oversee the project;
- Submit a fully developed Rail Fleet Management Plan;
- Have quantifiable metrics for measuring the real status of work, both cost and schedule of all professional service contracts, and any inter-local agreements for participatory services;
- Develop a Contingency Management Plan which will identify the specific risks, and implement the anticipated mitigation measures;
- Develop an Environmental Mitigation Plan that identifies required environmental mitigation actions and the party responsible for the mitigation, and that will eventually become the basis for quarterly mitigation monitoring and quarterly mitigation reports; and
- Update and implement the Real Estate and Acquisition Plan, the Bus Fleet Management Plan, the Safety and Security Management Plan, and the Quality Management Plan as the project progresses.

As PE proceeds, FTA may provide more detail to the City regarding other deliverables that should be completed prior to requesting approval to enter final design

Finally, FIA is committed to working closely with the City to identify the next steps in the project development process and to establishing a timeline for achieving these steps based on the current status of the project. We look forward to working closely with the City during the development of the High-Capacity Transit Corridor Project. We are ready to work with you and your staff to achieve the milestones necessary for successful completion of PE. If you have any questions regarding this letter, please contact me at (415) 744-3133.

Sincerely,



Leslie I. Rogers
Regional Administrator

cc: Advisory Council for Historic Preservation
I Hamayasu, City and County of Honolulu



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
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415-744-3133
415-744-2726 (fax)

DEC 15 2009

Mr. John M. Fowler, Executive Director
Attention: Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Ms. Laura H. Thielen, State Historic Preservation Officer
Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit
Corridor Project - Section 4(f)
de minimis Determination

Dear Mr. Fowler and Ms. Thielen:

Pursuant to 23 U.S.C. 138 and 49 U.S.C. 303 (hereinafter, "Section 4(f)") and its implementing regulations codified at 23 C.F.R. part 774, the Federal Transit Administration ("FTA") is transmitting this letter to notify your agency of its intent to make the Section 4(f) *de minimis* impact determinations identified below.

Section 4(f) implementing regulations are codified at 23 C.F.R. part 774. Implementing regulations for Section 106 of the National Historic Preservation Act of 1966 are codified at 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(i), if the FTA intends to make a *de minimis* impact determination, the FTA must consult with consulting parties identified in accordance with 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(ii), the FTA must obtain written concurrence from the State Historic Preservation Officer ("SHPO") and the Advisory Council on Historic Preservation ("ACHP") in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 C.F.R. part 800. The FTA must inform SHPO and ACHP of its intent to make a *de minimis* impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected." According to 23 C.F.R. § 774.5(b)(1)(iii), "public notice and comment, beyond that required by 36 C.F.R. part 800, is not required."

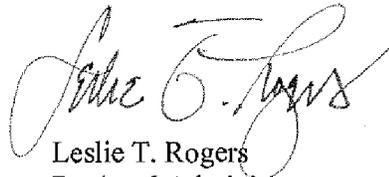
SHPO's finding of "no adverse effect" or "no historic properties affected" was memorialized in its correspondence to the City and County of Honolulu Department of Transportation Services on July 22, 2009 (hereinafter, "SHPO's Letter").

The FTA hereby notifies SHPO and ACHP of its intent to make Section 4(f) de minimis impact determinations on the following two historic properties that were determined by SHPO's Letter to have a no adverse effect under Section 106:

- Boulevard Saimin
- O'ahu Railway & Land Co. Basalt Paving Blocks and Former Filling Station

Please contact Mr. Ted Matley at (415) 744-2590 should you have any questions.

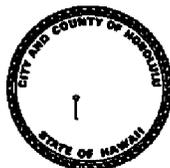
Sincerely,



Leslie T. Rogers
Regional Administrator

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • E-MAIL: mayor@honolulu.gov

MUFI HANNEMANN
MAYOR



April 5, 2010

The Honorable Peter M. Rogoff
Administrator
Federal Transit Administration
U. S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D. C. 20590

Dear Mr. Rogoff:

**Subject: Honolulu Rail Project Avoidance of Honolulu International
Airport (HNL) Runway Protection Zone**

Over the past several months, the City and County of Honolulu (City) has been in discussions with the Federal Transit Administration (FTA), Federal Aviation Administration (FAA), and Hawaii Department of Transportation – Airports Division (HDOT) over the best way to address the short segment of the rail guideway that crosses the extended runway protection zone (RPZ) for Runway 4R/22L at Honolulu International Airport (“HNL”). These discussions became necessary as a result of FAA regulation changes affecting HNL.

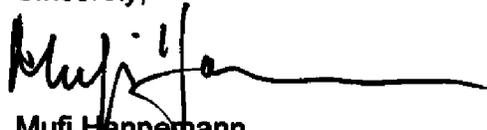
The discussions among all the agencies have yielded a vast amount of information regarding the need to mitigate the transit project’s impact on HNL’s ability to manage air traffic and enhance the protection of people and property on the ground. While the City’s proposed mitigation of those effects along the rail route alignment shown in the Draft Environmental Impact Statement has never been determined to be infeasible, the FAA has recently generated a list of on-airport measures necessary to accommodate the RPZ extension under the current alignment. This list carries significant additional costs that effectively render the current alignment through the runway protection zone infeasible.

The Honorable Peter M. Rogoff
Page 2
April 5, 2010

As I indicated to you previously as the FAA information was being developed, and as we have discussed on the phone over the past two weeks since the FAA information was presented to the City, the significant cost associated with the recently developed FAA mitigation measures leaves us no choice but to shift the alignment at the point where the guideway impinges on the HNL runway protection zone. Therefore, I am hereby confirming to the FTA that the City proposes a shift in the alignment that will avoid any encroachment into the central portion of the RPZ of Runway 22L/4R. The alignment through the Airport area will still be primarily on Aolele Street and the avoidance will commence approximately 2,000 feet west of Lagoon Drive. Supporting data have already been forwarded to FTA's environmental analysts. We eagerly await a determination regarding the appropriate process for introducing the proposed avoidance alternative into the record.

Thank you for your ongoing assistance on this critical project for the citizens of Honolulu. Please call me at 808-768-4141 if you have any questions about our chosen course of action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mufi Hannemann', with a long horizontal line extending to the right.

Mufi Hannemann
Mayor

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFU HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 8, 2010

RT4/10-361201

Mr. James Ryan, TPE-2
Federal Transit Administration
Office of Planning and Environment
U.S. Department of Transportation
East Building, 4th Floor, E43-478
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Mr. Ryan:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find six (6) copies of the Honolulu High-Capacity Transit Corridor Final EIS (April 8, 2010 Pre-Decisional Review Copy) on Compact Disk. The disk contains the complete Final EIS reflecting the shift to Ualena Street, including drafts of all appendices. Under separate cover, six (6) copies of the disk are being sent to FTA Region IX for their information and use. Three (3) hard copies will be sent to each Region IX and Headquarters next week.

This EIS incorporates draft language pertaining to avoidance of the central portion of the runway protection zone at Honolulu International Airport pending the FTA's final determination regarding the appropriate process for introducing the proposed avoidance alternative into the record.

Should you have any questions regarding this matter, please contact me at (808) 768-8344.

Sincerely,

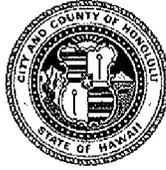
A handwritten signature in black ink, appearing to read "K. Hamayasu".

KENNETH T. HAMAYASU
Chief, Rapid transit Division

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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MUFU HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 8, 2010

RT4/10-361202

Mr. Leslie T. Rogers, Regional Administrator
Federal Transit Administration, Region IX
U.S. Department of Transportation
201 Mission Street, Suite 1650
San Francisco, California 94105-1839

Dear: Mr. Rogers:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find six (6) copies of the Honolulu High-Capacity Transit Corridor Final EIS (April 8, 2010 Pre-Decisional Review Copy) on Compact Disk. The disk contains the complete Final EIS reflecting the shift to Ualena Street, including drafts of all appendices. Under separate cover, six (6) copies of the disk are being sent to FTA Headquarters for their information and use. Three (3) hard copies will be sent to each Region IX and Headquarters next week.

This EIS incorporates draft language pertaining to avoidance of the central portion of the runway protection zone at Honolulu International Airport pending the FTA's final determination regarding the appropriate process for introducing the proposed avoidance alternative into the record.

Should you have any questions regarding this matter, please contact me at (808) 768-8344.

Sincerely,

A handwritten signature in black ink that reads "K. Hamayasu".

KENNETH T. HAMAYASU
Chief, Rapid transit Division



U.S. Department
of Transportation

**Federal Transit
Administration**

The Administrator

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR 23 2010

The Honorable Mufi Hannemann
530 South King Street
Room 300
Honolulu, HI 96813

Dear Mayor Hannemann:

Thank you for your letter dated April 5 related to the Honolulu High Capacity Transit Corridor Project (the "project"). In your letter you advise the Federal Transit Administration (FTA) of your proposal to refine the proposed alignment on the Honolulu International Airport (HNL) property to avoid impacts to HNL facilities and operations, as well as ecologically sensitive resources, and noise sensitive communities. The avoidance of these impacts will be fully documented during the preparation of the Final Environmental Impact Statement (FEIS).

There is much work that still needs to be completed, including consultation pursuant to Section 106 of the National Historic Preservation Act and finalization of the programmatic agreement. In addition, the results of analyses prepared by the Federal Aviation Administration (FAA) will be incorporated into the FEIS. FAA has pledged its full cooperation and support in expediting completion of the environmental process. I am confident that, with the cooperation of other members of your team and your environmental consultants, we will be able to swiftly advance the FEIS.

If I can provide additional information or assistance, please do not hesitate to contact me directly at (202) 366-4040.

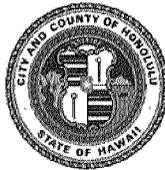
Sincerely yours,

Peter Rogoff

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/100-364046

Mr. Leslie T. Rogers, Regional Administrator
Federal Transit Administration, Region IX
U.S. Department of Transportation
201 Mission Street, Suite 1650
San Francisco, California 94105-1839

Dear Mr. Rogers:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find ten (10) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This Final EIS addresses comments previously received from FTA and cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote revisions made since the October 2009 version of the Administrative Final EIS.

Chapter 5 of this Final EIS (Section 4(f) Evaluation) was revised in response to FTA's review of the October 2009 version of the Administrative Final EIS and includes an evaluation of the refined alignment near the airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

This version of the Final EIS also has been sent to the cooperating agencies for their review. We have requested their respective reviews to be completed by May 10, 2010.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Ms. Elizabeth Zelasko, Federal Transit
Administration (w/10 attachments)

Cooperating Agencies



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
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415-744-2726 (fax)

Colonel Howard J. Killan
US Army Garrison Hawaii
Building 580 Fernandez Hall
Schofield Barracks, HI 96857

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Colonel Killan:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Army approval related to crossing U.S. Army property, so we are formally requesting the U.S. Army to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the U.S. Army's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the U.S. Army statutory responsibilities and concerns. The

environmental documentation will address environmental and programmatic concerns identified by the U.S. Army and will be sufficiently detailed to enable the U.S. Army to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. An City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,


Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services
US Army Garrison Hawaii (Apvg-Gwe-M)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-6306 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274366

Colonel Howard J. Killan
U. S. Army Garrison, Hawaii
Building 580, Fernandez Hall
Schofield Barracks, Hawaii 96857-5000

Attention: Environmental Division

Dear Colonel Killan:

Subject: Honolulu High-Capacity Transit Corridor Project
Cooperating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Cooperating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, Chapter 343 of the Hawaii Revised Statutes, and your participation as a Cooperating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing an internal and confidential intergovernmental copy of the Administrative Draft Environmental Impact Statement (EIS) for your review and comment.

DTS also requests to formally present an update on the project to answer any questions that your agency may have regarding the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

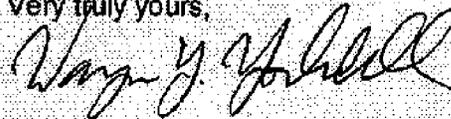
Any formal comment regarding this intergovernmental review of the Administrative Draft EIS is requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Colonel Howard J. Killan
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



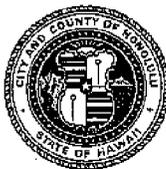
WAYNE Y. YOSHIOKA
Director

Enclosure: 1 copy of Administrative Draft EIS

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-6305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 19, 2009

RT6/09-319397

Colonel Howard J. Killan
U. S. Army Garrison, Hawaii
Building 580, Fernandez Hall
Schofield Barracks, Hawaii 96857-5000

Attention: Environmental Division

Dear Colonel Killan:

Subject: Honolulu High-Capacity Transit Corridor Project

We are requesting that all of the cooperating agencies, including the U. S. Army Garrison, Hawaii, review the preliminary draft of the Administrative Final Environmental Impact Statement (EIS). In order to facilitate this review, we have enclosed two (2) printed copies and five (5) CD copies of this internal and confidential document. Any comments on the document are requested by July 20, 2009.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over a faint, larger version of the same signature.

WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley
FTA-Region IX (w/o enclosures)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/10-364057

Colonel Matthew Margotta
Directorate of Public Works
U.S. Army Garrison Hawaii
947 Wright Avenue
Schofield Barracks, Hawaii 96857-5001

Dear Colonel Margotta:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find three (3) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This document addresses comments previously received by the City from the Federal Transit Administration (FTA) and the cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote most of the changes made since the October 2009 version of the Administrative Final EIS that was reviewed by FTA. FTA and the City respectfully request an expedited review by the cooperating agencies on this document.

This version of the Final EIS is being sent to you to review the revisions made to the June 2009 Administrative Final EIS that was issued to the cooperating agencies. Changes include additional documentation of the effects of the Project to Waters of the U.S., a summary of common comments received on the Draft EIS and responses to those comments (Chapter 8), design refinements for access between H-2 and the Pearl Highlands Station, and in the vicinity of the Pearl Harbor National Historic Landmark to remove project features within the boundary of the landmark and design refinements in the vicinity of Honolulu International Airport. These refinements are summarized in Section 2.4.1 of the Final EIS. The environmental effects and mitigation of the refinements are incorporated into Chapters 3 and 4 of the enclosed Final EIS.

In coordination with the Federal Aviation Administration (FAA) and HDOT Airports Division, the alignment design described in the Draft EIS in the vicinity of Honolulu International Airport was refined to minimize impact to the runway protection zone (RPZ). The FAA's evaluation of design options to avoid conflicts within the RPZ is included in Appendix K of this Final EIS, but the conditional approval of the Airport Layout Plan (ALP) is not included as yet. It will be added to Appendix K prior to issuance of the Final EIS.

Colonel Matthew Margotta
Page 2
April 28, 2001

Chapter 5 of this Final EIS [Section 4(f) Evaluation] was revised in response to FTA's review comments to the October 2009 version of the Administrative Final EIS. The revised text includes a Section 4(f) evaluation of the refined alignment near the Airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

Please review this document and submit final comments to FTA and the City by May 10, 2010. Should you have any questions regarding this matter or would like to meet and discuss the revisions, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX

368744



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND, PACIFIC REGION
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
851 WRIGHT AVENUE, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5000

REPLY TO
ATTENTION OF:

MAY 24 2010

Office of the Commander

RECEIVED
2010 MAY 28 A 10:56
DIRECTOR'S OFFICE
DEPT OF
TRANSPORTATION SERVICES

Mr. Wayne Y. Yoshioka
Director, Department of Transportation Services
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

This letter is in response to your letter, dated April 28, 2010, subject: Honolulu High-Capacity Transit Corridor Project. Your letter requests that the US Army Garrison, Hawaii review and submit final comments to you regarding this version of the Final EIS for the project which addresses comments previously received by the City from the Federal Transit Authority (FTA) and the other cooperating agencies.

My environmental and planning staff at the Directorate of Public Works have reviewed the Final EIS for the rail project. Since the alignment of the rail project no longer affects Army property in the Fort Shafter area, we have no comments to offer at this time.

For additional information, please contact Mr. Alvin Char, Chief, Environmental Division, Directorate of Public Works at (808) 656-5790.

Sincerely,

Matthew T. Margotta
Colonel, US Army
Commanding Officer



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Captain Taylor Skardon
Pearl Harbor Naval Station
850 Ticonderoga St., Ste 100
Pearl Harbor, HI 96860

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Captain Skardon:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Navy approval related to crossing U.S. Navy property, so we are formally requesting the U.S. Navy to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the U.S. Navy's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the U.S. Navy statutory responsibilities and concerns. The

environmental documentation will address environmental and programmatic concerns identified by the U.S. Navy and will be sufficiently detailed to enable the U.S. Navy to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. An City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96360-5102

5000
Ser N00/163
23 Apr 07

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

*change to participating
COS aware of the change*

Dear Mr. Rogers,

In response to your letter, which we received on March 26, 2007, Naval Station Pearl Harbor welcomes the opportunity to participate as a Cooperating Agency for the Honolulu High-Capacity Transit Corridor Project. This is an important initiative that will provide great benefit to the community and help abate the increasing traffic congestion on Oahu.

My point of contact is CDR Mike Zuccherro, NAVSTA PH Public Works Officer. He can be reached at (808) 471-2647 and e-mail at michael.zuccherro@navy.mil.

Sincerely,

TAYLOR W. SKARDON
Commanding Officer

Copy to:
City and County of Honolulu, Department of Transportation
Services

Blind copy to:
NAVFAC HI ARE2



COMMANDER
NAVY REGION HAWAII
NAVAL SURFACE GROUP MIDDLE PACIFIC



EXECUTIVE SUMMARY MEMORANDUM

8 May 2007

From: Lynn K. T. Tanaka, Regional Engineer Office

Subj: NAVY TO CHANGE TO PARTICIPATING AGENCY IN THE ENVIRONMENTAL REVIEW PROCESS FOR THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

BLUF: The U.S. Department of Transportation, Federal Transit Administration (FTA) has requested that the Pearl Harbor Naval Station participate as a Cooperating Agency for the Honolulu High-Capacity Transit Corridor Project. Based on further review of the route and input from City and County of Honolulu, Department of Transportation Services (DTS), recommend that NAVSTA role change to Participating Agency.

BACKGROUND:

- The FTA in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) has initiated the proposal for the fixed-guideway transit system in the corridor between Kapolei and the University of Hawaii with a branch to Waikiki.
- Three alternatives to be considered in the Environmental Impact Statement:
 - o No Build Alternative
 - o Fixed Guideway Transit Alternative via Salt Lake Boulevard
 - o Fixed Guideway Transit Alternative serving Airport and Salt Lake (future fork in Salt Lake Boulevard route) but will not be included in the Finding of No Significant Impact (FONSI).

DISCUSSION:

- Lead Agencies – FTA and DTS. Agencies must identify and involve participation agencies; develop coordination plans; provide opportunities for public and participating agency involvement in defining the Purpose and Need and determining the range of alternatives; and collaborate with participating agencies in determining methodologies and the level of detail for the analysis of the alternatives
- Cooperating Agencies – these are any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.
- Participating Agencies – these are agencies with an interest in the project. The standard for these agencies is more encompassing than the standard for cooperation agencies, therefore, cooperating agencies are participating agencies but not all participating agencies are cooperating agencies.
- Based on recommendations from DTS based on the preferred route of Salt Boulevard, NAVSTA should be a Participating Agency vice Cooperating Agency.
- Schedule of EIS Coordination Activities:
 - o Now – FTA letters of invitation to participate
 - o Mar/Apr – Project Scoping, meeting held on 28 Mar without Navy attendance however per DTS only scoping provided
 - o May to Dec 07 – ongoing consultation
 - o Spring 08 – Draft EIS
 - o Fall/Winter 08 - Preliminary Final and Final EIS
 - o Mid 2009 – Record of Decision

RECOMMENDATION:

None. For information only.



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5000
Ser N00/209
29 May 2007

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

SUBJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

In our letter dated April 23, 2007, Ser N00/163, Naval Station Pearl Harbor accepted your invitation to be a cooperating agency in the National Environmental Policy Act (NEPA) review process for the subject project.

Subsequent to our April 23, 2007 response, we have had further discussions regarding this matter. Based on our better understanding of the proposed project, we anticipate that the Navy's role in the project, if any, would be small due to the preferred route along Salt Lake Boulevard. At this time, we, therefore, do not think that cooperating agency status would be appropriate for Naval Station Pearl Harbor. Instead, we are prepared to participate in the subject project as a participating agency.

Also, based on our current understanding of the proposed project, a separate environmental impact statement will not be required under the Navy's NEPA regulations in conjunction with any Navy approval.

My point of contact is CDR Mike Zuccherro, NAVSTA Pearl Harbor Public Works Officer. He can be reached at (808) 471-2647 and e-mail at michael.zuccherro@navy.mil.

Sincerely,

TAYLOR W. SKARDON
Commanding Officer

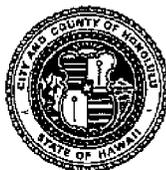
Copy to:
City and County of Honolulu, Department of Transportation
Services

Blind copy to:
CNRH N4 (L. Tanaka)
NAVFAC Hawaii (PWD)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFU HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00460

Commanding Officer Taylor W. Skardon
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: CDR Mike Zucchero
NAVSTA Pearl Harbor Public Works Officer

Dear Commander Skardon:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5750
Ser N00/060
23 Jan 08

Mr. Toru Hamayasu
Project Manager, High-Capacity Transit
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Hamayasu:

In response to Mr. Wayne Yoshioka's letter dated December 5, 2007 Naval Station Pearl Harbor accepts the City's offer to be a consulting party in the National Historic Preservation Act Section 106 process. We look forward to the opportunity to provide assistance in this endeavor.

My point of contact remains CDR Mike Zuccherro, Naval Station Pearl Harbor Public Works Officer. He can be reached at (808)471-2647 and e-mailed at michael.zuccherro@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor W. Skardon".

TAYLOR W. SKARDON
Commanding Officer

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 758-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUIF HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274137

Commanding Officer Taylor W. Skardon
Naval Station
Department of the Navy
850 Ticonderoga Street, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Commander Mike Zucchero
NAVSTA Pearl Harbor Public Works Officer

Dear Commanding Officer Skardon:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

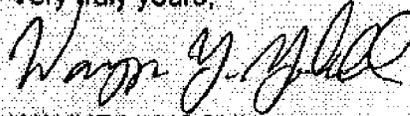
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Commanding Officer Taylor W. Skardon
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION HAWAII
850 TICONDEROGA ST STE 110
PEARL HARBOR HI 96360-5101

5750
Ser N4/ 00113
12 NOV 2008

CERTIFIED MAIL NO. 7003 1680 0000 7269 2083

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

We recently received a copy of your Historic Resources Technical Report for the Honolulu High-Capacity Transit Corridor Project. We are concerned that the City and County of Honolulu (CCH) has conducted assessments of Navy properties and evaluated said properties for National Register eligibility without Navy input. Accordingly, several of the eligibility determinations listed in the Transit Corridor report conflict with determinations upon which Navy previously received State Historic Preservation Office (SHPO) concurrence. These include both sites and structures on Navy owned property at the former Naval Air Station Barbers Point. We maintain that Navy's National Register for Historic Places (NRHP) eligibility determinations remain valid and that CCH may not revise these determinations on Navy's behalf.

Navy consulted with the SHPO during development of the 1999 Barbers Point Base Realignment and Closure (BRAC) Environmental Impact Statement (EIS) and during the 2002 Ford Island Master Development (FIMD) Programmatic EIS. Through these processes, Navy received concurrence on all Barbers Point NRHP eligibility determinations as documented in these EISs. Surveys conducted during the 1990s including our 1997 Phase I Cultural Resources Survey and Inventory Summary, cultural resource surveys leading up to the 1997 survey, and the Navy's 1999 Cultural Resources Management Plan formed the foundation for these consultations.

As we recently conveyed 499 acres at Barbers Point pursuant to congressional mandate, we are especially interested in the following structures on the 499 acres:

- Quonset huts 1144, 1149, 1150, 1152, 1153, 1562, and 1570
- Facilities 5, 77, 128, 476, 477, and 484

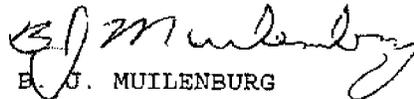
With respect to the Quonset huts, Navy determined these Quonset Huts as "not eligible" for listing on the NRHP. Navy operates under a nationwide Programmatic Memorandum of Agreement (PMOA) for World War

II Temporary Buildings. The Advisory Council for Historic Preservation (ACHP) and the National Council of State Historic Preservation Officers (NCSHPO) established conditions and stipulations under which the temporary building demolition program would be carried out for the Department of Defense. The Navy, SHPO, ACHP, National Trust for Historic Preservation, Historic Hawaii Foundation, and the Oahu Council of Hawaiian Civic Clubs subsequently signed a 2003 *Programmatic Agreement Regarding Navy Undertakings in Hawaii* which recognizes the World War II Temporary Buildings PMOA and addresses treatment of these Quonset huts. Specifically, the parties to the 2003 PA will be notified of any adverse action to be taken with respect to these structures, and the Navy agrees to engage in discussions to explore preservation options for these structures.

Navy surveys determined facilities 5, 77, 128, 476, and 477 as "not eligible" for NRHP listing. Navy also considers facility 484 as "not eligible" for NRHP listing because of its association with facility 128 (radio transmitter facility). Navy is unaware of any new information that has surfaced since we received SHPO concurrence on our site evaluations. Only Building 77, which was constructed in 1958, has become 50 years old since our surveys were conducted. Despite its age, Building 77 was originally included in our 1997 survey as part of the Cold War Building Inventory (Appendix B.II in Tuggle and Tomanari-Tuggle 1997 Part I) and was determined ineligible for listing on the NRHP.

We request that you revise your report to reflect Navy's eligibility determinations for the above-listed structures. We plan to review your Historic Resources Technical Report in more detail with respect to all Navy property at the former NAS Barbers Point, and we look forward to receiving your reply related to the 499 acres. We also intend to send separate correspondence on the proposed corridor alternatives as they relate to Navy property and operations. Please contact Mr. John Muraoka, (808) 473-4137 extension 239, if you require additional information related to historic resources.

Sincerely,



E. J. MUILENBURG
Captain, CEC, U.S. Navy
Regional Engineer
By direction of the
Commander



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

11011
Ser N4/548
17 Dec 08

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

SUBJ: NAVY HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
PARTICIPATING AGENCY PROJECT UPDATE

Dear Mr. Yoshioka:

Thank you for the opportunity to participate in the review process for this endeavor, and for the project updates, draft Environmental Impact Statement, and preliminary discussions of inter-agency agreement provided by your staff to the Navy on November 14 and 18, 2008.

In a separate letter dated November 12, 2008, the Navy raised concerns that the Historic Resources Technical Report for the Honolulu High-Capacity Transit Corridor (HHCTC) Project evaluated Navy property for National Register eligibility without Navy input. This letter provides additional information in response to your letter dated August 18, 2008 requesting Navy's written comments on the project.

The Salt Lake Alignment poses fewer concerns but also offers fewer benefits to the Navy compared to the Airport Alignment. The Navy previously indicated support for the Airport Alignment due to benefits for the Pearl Harbor Navy workforce, family housing areas and historic visitor destinations at Halawa Landing. In either case, careful collaboration to ensure a satisfactory outcome for all parties is needed. Navy's concerns relate to security, noise and traffic impacts (both during and after construction), appearance and the need for adequate transportation spokes between the closest HHCTC station and major Pearl Harbor area work centers, including Pearl Harbor Naval Shipyard which is the largest industrial employer in Hawaii. The enclosed document discusses these concerns in greater detail.

As mandated by the 2005 Base Realignment and Closure legislation, Hickam Air Force Base and Naval Station Pearl Harbor will join to form Joint Base Pearl Harbor Hickam in 2010. As Navy is the lead service for the Joint Base, for planning purposes the issues discussed in the enclosure can be expected to apply to Hickam AFB and related housing areas.

Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo, at 471-2647 or email maria.aguayo@navy.mil

Warm regards,



R. W. KITCHENS
Captain, U. S. Navy
Commanding Officer
Naval Station Pearl Harbor

Enclosure:

- (1) U. S. Navy Initial Comments for the Honolulu High-Capacity Transit Corridor Project, dtd 24 NOV 08



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 THUNDERBOLT ST STE 100
PEARL HARBOR HI 98360-5101

11011
Ser NOJ/028
05 FEB 2009

CERTIFIED MAIL NO. 7007 3020 0002 3044 3834

Mr. Wayne Yoshioka, Director
Department of Transportation Service
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Honolulu High-Capacity Transit Corridor Project. These comments supplement initial comments provided in our December 17th 2008 letter.

Navy's status should be changed from Participating Agency to Cooperating Agency based on our jurisdiction by law and our special expertise related to the use of Navy lands both within and outside the Pearl Harbor area and along the proposed corridor alignments. As stated in our December 17th letter, Hickam Air Force Base (AFB) and Naval Station Pearl Harbor will join to form Joint Base Pearl Harbor - Hickam in 2010. As such, issues discussed in this letter and accompanying enclosures can be expected to apply to Hickam AFB and related housing areas.

In addition to concerns raised in our December 17th letter, Navy requires a complete understanding of Navy and Air Force properties needed for the corridor alignment. Although the DEIS discusses reduction of Navy road widths and land acquisition at Nimitz Field, Richardson Field, Navy-Marine Corps Golf Course, and Makalapa Branch Medical Clinic, we have not been provided a detailed listing of the full scope of Navy and Air Force properties along the entire corridor alignment. Request the City and County of Honolulu (CCH) provide Navy a letter listing all Navy and Air Force properties required, including detailed drawings and property lines, for all alternatives considered. This will allow Navy to fully understand the scope and breadth of impacts and to provide guidance related to those properties.

Associated general concerns and specific DEIS comments, along with a site location map of Malawa Landing, are provided as enclosures (1) and (2) to this letter. As a result of the many issues associated with the transit corridor proposal and potential impacts to Navy and Air Force properties, Navy has assembled a team of subject matter experts to address areas such as real estate, security, family

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05 FEB 2009

housing, utilities, fuels, hazardous waste and cultural resources. This will assist in the coordination required between Navy and the City in our role as a Cooperating Agency.

We look forward to continued dialogue throughout this process. Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo, at (808) 471-2647 or e-mail maria.aguayo@navy.mil.

Sincerely,



R. W. KITCHENS

Enclosures (2)

Copy to:
COMNAVREG HI (N3, N4, N9)
FISC PH (Code 700)
HICKAM AFB (15 CES/CEV - R. Lanier)
NAVFAC HI (ARE1, EV, OPHAM, OPHAM1GW, PRP)
PACFLT (N01CE)
PRNSY&IMF (Code 908 - D. Webber)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305911

Commanding Officer Rick Kitchens
Department of the Navy
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Ms. Lynn K. T. Tanaka

Dear Commanding Officer Kitchens:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Commanding Officer Rick Kitchens
Page 2
March 31, 2009

Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5750
Ser N00/361
2 Jul 09

Mr. Wayne Yoshioka, Director
Department of Transportation Service
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for the opportunity to provide comments on the Historic Effects Report (HER) for the Honolulu High-Capacity Transit Corridor Project. This letter references and reiterates comments provided in our February 05, 2009 and December 17, 2008 letters.

The Navy has reviewed the HER and is concerned about the City and County's assessment of Navy historic properties without the Navy's input. It is also our understanding that the State Historic Preservation Officer (SHPO) and the National Parks Service (NPS) have expressed their concerns over the visual impacts of the rail corridor on the Pearl Harbor National Historic Landmark. We would like to meet at your earliest convenience to discuss these issues further before the HER and Environmental Impact Statement is finalized.

We look forward to continued dialogue through out this process. Should you have further questions, please contact my Public Works Officer, CDR Lore Aguayo, at (808) 471-2647 or email maria.aguayo@navy.mil.

Sincerely,

R. W. KITCHENS

Copy to: Naval Facilities Engineering Command, Hawaii (PRP)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322921

Commanding Officer Rick Kitchens
Department of the Navy
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Commander Lore Aguayo

Dear Commanding Officer Kitchens:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

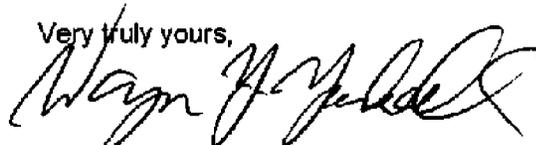
Commanding Officer Rick Kitchens
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



U S Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Captain R. W. Kitchens
Commanding Officer
Naval Station Pearl Harbor
850 Tiiconderoga Street, Suite 100
Pearl Harbor, HI 96860

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Captain Kitchens:

This letter serves to notify you of the Federal Transit Administration's (FTA) request to have the National Park Service participate in the execution of the Programmatic Agreement (PA) for the Honolulu High-Capacity Corridor Project as an invited signatory of this document.

Earlier the City and County of Honolulu Department of Transportation Services sent you an invitation to a pair of Section 106 consulting parties meetings. The purpose of these meetings, the first of which will be held on July 28, 2009, is to discuss the contents of the PA, which discusses mitigation measures for the adverse effect that this project will have to historic resources. Please contact us immediately if you have not received this invitation.

We are attaching a copy of the draft PA for your review.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590.

Sincerely,

for Leslie T. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL STATION
880 TICONDEROGA ST STE 100
PEARL HARBOR HI 96880-5102

11011
Ser N00/479
15 Sep 09

Mr. Wayne Yoshioka, Director
Department of Transportation Division
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka,

Thank you for the opportunity to provide comments on the Final Environmental Impact Statement (FEIS) for the Honolulu High-Capacity Transit Corridor (HHCTC) Project. The Navy's comments are as follows:

a. Land acquisition. Navy Real Estate division reviewed Appendices B (Plan and Profile) and C (Right-Of-Way Plan & Property Tabulation) and has determined that the descriptions provided in the FEIS do not provide sufficient information to process a formal request for real estate rights. The drawings included in the FEIS do not show Navy property boundaries, the dimensions/square footage of the land areas required, and type of real estate rights requested. Please note that the Navy requires an official request from the City and County of Honolulu (CCH), with the required information in order to process a real estate agreement and/or action.

b. Bus routes, schedules and connections. Bus routes and schedules need to be expanded and revised to include service from the projected train stations to the major work areas of the Naval Station Pearl Harbor (NSPH) as well as Hickam Air Force Base (HAFB). Appendix D, Bus Service, of the FEIS, illustrates the proposed new bus routes on NSPH and HAFB. The Navy requests that the proposed bus routes also include: Ford Island, entire island; Halawa Gate, along Neches Street; Fleet and Industrial Supply Center; Pearl Harbor Naval Shipyard & Intermediate Maintenance Facility on Kuahua Avenue; NSPH on South Avenue; Makalapa Crater, office buildings; HAFB, via Porter Gate on South Avenue (note: this route will allow two entries into HAFB).

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15 Sep 09

c. Utility lines. The FEIS appears to imply that the rail project will only be responsible for environmental issues for active utilities. The Navy requests that it be noted that the project should be responsible for the environmental issues for both active and inactive utilities that are affected. The Navy also would like it stated that the Navy will have the right to stop construction activities in the event there are unforeseen impacts on either the Navy's mission, or the military family housing areas. The Navy also requests that it be noted that the City or its contractors will be responsible for correcting or rectifying any situation that occurs as a result of any rail transit project construction.

We look forward to continued dialogue as a cooperating agency throughout this process. Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo at (808) 471-2647 or e-mail maria.aguayo@navy.mil.

Sincerely,


C. J. CARTER
Acting

Copy to:
NAVFAC HI (PRP, ARE1JM, ARE1PC)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

December 31, 2009

RT12/09-347328

Commander Lore Aguayo
Code PRP
Naval Facilities Engineering Command Hawaii
400 Marshall Road
Pearl Harbor, Hawaii 96860-3139

Dear Commander Aguayo:

Subject: Honolulu High-Capacity Transit Corridor Project

As part of the Honolulu High-Capacity Transit Corridor Project (the Project), the Federal Transit Administration (FTA) followed the Section 106 process of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470f) and its implementing regulation at 36 CFR 800. Qualified architectural historians assessed the eligibility and effects of the Makalapa Navy Housing and Little Makalapa Navy Housing areas. The two housing areas were evaluated as separate historic districts. Both were determined to be eligible for listing in the National Register of Historic Places (NRHP). As a consulting party, the U.S. Navy was provided with the *Historic Resources Technical Report* in August 2008. The Navy's comments on this report did not reflect any concern with the evaluation of the Makalapa Navy Housing and Little Makalapa Navy Housing areas as separate resources. The Hawaii State Historic Preservation Division (SHPD) concurred with the eligibility determinations for the Makalapa Navy Housing and Little Makalapa Navy Housing areas.

Continuing the Section 106 process, FTA completed a separate effects report in April 2009. The *Historic Effects Report* assessed project effects on all historic properties that were eligible for listing in the NRHP. Because the Makalapa Navy Housing and Little Makalapa Navy Housing areas were evaluated for eligibility separately, they were also evaluated separately for effects. The U.S. Navy assisted the Project's architectural historian with access to all Pearl Harbor properties.

The Project has been determined to have an adverse effect on the Makalapa Navy Housing. The guideway will introduce a substantial new element into the Makalapa Navy Housing's setting that is not in keeping with the area's residential appeal. While the Project will have no effect on the integrity of location, design, materials, workmanship, and association, its setting will be altered by the guideway. Also, views from the backyards of residences along Kamehameha Highway will be adversely affected by the elevated guideway. However, no audible or atmospheric effects to this property were identified.

Based on SHPD's concurrence, the station will be located outside of the NRHP boundary and will not adversely affect the historic property. However, the Project will adversely affect the integrity of feeling of the historic property. The Makalapa Navy Housing has a moderate level of integrity of feeling. It conveys its origins as a 1940s military housing complex despite changes to the houses. The Project will not affect any of the property's physical features, but it will diminish the property's expression of its historic residential character. The Project will introduce a new and incompatible component into the adjacent setting, resulting in an adverse effect.

The Project will have no adverse effect on the Little Makalapa Navy Housing, which is adjacent to Kamehameha Highway. There will be no effect to the integrity of location, design, materials, association, and feeling. Also, there will be no adverse effect to the integrity of setting. Within the NRHP boundary, the Project will not be visible from select areas because of distance to the guideway. Houses that are closer to the project alignment will be shielded from the guideway by an existing tall sound wall that screens the former residences from the roadway and also blocks views to the guideway. The station will be located outside of the NRHP boundary and will be screened by substantial vegetation from the rear of the closest houses. Furthermore, no audible or atmospheric effects to this property were identified. Because the guideway and station will introduce a new element into the Little Makalapa Navy Housing's setting, there will be an effect; however, these changes will result in a determination of No Adverse Effect to the setting.

The FTA provided the U.S. Navy with a copy of the *Historic Effects Report* in April 2009, which documented the above conclusions. The Navy did not provide comments on this report to the FTA within 30 days, as requested, implying concurrence with the report's contents. At a July 2009 meeting with U.S. Navy staff to discuss comments and questions about the Project's effects to historic resources, the U.S. Navy provided a copy of a map that was identified as being from its 2002 *Integrated Cultural Resources Management Plan* (ICRMP). We understand that the ICRMP is currently being updated. The map reflects a single management area that shows

Naval Facilities Engineering Command Hawaii
Page 3
December 31, 2009

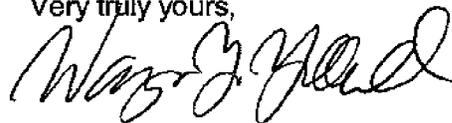
distinct areas for both the Makalapa Navy Housing and the Little Makalapa Navy Housing. It is the City's understanding that the boundary shown in the 2002 ICRMP has not been formally determined by the U.S. Navy to be eligible for listing on the National Register of Historic Places under Section 106, nor has it been submitted to the SHPD for concurrence and/or submitted to the Keeper of the National Register of Historic Places for inclusion on the National Register.

The SHPD concurred with the effects determinations contained in the *Historic Effects Report*, with the exception of 11 resources that the agency believed were adversely affected. FTA accepted these determinations. Little Makalapa Navy Housing was not among those resources, and the no adverse effect determination remained in place.

Note that a change in the determination of eligibility and effect at this late time would also have implications to analysis of resources under Section 4(f) of the U.S. Department of Transportation Act. The re-evaluation could require the selection of an avoidance alternative to use of the resource.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



Wayne Y. Yoshioka
Director

cc: Mr. Ted Matley, Federal Transit Administration
Mr. Lawrence Spurgeon, PB Americas, Inc.
Mr. Aaron Poentis, Code EV, Naval Facilities Engineering Command Hawaii



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL STATION
652 TICONDEROGA ST STE 100
PEARL HARBOR HI 96880-8102

5750
Ser N00629
25 Jan 10

Mr. Wayne Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for your letter dated December 31, 2009 regarding the Honolulu High-Capacity Transit Corridor Project (Transit Project). The Navy firmly believes a rail station for Joint Base Pearl Harbor Hickam is essential to serve our Sailors, Airmen, and civilian professionals. The Navy's preferred location for this rail station remains the intersection of Kamahameha Highway and Radford Drive as currently proposed.

The Navy's Integrated Cultural Resources Management Plan (ICRMP) provides guidelines for the appropriate treatment of cultural landscape features, buildings, and structures. It looks at ways to integrate the guidelines into the Navy's project and program planning process. While the ICRMP does aid in assessing Navy property eligibility for the National Register of Historic Places, the maps and descriptions contained in the ICRMP should not automatically be assumed to indicate a specific historic or cultural significance.

The Navy's ICRMP for the Pearl Harbor Naval Complex has depicted a single Makalapa Housing Zone, with two distinct sub-areas, since 2002. This resource was available to the City as a publicly available document, and is also well known to the City's agents as the City and Navy share the same historic consultant. On the City's consultant's recommendation, the City chose to evaluate the two housing areas as separate districts rather than a single Makalapa Housing Zone. The Navy does not disagree with the approach taken by the City.

Mason Architects, Inc. (MAI), historic consultant for both Navy and the City, considers the Makalapa Housing area to consist of two separate contributing sub-areas, Makalapa and Little Makalapa, with a small open space and a major thoroughfare, Radford Drive, running between the two areas. Each sub-area is bordered by mature trees and rock croppings that are a remnant of the physical crater land forms. These two distinct sub-areas are spatially and physically separated by natural topography and vehicular circulation. Additionally, MAI feels that although the two housing areas were built about the same time, the housing types are different and the housing areas originally had different populations, with Little Makalapa housing civilians and the Makalapa housing Naval officers. A major thoroughfare exists dividing

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Ser K00/029
25 Jan 10

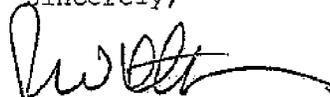
the two housing sub-areas, and the open area where the station will touch down is bordered very closely by Kamehameha Highway to the west, the H-1 Freeway to the east, and Radford Drive to the north. The ICRMP states that the construction of both the H-1 Freeway and Radford Drive has changed the character of the area between the two housing sub-areas. The Navy agrees with MAI's views.

The City has determined that the proposed rail station will have "no adverse effect" on Little Makalapa Housing. The State Historic Preservation Office has concurred with this determination. The Navy has not objected to this determination during previous reviews, nor does it object today.

The Navy feels strongly about its duty to protect and showcase the greater Pearl Harbor National Historic Landmark. Surrounded by historic sites, Navy would like to see this rail station's design and appearance honor the history and architecture of the Landmark in a manner to be appreciated by the entire ridership. Navy would like City's commitment to full partnership to accomplish this objective.

The Navy looks forward to substantial interaction with the City, Federal Transit Administration, and other stakeholders in further advancing progress on the Transit Project. Navy point of contact is CDR Lore Aguayo, at 471-2647.

Sincerely,



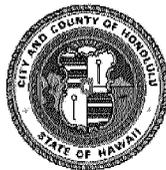
R. W. KITCHENS
Captain, U.S. Navy
Commanding Officer

Copy to: US Federal Transit Administration, Mr. Ted Matley
PB Americas, Inc., Mr. Lawrence Spurgeon
State of Hawaii Historic Preservation Office, Ms. Nancy McMahon

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/10-364064

Captain Richard Kitchens
Commanding Officer
U.S. Navy
Naval Station Pearl Harbor
850 Ticonderoga Street, Suite 100
Pearl Harbor, Hawaii 96860-5102

Dear Captain Kitchens:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find three (3) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This document addresses comments previously received by the City from the Federal Transit Administration (FTA) and the cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote most of the changes made since the October 2009 version of the Administrative Final EIS that was reviewed by FTA. FTA and the City respectfully request an expedited review by the cooperating agencies on this document.

This version of the Final EIS is being sent to you to review the revisions made to the June 2009 Administrative Final EIS that was issued to the cooperating agencies. Changes include additional documentation of the effects of the Project to Waters of the U.S., a summary of common comments received on the Draft EIS and responses to those comments (Chapter 8), design refinements for access between H-2 and the Pearl Highlands Station, and in the vicinity of the Pearl Harbor National Historic Landmark to remove project features within the boundary of the landmark and design refinements in the vicinity of Honolulu International Airport. These refinements are summarized in Section 2.4.1 of the Final EIS. The environmental effects and mitigation of the refinements are incorporated into Chapters 3 and 4 of the enclosed Final EIS.

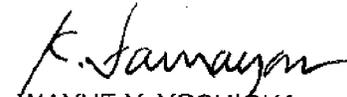
In coordination with the Federal Aviation Administration (FAA) and HDOT Airports Division, the alignment design described in the Draft EIS in the vicinity of Honolulu International Airport was refined to minimize impact to the runway protection zone (RPZ). The FAA's evaluation of design options to avoid conflicts within the RPZ is included in Appendix K of this Final EIS, but the conditional approval of the Airport Layout Plan (ALP) is not included as yet. It will be added to Appendix K prior to issuance of the Final EIS.

Captain Richard Kitchens
Page 2
April 28, 2010

Chapter 5 of this Final EIS [Section 4(f) Evaluation] was revised in response to FTA's review comments to the October 2009 version of the Administrative Final EIS. The revised text includes a Section 4(f) evaluation of the refined alignment near the Airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

Please review this document and submit final comments to FTA and the City by May 10, 2010. Should you have any questions regarding this matter or would like to meet and discuss the revisions, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX



DEPARTMENT OF THE NAVY
JOINT BASE PEARL HARBOR-HICKAM
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96880-8102

11000
Ser N00/188
30 Apr 10

Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Attention: Mr. Wayne Y. Yoshioka

SUBJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

RECEIVED
2010 APR 30 12:15
DIRECTOR'S OFFICE
DEPT OF
TRANSPORTATION SERVICES

We have received your request to review the final version of the EIS per your letter dated 28 April 2010 RT4/10-364064. We are currently reviewing your request and will provide final comments. Thank you for your letter.

My point of contact for questions/concerns is Mr. John Muraoka at (808) 473-4137 ext. 239 or john.muraoka@navy.mil.

Sincerely,

L. A. SCRUGGS
Captain, U.S. Navy
Chief Staff Officer



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Ronnie Simpson
Federal Aviation Administration
Box 50244
Honolulu, HI 96850

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Simpson:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

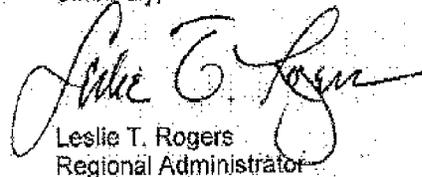
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

Your agency does not have to accept this invitation. If, however, you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written response to this invitation are not due until after the interagency scoping meeting scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Your agency will be treated as participating agency unless your written response declining such designation as outlined above is transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Real Estate and Utilities Section, AHNL-54B

P. O. Box 50109
Honolulu, Hawaii 96850-5000

January 5, 2006

Mr. Kenneth Hamayasu, Project
Manager
Department of Transportation
Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Hamayasu:

Your letter of December 7, 2005, invited us to participate in a resource agency scoping meeting for the Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project.

As more specific plans and alternatives are developed, we ask that you continue to coordinate with us to determine any impacts that may affect aviation and the supporting infrastructure involved.

We appreciate this opportunity to cooperate with you on this project and look forward to its success. If there are any questions, I may also be contacted at 541-1236 or by email at darice.b.young@faa.gov.

Sincerely,

Darice B. N. Young
Realty Contracting Officer

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUJI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274209

Federal Aviation Administration
Honolulu Control Facility
U. S. Department of Transportation
760 Worcester Avenue
Honolulu, Hawaii 96818-5125

Dear Sir:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

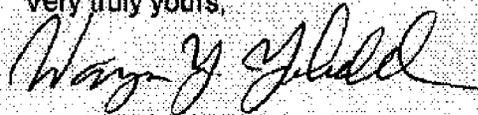
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Federal Aviation Administration
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives



U.S Department
of Transportation

Federal Aviation
Administration

Western-Pacific Region
Airports Division

Federal Aviation Administration
P.O. Box 92007
Los Angeles, CA 90009-2007

December 11, 2009

Mr. Raymond Sukys
Director, Planning and Development
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94015-1839

Dear Mr. Sukys:

**Proposed Honolulu High-Capacity Transit Corridor Project
Environmental Impact Statement (EIS)
Request for Designation as a Cooperating Agency**

The Federal Aviation Administration (FAA) requests designation as a cooperating agency for preparation of the Federal Transit Administration (FTA) EIS for the proposed Honolulu High-Capacity Transit Corridor Project under Title 40, Code of Federal Regulations, Part 1501.6(a)(1).

This request is made in recognition of the National Environmental Policy Act, where the FAA is a Federal agency that has jurisdiction by law on that portion of the transit corridor project that the FTA proposes to build on Honolulu International Airport (HNL). The State of Hawaii owns HNL and the airport accommodates both general aviation and commercial aircraft operators. The FAA and State of Hawaii have continuing grant-in-aid assurance duties to ensure compatible land use around the airport. Specifically, FAA and the State must work to ensure new land uses do not create conflicts with the safe and efficient use of navigable airspace.

The FAA's federal action is the unconditional approval of the portion of the State of Hawaii's Airport Layout Plan for HNL that depicts the proposed transit corridor. The FAA believes that by participating as a cooperating agency it can better serve the FTA by providing the appropriate level of technical expertise and staff support for processing of the environmental review applicable to the portion of the transit project on HNL.

Thank you for your consideration of this request. If you have any further questions on this matter, please call Peter Ciesla at 310/725-3612 in my office, or Steve Wong in our Honolulu Airports District Office at 808/541-1225.

Sincerely,

Mark A. McClardy
Manager, Airports Division



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1850
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. Mark A. McClardy
Manager, Airports Division
Western-Pacific Region
Federal Aviation Administration
P.O. Box 92007
Los Angeles, CA 90009-2007

Re: Honolulu High-Capacity Transit Corridor Project

Dear Mr. McClardy:

Thank you for your letter, dated December 11, 2009, expressing the Federal Aviation Administration's (FAA) interest in becoming a cooperating agency in the development of the proposed Honolulu High-Capacity Transit Corridor Project (HHCTCP) Environmental Impact Statement. The Federal Transit Administration (FTA) welcomes FAA as a federal agency with jurisdiction by law, to the HHCTCP environmental process as a cooperating agency.

This proposal is a significant undertaking under the National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et. seq.*] and the locally preferred alternative will impact operations at the Honolulu International Airport (HNL). FTA agrees that under the procedural provisions of NEPA and the administration of the NEPA process, the FAA has special expertise regarding environmental matters at HNL. FTA appreciates FAA's offer of assistance as a cooperating agency under 23 CFR 1501.6, and looks forward to the participation and support of FAA's staff on this important project in Honolulu.

If you have any questions about this matter, please contact Mr. Raymond Sukys at (415) 744-2802.

Sincerely,



Leslie T. Rogers
Regional Administrator

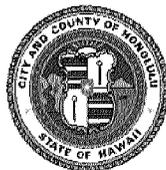
Copy to:

Faith Miyamoto, City and County of Honolulu

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/10-364060

Mr. Ronnie V. Simpson
Federal Aviation Administration
U.S. Department of Transportation
P.O. Box 50244
Honolulu, Hawaii 96850-5074

Dear Mr. Simpson:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find three (3) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This document addresses comments previously received by the City from the Federal Transit Administration (FTA) and the cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote most of the changes made since the October 2009 version of the Administrative Final EIS that was reviewed by FTA. FTA and the City respectfully request an expedited review by the cooperating agencies on this document.

This version of the Final EIS is being sent to you to review the revisions made to the June 2009 Administrative Final EIS that was issued to the cooperating agencies. Changes include additional documentation of the effects of the Project to Waters of the U.S., a summary of common comments received on the Draft EIS and responses to those comments (Chapter 8), design refinements for access between H-2 and the Pearl Highlands Station, and in the vicinity of the Pearl Harbor National Historic Landmark to remove project features within the boundary of the landmark and design refinements in the vicinity of Honolulu International Airport. These refinements are summarized in Section 2.4.1 of the Final EIS. The environmental effects and mitigation of the refinements are incorporated into Chapters 3 and 4 of the enclosed Final EIS.

In coordination with the Federal Aviation Administration (FAA) and HDOT Airports Division, the alignment design described in the Draft EIS in the vicinity of Honolulu International Airport was refined to minimize impact to the runway protection zone (RPZ). The FAA's evaluation of design options to avoid conflicts within the RPZ is included in Appendix K of this Final EIS, but the conditional approval of the Airport Layout Plan (ALP) is not included as yet. It will be added to Appendix K prior to issuance of the Final EIS.

Mr. Ronnie V. Simpson
Page 2
April 28, 2010

Chapter 5 of this Final EIS [Section 4(f) Evaluation] was revised in response to FTA's review comments to the October 2009 version of the Administrative Final EIS. The revised text includes a Section 4(f) evaluation of the refined alignment near the Airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

Please review this document and submit final comments to FTA and the City by May 10, 2010. Should you have any questions regarding this matter or would like to meet and discuss the revisions, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX



U.S Department
of Transportation

Federal Aviation
Administration

Western-Pacific Region
Honolulu Airports District Office

300 Ala Moana Blvd., Rm 7-128
Honolulu, Hawaii 96850
Mail: Box 50244
Honolulu, Hawaii, 96850-0001
808-541-1232

April 28, 2010

Mr. Raymond Sukys
Director, Office of Planning and Program Development
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

APR 29 2010

Dear Mr. Sukys:

Honolulu International Airport
Airport Layout Plan Review for Transit Rail Project

This letter is to notify you that the Federal Aviation Administration (FAA) has completed a preliminary review of the Airport Layout Plan (ALP) for Honolulu International Airport (HNL), showing the planned alignment for the Honolulu High-Capacity Transit Rail Corridor Project at the airport. The State of Hawaii Department of Transportation - Airports Division (HDOT-A), which owns and operates the airport, submitted the HNL ALP on April 21, 2010, as part of the planning review.

Our preliminary review of the ALP indicates the transit rail project alignment is consistent with our standards for airport development. The ALP graphical shows an acceptable alignment at HNL.

The preliminary airspace review is based on the ALP rail alignment and height information provided by the City and County of Honolulu, which indicates the project does not appear to affect airport airspace surfaces pursuant to 14 Code of Federal Regulations, Part 77. A detailed airspace analysis will be conducted by the FAA once more specific design drawings are available for our review. The detailed review may identify other needed design modifications to comply with FAA and HDOT-A requirements.

A copy of HDOT-A's ALP showing the transit rail project is enclosed for Federal Transit Administration use and inclusion in the Environmental Impact Statement for the rail project.

If you have any questions or would like to discuss the ALP review, please contact Mr. Steven Wong at (808) 541-1225.

Sincerely,

Ron V. Simpson
Manager, Honolulu Airports District Office

Enclosure: INL ALP Drawing



U.S Department
of Transportation

Federal Aviation
Administration

Western-Pacific Region
Honolulu Airports District Office

300 Ala Moana Blvd., Rm 7-128
Honolulu, Hawaii 96850
Mail: Box 50244
Honolulu, Hawaii, 96850-0001
808-541-1232

April 28, 2010

Mr. Raymond Sukys
Director, Office of Planning and Program Development
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

APR 28 2010

Dear Mr. Sukys:

Honolulu International Airport
Airport Layout Plan Review for Transit Rail Project

This letter is to notify you that the Federal Aviation Administration (FAA) has completed a preliminary review of the Airport Layout Plan (ALP) for Honolulu International Airport (HNL), showing the planned alignment for the Honolulu High-Capacity Transit Rail Corridor Project at the airport. The State of Hawaii Department of Transportation - Airports Division (HDOT-A), which owns and operates the airport, submitted the HNL ALP on April 21, 2010, as part of the planning review.

Our preliminary review of the ALP indicates the transit rail project alignment is consistent with our standards for airport development. The ALP graphical shows an acceptable alignment at HNL.

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If you have any questions or would like to discuss the ALP review, please contact Mr. Steven Wong at (808) 541-1225.

Sincerely,

Ron V. Simpson
Manager, Honolulu Airports District Office

Enclosure: HNL ALP Drawing



U.S. Department of Transportation

Box 50244
Honolulu, HI 96850

Federal Aviation Administration

May 13, 2010

City and County of Honolulu
Attn: Toru Hamayasu
1099 Alakea Street
17th Floor
Honolulu, HI 96813

RE: (See attached Table 1 for referenced case(s))
FINAL DETERMINATION

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Location	Latitude (NAD83)	Longitude (NAD83)	AGL (Feet)	AMSL (Feet)
2010-AWP-800-NRA		HONOLULU, HI	21-20-17.65N	157-55-22.41W	93	115
2010-AWP-801-NRA		HONOLULU, HI	21-19-58.60N	157-54-09.38W	37	46
2010-AWP-802-NRA		HONOLULU, HI	21-19-57.96N	157-54-05.23W	48	58

Description: This case refers to Site 1 where the elevated rail transit guideway enters HNL from the Ewa side. This Form 7460-1 addresses three locations: crossing the H-1 Viaduct into HNL at Aolele Street(this Case), the extension of the centerline of Runway 4L/22R at the rail guideway, the extension of the centerline of Runway 4R at the location of the Lagoon Drive Station at the intersection with Ualena Street. The vehicle envelope is a 14 foot tall rectangle that is a contractual limit for vendors bidding on rail vehicles. Therefore, the total elevation of the structure will not exceed 93' AGL at this location.

We do not object to the construction described in this proposal provided:

You comply with the requirements set forth in FAA Advisory Circular 150/5370-2E, "Operational Safety on Airports During Construction."

This letter has been revised to correct Site #2 aeronautical study number. It should read 2010-AWP-801-NRA.

This determination refers to subject aeronautical studies 2010-AWP-800,801,802-NRA and Site Nos. 1, 2 and 3 accordingly. If the proposed project creates visual or electronic interference with the air traffic controllers, pilots, nav aids or aircraft, the project must stop and the issues mitigated. Please coordinate all construction work with the Airport Manager, FAA SOC Manager and the ATCT Manager.

Referring to Site #1, 2010-AWP-800-NRA, where the elevated rail transit guideway enters HNL from the Ewa side. Recommend to install red obstruction lights at the highest point for that section of the rail prior to entering airport property. Structure at this site will not exceed 93' AGL or 115' AMSL and includes height of the rail car.

Referring to Site #2, 2010-AWP-801-NRA, at an extension of Runway 4L/22R. This Form 7460-1 addresses the crossing the H-1 Viaduct into HNL at Aolele Street, at an extension of the centerline of Runway 4L/22R at the rail guideway. The vehicle envelope is a 14 foot tall rectangle that is a contractual limit for vendors bidding on rail vehicles. Therefore, the total elevation at Site 2 will not exceed 37' AGL or 46' AMSL and includes height of the rail car.

Referring to Site #3, 2010-AWP-802-NRA, the rail station at Lagoon Drive. This Form 7460-1 addresses at the location of the Lagoon Drive Station at the intersection with Ualena Street. The cross-section in this Case shows the dimensions of the Lagoon Drive Station. The total elevation at Site 3 will not exceed 48' AGL or 58' AMSL and includes height of the rail station structure.

A separate notice to the FAA is required for any construction equipment, such as temporary cranes, whose working limits would exceed the height and lateral dimensions of your proposal.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

This determination expires on November 13, 2011 unless:

(a) extended, revised or terminated by the issuing office.

(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for the completion of construction, or the date the FCC denies the application.

NOTE: Request for extension of the effective period of this determination must be obtained at least 15 days prior to expiration date specified in this letter.

If you have any questions concerning this determination contact Steven Wong, (808)541-1225, steve.wong@faa.gov.

Steven Wong
DivUser
Ray Sukys, FTA Region IX
Brennon Morioka, HDOT
Brian Sekiguchi, HDOTA
Jim Pratt, HNL Manager
Mark McClardy, AWP Div. Mgr.
Robert Rabideau, FAA HCF

Sophie Tang, FAA Tech Ops
William Miller, HNL FSDO



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. Abraham Wong
Federal Highway Administration
300 Ala Moana Blvd
Honolulu, HI 96850

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Mr. Wong: *AKC*

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Department of Transportation Federal Highway Administration (FHWA) approval related to access to the interstate system, so we are formally requesting the FHWA to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the FHWA's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the FHWA statutory responsibilities and concerns. The environmental

documentation will address environmental and programmatic concerns identified by the FHWA and will be sufficiently detailed to enable the FHWA to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. An City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,


Leslie T. Rogers/
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services



U.S. Department
of Transportation
**Federal Highway
Administration**

Hawaii Division
Box 50206
300 Ala Moana Boulevard, Room 3-306
Honolulu, HI 96850

April 20, 2007

In Reply Refer To:
HEC-HI

Mr. Leslie T. Rogers
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Re: Acceptance of Cooperating Agency Status in the Environmental
Review Process for the Honolulu High-Capacity Transit Corridor Project

The Federal Highway Administration (FHWA) accepts the invitation extended by the Federal Transit Administration (FTA). FHWA is pleased to serve as a cooperating agency in the environmental review process for the Honolulu High-Capacity Transit Corridor Project.

FHWA appreciates that FTA will, to the greatest extent possible, satisfy the FHWA statutory responsibilities and concerns. As you indicated in your letter, environmental documentation that includes the analysis, impacts, and program concerns identified by FHWA will assist FHWA in ensuring environmental responsibilities are met. Such information will assist our office in rendering decisions on agency actions that may ensue from the build alternatives.

We look forward to working with your agency on this endeavor. Ms. Jodi Chew, FHWA Hawaii Division, Environmental Specialist, will be the primary contact for this project. She can be reached at 808.541.2700, extension 328.

Sincerely yours,

for Abraham Wong
Division Administrator

cc: City and County of Honolulu, Department of Transportation Services

**MOVING THE
AMERICAN
ECONOMY**





U.S. Department
of Transportation
**Federal Highway
Administration**

Hawaii Division
300 Ala Moana Blvd Rm 3306
Honolulu, HI 96850-3306

September 15, 2008

In Reply Refer To: HAD-HI

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

**Subject: Honolulu High-Capacity Transit Corridor Project
Cooperating Agency Project Update**

Thank you for affording the Federal Highway Administration (FHWA) the opportunity to review and comment on the Administrative Draft EIS. FHWA has an oversight responsibility for use of airspace within the right-of-way limits of the Interstate, and for any change in access to the Interstate. Our office will need sufficient information to determine that the transit proposal does not impair the highway or interfere with the free and safe flow of traffic during construction, operation and maintenance of the transit facilities within the Interstate right-of-way. Traffic analysis will be essential in determining the effects of the transit proposal. We are especially interested in the proposed transit center and ramp near the H-1 and H-2 Interchange.

Be advised, the FHWA Division Office has a role in approving roadway geometric design exceptions on the National Highway System (NHS). Should your engineering staff anticipate that design exceptions will be needed for the transit proposal, please seek early coordination with the Hawaii Department of Transportation Highways Division and FHWA.

Our office will need to assess the environmental impacts before approving Interstate airspace and design exceptions. As a cooperating agency, we will be looking to the evaluations performed in the EIS to serve as the basis for our environmental decision document. Our initial review of the analysis within the Interstate right-of-way discussed in this draft EIS does not raise any areas of concern. We do ask to be kept apprised of proposed design exceptions along the NHS and will be interested in the public comments to ensure areas of concern are not overlooked.

Mr. Yoshioka, City and County of Honolulu
DATE
Page 2

Program specialists in our office reviewed the document and have the following general comments for your consideration:

- 1) Ridership numbers cited are based on a complete system. It is difficult to determine ridership and benefits during the estimated 9 years of build-out. We suggest ridership numbers be run in conjunction with the proposed construction phasing to show how the transit system would function at anticipated phases of construction.
- 2) We see a wonderful opportunity to weave concepts of Context Sensitive Solutions (CSS) into design of the structures and transit stations. Measures such as reflecting the character of communities, and incorporating resources that must be removed (eg trees) into the design of stations are ideas that have been successfully applied elsewhere.
- 3) In the Kaka'ako area, the proposal is within close proximity of structures. We applaud the City for identifying the impacts and are keenly interested in the mitigation measures for impacts of lighting, noise during operation and maintenance, vibrations, and changes to natural light.
- 4) Have VMTs been revisited recently? Given the spike in fuel costs, we have seen a sizeable drop in VMTs travelled at a national level.
- 5) Check with Civil Defense regarding all-hazard plans. Additionally coordinate with Federal Protective Services and General Service Administration regarding security and transit system's proximity to Federal Building on Halekauwila Street.
- 6) Will bicycles be allowed on transit? If not, will there be a secure area for parking bicycles?
- 7) Impacts to street tree branches are addressed, but compaction at the root zone is not discussed. We suggest construction fencing around trees and no disturbance within the "drip zone".
- 8) Ke'ehi Lagoon Park is used for many cultural and recreational events. Encourage the project team to coordinate with users to discuss access and parking impacts.
- 9) Is the cost analysis tied to the CPI urban index? State DOT applies a 4% factor to each year until expenditure.
- 10) Design visualization shows piers near travel lanes without any barrier. We suggest inclusion of barrier into photo simulations if barrier is likely.

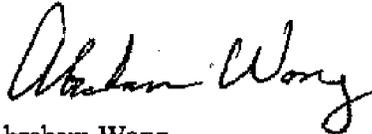
Mr. Yoshioka, City and County of Honolulu
DATE
Page 3

11) The discussion of de minimis and Ke'ehi Lagoon should be revisited. The intent of 4(f) remains avoiding impact to 4(f) properties if possible. De minimis does not change this intent.

12) Our experience has been that impact to a National Historic Landmark requires close coordination with the State Historic Preservation Division, National Park Service and Advisory Council. We suggest coordination efforts include discussions with these interested parties.

Should you have any questions regarding any of the above comments, please call Jodi Chew at 541-2700 extension 328.

Sincerely,



Abraham Wong
Division Administrator
FHWA Hawaii Division

cc: Jodi Chew, FHWA
Eric Worrell, FHWA
Elizabeth Fischer, FHWA
Brennon Morioka, HDOT
Jiro Sumada, HDOT
Glenn Yasui, HDOT
Ken Tatsuguchi, HDOT

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUF! HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 19, 2009

RT6/09-319399

Mr. Abraham Wong, Division Administrator
Federal Highway Administration
Hawaii Division
U. S. Department of Transportation
300 Ala Moana Boulevard, Room 3-306
Honolulu, Hawaii 96850-3306

Dear Mr. Wong:

Subject: Honolulu High-Capacity Transit Corridor Project

We are requesting that all of the cooperating agencies, including the Federal Highway Administration, Hawaii Division, review the preliminary draft of the Administrative Final Environmental Impact Statement (EIS). In order to facilitate this review, we have enclosed two (2) printed copies and five (5) CD copies of this internal and confidential document. Any comments on the document are requested by July 20, 2009.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over a faint, larger version of the same signature.

WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley
FTA-Region IX (w/o enclosures)



U.S. Department
of Transportation
**Federal Highway
Administration**

Hawaii Federal-Aid Division

July 16, 2009

300 Ala Moana Blvd., Rm 3-306
Box 50206
Honolulu, HI 96850
Phone: (808) 541-2700
Fax: (808) 541-2704
<http://www.fhwa.dot.gov/hidiv>

In Reply Refer To:
HDA-HI

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

**Subject: Honolulu High-Capacity Transit Corridor Project
Administrative Final Environmental Impact Statement (FEIS)**

Thank you for affording the Federal Highway Administration (FHWA) the opportunity to review and comment on the Administrative FEIS. As stated in our September 15, 2008 letter, FHWA has oversight responsibility for any modification in access along the Interstate. Thus, we remain keenly interested in the traffic analysis performed for the proposed Pearl Highlands transit center and ramp near the H-1 and H-2 Interchange. Before approving an Interstate access request, our agency will need sufficient traffic impact analysis and information to determine that the transit proposal does not impair the highway network, and does not interfere with the free and safe flow of traffic during construction, operation and maintenance of the transit facilities within the Interstate right-of-way. We have contacted Ms. Faith Miyamoto, City and County Rapid Transit Division, to meet and further discuss engineering and operational acceptability of the proposed access modification. We suggest that this Access Request be added to the list of anticipated approvals found in the FEIS.

Additionally, FHWA has approval authority for use of airspace within the right-of-way limits of the Interstate. Our office will need to assess the environmental impacts before approving any Interstate airspace use. As a cooperating agency, we anticipate adoption of evaluations performed in the EIS to serve as the basis for our environmental decision document.



Should your engineering staff determine that design exceptions on the National Highway System are needed for the transit proposal, we encourage discussion with the Hawaii Department of Transportation Highways Division and FHWA. Early coordination will facilitate the design exception approval process.

If you have any questions regarding any of the above comments, please call Jodi Chew at 541-2700 extension 328.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Abraham Wong". The signature is written in a cursive style with a large, looping initial "A".

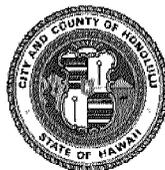
For Abraham Wong
Division Administrator
FHWA Hawaii Division

cc: Ted Matley, FTA Region IX
Brennon Morioka, HDOT
Jiro Sumada, HDOT
Glenn Yasui, HDOT
Ken Tatsuguchi, HDOT

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/10-364062

Mr. Abraham Wong
Federal Highway Administration
U.S. Department of Transportation
300 Ala Moana Boulevard, Room 3306
Honolulu, Hawaii 96850

Dear Mr. Wong:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find three (3) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This document addresses comments previously received by the City from the Federal Transit Administration (FTA) and the cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote most of the changes made since the October 2009 version of the Administrative Final EIS that was reviewed by FTA. FTA and the City respectfully request an expedited review by the cooperating agencies on this document.

This version of the Final EIS is being sent to you to review the revisions made to the June 2009 Administrative Final EIS that was issued to the cooperating agencies. Changes include additional documentation of the effects of the Project to Waters of the U.S., a summary of common comments received on the Draft EIS and responses to those comments (Chapter 8), design refinements for access between H-2 and the Pearl Highlands Station, and in the vicinity of the Pearl Harbor National Historic Landmark to remove project features within the boundary of the landmark and design refinements in the vicinity of Honolulu International Airport. These refinements are summarized in Section 2.4.1 of the Final EIS. The environmental effects and mitigation of the refinements are incorporated into Chapters 3 and 4 of the enclosed Final EIS.

In coordination with the Federal Aviation Administration (FAA) and HDOT Airports Division, the alignment design described in the Draft EIS in the vicinity of Honolulu International Airport was refined to minimize impact to the runway protection zone (RPZ). The FAA's evaluation of design options to avoid conflicts within the RPZ is included in Appendix K of this Final EIS, but the conditional approval of the Airport Layout Plan (ALP) is not included as yet. It will be added to Appendix K prior to issuance of the Final EIS.

Mr. Abraham Wong
Page 2
April 28, 2010

Chapter 5 of this Final EIS [Section 4(f) Evaluation] was revised in response to FTA's review comments to the October 2009 version of the Administrative Final EIS. The revised text includes a Section 4(f) evaluation of the refined alignment near the Airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

Please review this document and submit final comments to FTA and the City by May 10, 2010. Should you have any questions regarding this matter or would like to meet and discuss the revisions, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Barry Fukunaga
Hawaii Department of Transportation
869 Punchbowl St., Suite 509
Honolulu, HI 96813

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Mr. Fukunaga:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements will require the State of Hawai'i Department of Transportation (HDOT) approval related to use of state right of way, so we are formally requesting the HDOT to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the HDOT's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the HDOT statutory responsibilities and concerns. The environmental documentation will address environmental and programmatic concerns identified by the HDOT.

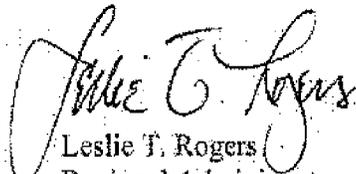
and will be sufficiently detailed to enable the HDOT to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulutransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supersedes the information provided in the Notice of Intent. A City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,


Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services

LINDA LINGLE
GOVERNOR



11-2-10-14
BARRY FUKUNAGA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHEOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HWY-PS
2.5604

October 5, 2007

Mr. Leslie Rogers
Regional Administrator, Region IX
U. S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105-1839

Dear Mr. Rogers:

Subject: Invitation to Be a Cooperating Agency in the Environmental Review Process for
the Honolulu High-Capacity Transit Corridor Project.

We appreciate the invitation and agree to be a cooperating agency for purposes of NEPA
compliance.

If you have any questions, please contact Ronald Tsuzuki, Head Planning Engineer, Highways
Division, at 597-1830.

Very truly yours,

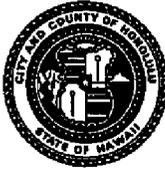

BARRY FUKUNAGA
Director of Transportation

c: Toru Hamayasu - DTS
FHWA

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274368

Honorable Brennon Morioka, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Dear Mr. Morioka:

Subject: Honolulu High-Capacity Transit Corridor Project
Cooperating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Cooperating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, Chapter 343 of the Hawaii Revised Statutes, and your participation as a Cooperating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing an internal and confidential intergovernmental copy of the Administrative Draft Environmental Impact Statement (EIS) for your review and comment.

DTS also requests to formally present an update on the project to answer any questions that your agency may have regarding the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

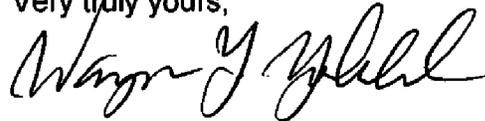
Any formal comment regarding this intergovernmental review of the Administrative Draft EIS is requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Honorable Brennon Morioka, Director
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

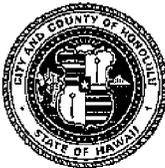
WAYNE Y. YOSHIOKA
Director

Enclosure: 1 copy of Administrative Draft EIS

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 19, 2009

RT6/09-319400

The Honorable Brennon Morioka, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Dear Mr. Morioka:

Subject: Honolulu High-Capacity Transit Corridor Project

We are requesting that all of the cooperating agencies, including the Hawaii Department of Transportation, review the preliminary draft of the Administrative Final Environmental Impact Statement (EIS). In order to facilitate this review, we have enclosed two (2) printed copies and five (5) CD copies of this internal and confidential document. Any comments on the document are requested by July 20, 2009.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka".

WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley
FTA-Region IX (w/o enclosures)

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
STP 8.3342

July 20, 2009

Mr. Wayne Y. Yoshioka
Director
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Subject: Honolulu High Capacity Transit Corridor Project
Preliminary Draft of the Administrative Final Environmental Impact Statement
(FEIS)

Thank you for providing the subject Preliminary Draft of the Administrative Final Environmental Impact Statement (FEIS) for the State Department of Transportation's (DOT) review and comments.

DOT previously commented on the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for the subject project in letter STP 8.3074, dated January 29, 2009, which is attached. DOT also offers these additional comments from the modal divisions:

AIRPORTS

DOT notes the change in alignment from the Salt Lake Alternative to the Airport Alternative for the first phase of construction as noted on page 1-4 in the subject FEIS.

"Having secured the support of voters and considering the information in the Draft EIS, the City Council passed Resolution 08-261 on January 28, 2009, which identifies that planning, engineering, design, and construction should be completed for the Airport Alternative."

This change will impact the airport system. In its letter, DEP-A 09.043 dated June 25, 2009, which is attached, the DOT Airports Division outlined its concerns that this rail alignment will impact the Mauka Concourse Expansion Project, which is part of the Honolulu International Airport (HNL) \$1.7B Terminal Modernization Program. Accordingly, DOT requests that DTS address the following issues:

1. The subject FEIS does not disclose that the rail alignment through HNL property will impact the airport modernizations projects and that on-going discussions between the DOT Airports Division and DTS must continue.
2. There are several operational and engineering issues that still have not been addressed. In addition to the alignment of the rail, the size and locations of the concrete support columns will impact the roadways within HNL.
3. The subject FEIS does not provide alternative alignments or mitigation measures to minimize impacts to State airports facilities.
4. DOT highly recommends that the rail allow and accommodate travelers' accompanying baggage.

HARBORS

DOT continues to have concerns regarding the transit stations that are adjacent to Honolulu Harbor. DOT requests that DTS address the following comments and initiate/continue coordination with the Harbors Division.

1. Pages 3-18 and 3-46. The FEIS mentions that trucks carrying freight contribute to congested traffic conditions. However, passenger traffic is also an important consideration. Piers 2, 10 and 11 operate as cruise ship passenger terminals that could also impact traffic conditions affecting Ala Moana Boulevard and Nimitz Highway when in use.
2. DOT notes the site of the downtown station in the area between Irwin Park and the Honolulu Electric Company (HECO) Power Station. DOT reiterates that the proper placement of the transfer station is critical to minimizing impacts to this area and recommends that DTS consult DOT and the downtown stakeholders to determine the appropriate location of this transit station.

HIGHWAYS

The DOT Highways Division is conducting its review of the subject FEIS. DOT reserves the right to comment further at the conclusion of this review. Further, DOT requests that DTS continue the current coordination meetings with the Highways Division through the Division's Planning Branch on factors affecting highway corridors and right-of-ways.

Mr. Wayne Y. Yoshioka
July 20, 2009
Page 3

STP 8.3342

DOT appreciates the opportunity to provide comments. DOT also requests that DTS continue periodic presentations to DOT as part of the on-going project planning and coordination with DOT. If there are any questions regarding all three modal divisions of DOT, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at telephone number (808) 587-2356.

Very truly yours,

Francis Paul Keeno

f BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

c: Mr. Abraham Wong, Federal Highway Administration
Mr. Ted Matley, Federal Transit Administration
Ms. Katherine Kealoha, Office of Environmental Quality Control

Encl: STP 8.3074 dated 1/29/09
DEP-A 09.043 dated 6/25/09

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

DEP-A
09.053

August 20, 2009

Mr. Wayne Yoshioka
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

SUBJECT: Honolulu High Capacity Transit Corridor Project
Honolulu International Airport Link Alignment

We appreciated the opportunity provided to meet with you and your team and discuss the impacts the High Capacity Transit Corridor (HCTC) link will have on airport operations and the Terminal Modernization Program projects. The State of Hawaii, Department of Transportation, Airports Division's (DOT-A), supports a HCTC link to the Honolulu International Airport (HNL), and recognizes the importance of this intermodal connection for encouraging use and making the HCTC more fully viable. Unfortunately, without viable options that adequately address our concerns, the alignment, as proposed by the Rapid Transit Division (RTD) team, will result in unacceptable impacts to the Airport's operations, both landside and airside. The proposed alignment must be revised to be more responsive to the Airport's operations and property constraints. Specifically, and to recap, the issues with the alignment as it moves from the West side to the East side of the Airport property are:

1. Conflicts with the Terminal Modernization Program's new Mauka Concourse Extension Project scheduled for construction in March 2010.
 - Impacts and impinges movement within the Air Operations Area (AOA) at the corner of Nimitz Highway and Aolele Street, resulting in the loss of planned wide-bodied gates necessary to meet the Master Plan forecast and Hawaiian Airlines' gating requirements at beneficial occupancy. It is not viable to assume restricted gate operations for the major HNL carrier or constraints which limit power-in or power-out aircraft operations. These constraints are costly and would continue unmitigated.

- Potential security risk to the AOA. Although the RTD provided a list of airports with rail alignments over secured active AOAs, only one of the examples, Phoenix Sky Harbor International Airport, includes direct terminal connections with taxiway crossings. The costs associated with additional security measures by the DOT-A, if any, has not been quantified.
 - Impacts vehicular capacity of Aolele Street, and the possibility of having significant findings to the DOT-A's current Environmental Assessment.
2. Possible vehicular and operational impacts to the Lei Stands and parking exit lanes.
 3. Conflicts with the vehicular access roads to the car rental facilities, and the future consolidated car rental facility.
 4. Close proximity to Airport's fuel farm.

The design of the new Mauka Concourse is proceeding, with the first phase of construction scheduled to begin in March 2010 and completion anticipated in December 2012, and having to redesign this portion of the terminal would severely impact our project schedule. In addition, the design of the Consolidated Car Rental Facility will be completed in 2010, with construction starting in 2011. Based on these schedules, the Mauka Concourse and the Consolidated Car Rental Facility would be in operation for at least a year.

Recommendation

It is recommended that the RTD proposes an alignment which assumes the Mauka Concourse and the Consolidated Car Rental Facility as pre-existing conditions, and relocates impacts such as columns and rail systems outside of these facilities' operating areas and access drives. One alternative is to move the alignment east of Aolele Street. This would maintain a lower profile and possibly reduce construction costs.

It is also recommended that the RTD team provide the DOT-A with engineering drawings showing the proposed alignment and all associated impacts so the DOT-A can provide adequate and timely comments.

We believe there are alternative alignments available that pose less impact to the DOT-A. Please feel free to contact me at 587-2150 at your convenience or meet with my DOT-A staff regarding this important airport intermodal link.

Very truly yours,



BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

DIR 1680
STP 8.3074

January 29, 2009

Mr. Wayne Y. Yoshioka, Director
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka;

Subject: Honolulu High Capacity Transit Corridor Project Draft Environmental
Impact Statement (DEIS) and/Section 4(f) Evaluation

Thank you for providing the subject document for review and comments.

The State Department of Transportation (DOT) understands that the subject DEIS discusses a project by the City and County of Honolulu, Department of Transportation Services (DTS), for the development of a High Capacity Transit Corridor Project ("Project") that would provide a fixed guideway transit service on Oahu in a travel corridor between Kapolei, with potential expansion to the University of Hawaii at Manoa (UH Manoa) and Waikiki.

Four alternatives are identified via a series of screening and scoping studies. This DEIS evaluates those four alternatives:

1. No Build Alternative
2. Fixed Guideway Transit Alternative via Salt Lake Boulevard (Salt Lake Alternative)
3. Fixed Guideway Transit Alternative via the Airport (Airport Alternative)
4. Fixed Guideway Transit Alternative via the Airport and Salt Lake Boulevard (Airport & Salt Lake Alternative)

The Locally Preferred Alternative selected by the Honolulu City Council includes a fixed guideway transit system from East Kapolei to Ala Moana Center and planned extensions to West Kapolei, UH Manoa and Waikiki. The system would use steel-wheel-on-steel-rail technology and all parts of the system would either be elevated or in exclusive right-of-ways. The Project also requires the construction of transit stations and supporting facilities. Further, some city bus services will be reconfigured to align with the proposed transit stations.

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENE
BRIAN H. SHIGUCHI
JIRO A. SUMADA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
889 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.3074

January 29, 2009

Mr. Wayne Y. Yoshioka, Director
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka;

Subject: Honolulu High Capacity Transit Corridor Project Draft Environmental
Impact Statement (DEIS) and/Section 4(f) Evaluation

Thank you for providing the subject document for review and comments.

The State Department of Transportation (DOT) understands that the subject DEIS discusses a project by the City and County of Honolulu, Department of Transportation Services (DTS), for the development of a High Capacity Transit Corridor Project ("Project") that would provide a fixed guideway transit service on Oahu in a travel corridor between Kapolei, with potential expansion to the University of Hawaii at Manoa (UH Manoa) and Waikiki.

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The Project will generate significant impacts to DOT airports, highways and harbor facilities. The fixed guideway rail system should be viewed as part of a comprehensive, multi- and inter-modal transportation system. This requires early, continuous, direct coordination and careful design and construction planning with the DOT. The Project requires connectivity with other transportation and transit systems as well as all other means of transportation used by commuters and travelers such as, but not limited to, buses, taxis, shuttles, service vans, motorcycles, scooters, bicycles and walking. The Project must be carefully integrated within the existing systems and enable travelers' transfers between these systems. DOT therefore recommends that these linkages and public use patterns for all modes of travel (i.e. bus, bike, pedestrian, etc.) be further analyzed. DOT is particularly interested in the evaluations, findings and recommendations at the sites where DOT facilities are located.

The following comments are from the DOT's three modal divisions, who should be consulted during the Project's planning, design and construction phases for their concerns for impacts to right-of-ways, easements, real property and infrastructure.

AIRPORTS

The two airport alternatives will impact the airport system. DOT requests that DTS contact the Airports Division Planning Section at (808) 838-8810 and address the following issues:

1. The Airports Division understands that the Airport Alternative involves two stations on the Honolulu International Airport (HNL) property on Aolele Street. One is next to the new parking structure and the other is at Lagoon Drive.
2. The station adjacent to the new parking structure will be connected to the structure. Clear signage is necessary for rider's access of the other airport terminal buildings. There are several operational and engineering issues related to a transit station located near an Airport terminal in relative proximity of airport operational areas (AOA). DTS should meet with Airports staff and the Airports modernization team to address the rail station's location, its impact on airport operations and future airport improvements.
3. To ensure that the Lagoon Drive station meets the Federal Aviation Administration (FAA) FAA Part 77 obstruction height limits for the end of Runway 22R, DTS should submit a FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the FAA.
4. DTS should also meet with the Transportation Security Administration (TSA) to review any security issues or requirements for the rail stations at HNL.

HARBORS

The project will generate impacts to the harbors system, particularly where the transit stations are adjacent to Honolulu Harbor. DOT requests that DTS address the following comments and initiate or continue coordination with the Harbors Division Planning Section at (808) 587-1888.

1. Page 2-32. The DOT understands that the rail system interfaces with Nimitz Highway in the area between the Pier 15 area and past the HECO power station area. Figures 2-33 and 2-34 show the two stations in this area. The stations appear to avoid conflicts with the entrances to Harbors' major shipping terminals.
 - a. DOT requests consideration for a station located at the Aloha Tower complex to provide direct access to the complex and to downtown Honolulu via Fort Street. If this location is given consideration, then Harbors Division is willing to discuss options for redeveloping its current office building into a combination parking structure and transit station, subject to the need to satisfy the community's concern regarding the image and appearance of downtown Honolulu and Nimitz Highway as a pathway to Waikiki.
 - b. Given the importance of this section of Nimitz Highway to the waterfront area and to downtown Honolulu, additional study is needed to ensure proper siting of a transfer station. Proper placement is critical for minimizing impacts to the harbor area, the highway system and the Aloha Tower complex, and also for maintaining waterfront access, pedestrian safety, a desirable visual and spatial atmosphere and the proper aesthetics for downtown Honolulu. DTS should consult with DOT and the downtown stakeholders on the location of this transit station.
2. Page 3-14. Please note that Kewalo Basin is DOT Harbors third Oahu harbor but is soon to be transferred to the Hawaii Community Development Authority (HCDA). Charter Boat operations as mentioned in the document occur at this harbor and not at Honolulu or Kalaheo Barbers Point Harbor.
3. Page 3-14. Ocean Recreation is not an activity of DOT's commercial harbor system. Ocean Recreation is under the jurisdiction of the DLNR – Division of Boating and Ocean Recreation.
4. Page 3-14. Trucks carrying freight enter Honolulu Harbor through Nimitz Highway and also Ala Moana Boulevard (at Fort Armstrong). The roadway fronting Fort Armstrong is Ala Moana Boulevard and not Nimitz Highway.
5. Page 3-14. Please also include Kalihi Street in the discussion of freight movement. Eastbound container trucks utilize Kalihi Street to get onto Interstate Route H-1.

6. Page 3-44. The correct name for Oahu's second harbor is Kalaeloa Barbers Point Harbor. It is noted as Barbers Point Harbor on this page and elsewhere.
7. Page 3-48. It is noted that alternative routes may be required as an impact of the construction of the improvements. Any improvement required to facilitate alternative routes (turning radius, etc.) should be the responsibility of the Project as a mitigation measure.
8. Page 4-61. Kewalo Basin should also be included in the discussion of the makai edge.
9. Page 4-171. There is no "Kalaeloa Harbor 2020 Master Plan" or "Honolulu Harbor 2020 Master Plan". The Oahu Commercial Harbors 2020 Master Plan incorporates both Honolulu and Kalaeloa Barbers Point Harbors.

HIGHWAYS

DOT also confirms that there will be impacts to the highway system. At a significant number of locations, the rail line, transit stations and other Project support facilities will be functionally adjacent to, physically abut or transect highway system roadways and right-of-ways. The transit-oriented development (TOD) within the communities around the rail stations will also impact the highways system. DOT requests that DTS address the following comments and initiate or continue coordination with the Highways Division Planning Branch at (808) 587-1830.

1. Chapter 3 various pages. Planning horizon of 2030 is used throughout the document. Standard practice is 20 years after construction completion. With a construction completion in 2018, the planning horizon should be 2038.
2. Page 4-98 3rd paragraph. The reference, "The State of Hawaii regulates community noise pollution through HAR 11-16," is incorrect. The correct reference is HAR 11-46. In addition, Hawaii's noise levels are more restrictive than the Federal levels and the project needs to conform to both requirements. HAR 11-46-4 has maximum permissible sound levels in dBA (dBA defined as the A-weighted sound level or unit of measurement describing the total sound level of all noise as measured with a sound level meter using the "A" weighting network). The following is the maximum level.

	Day time (7am-10pm)	Night time (10pm-7am)
Class A	55	45
Class B	60	50
Class C	70	70

Class A includes all areas equivalent to land zoned residential, conservation, preservation, public space, open space, or similar type.

Class B includes all areas equivalent to lands zoned for multi-family dwellings, apartment, business, commercial, hotel, resort, or similar type.

Class C includes all areas equivalent to lands zoned agriculture, country, industrial, or similar type.

3. Kamehameha Highway Improvements – Waihona Street to Center Drive. DTS should coordinate Project work with improvements to this area.
4. Design Criteria. DOT Highways requests all streetscape improvements by DTS utilize DOT Highway standard drawings, details and specifications. Particularly, as follows:
 - a. A visual picture record of assets within the highway right-of-way prior to construction shall be made by DTS and approved by DOT's Highway Landscape Architect for restoration afterwards. In general, all landscaping shall be restored to its original condition after construction is complete. DTS should provide As-built drawings in the form of both full size drawings and electronic files of all work within the highway right-of-way.
 - b. Work within the highway right-of-way shall employ DOT Highway standard Invasive Species Management specifications and Tree Protection zone construction detail. All transplantable trees as determined by DOT to be removed by construction shall be transplanted at DTS' expense to another State right-of-way site approved by DOT's Highway Landscape Architect.
 - c. DTS shall not move relocated utilities under DOT sidewalks and should consult with DOT for exceptions. New utility boxes shall be screened by landscaping or placed in underground vaults.
 - d. The handling of the anticipated additional trash in between stations needs further explanation.
 - e. All median underneath the rail shall be low maintenance rockscape or decorative paving with limited, shade tolerant plantings at intersections.
 - f. New plantings shall be non-invasive plants as defined by the Hawaii Chapter of the American Society of Landscape Architects. DTS shall employ native plants where they are the best choice for the conditions.

- g. The design of the rail should include measures to limit bird nesting and perches that produce bird droppings.

5. Construction Criteria.

- a. During construction, DTS shall maintain all landscaped areas to DOT Highway standards utilizing DOT maintenance specifications including mowing, edging and trimming, weeding, pruning and care of shrubs and trees, fertilizing, pesticide and herbicides, clearing gutters, swales and ditches, invasive plant removal and rubbish and debris removal and disposal.
- b. DTS shall be responsible for maintaining all irrigation impacted during construction and provide watering as necessary. All site furnishings that are removed during construction including but not limited to traffic signal poles and heads, irrigation controllers and valves, backflow preventers, fence fabric and utility boxes shall be delivered at DTS' expense to the DOT Highways Oahu District Bascyard or disposed of at DTS' expense if DOT does not desire to keep the items.

6. Farrington Highway - Fort Weaver Road to Interstate Route II-1.

- a. In recognition of Farrington Highway as the main street of Waipahu, DOT spent \$4 million dollars in 2002 for a main street revitalization project. In 2005, the project received the Betty Crocker Landscape Award from the Scenic Hawaii organization.

"This project sponsored by the State Department of Transportation helped transform a bleak, lifeless, uninviting part of Farrington Highway for motorists. The result is landscaping effort that quickly changed the area and which will continue to improve..."

- b. DOT's interaction with the Waipahu community has been overwhelming positive and the improvements to Farrington Highway have contributed to a greater sense of pride and renewal in the community. As a result, adjacent properties have been improved and new businesses have moved in along the highway.
- c. Since the Project is going to remove these significant improvements to Waipahu's main street and add a rail structure further affecting the aesthetics, DOT requests DTS consult with DOT and the Waipahu stakeholders to provide equitable improvements to the sidewalks to include material sidewalk improvements, street trees, site furnishings and undergrounding of overhead utilities.

- d. All existing median trees to be removed by Project construction shall be transplanted at DTS' expense to another State right-of-way site approved by DOT's Highway Landscape Architect.
7. Kamchameha Highway - Interstate Route H-1 to Aloha Stadium. Kamehameha Highway is the main street for two communities; Aiea and Pearl City. Since 2005, DOT has worked with the Aiea and Pearl City communities through an extensive public involvement process to identify improvements to this main street. Through this process, the community and DOT agreed to improvements that were suspended pending the outcome of rail. This Project installs a rail structure to the area, which could negatively impact the area aesthetics. Therefore, DOT requests that DTS consult with DOT and the Aiea and Pearl City stakeholders to provide equitable improvements to the sidewalks, such as material sidewalk improvements, street trees, site furnishings, enhancement of areas around Sumida Watercress farms and undergrounding of overhead utilities.
 8. Nimitz Highway - Nuuanu Stream Bridge to Halekaiwila Boulevard.
 - a. Nimitz Highway from Nuuanu Stream Bridge to Halekaiwila Boulevard abuts the downtown central business district waterfront and some of the most valuable real estate in the State of Hawaii. It is also the point of arrival for all cruise ship visitors to Oahu. Additionally, Hawaii Tourism Authority's research indicates over 80% of Oahu visitors' first impression of Hawaii is driving from the Airport to Waikiki via Nimitz Highway. For over 20 years, the downtown community has explored means to relocate the HECO power plant that detracts from this valuable waterfront area. The addition of a rail structure and station located near the HECO power plant will require further study of the Nimitz Highway corridor and a careful analysis of impacts to the Aloha Tower complex and adjacent harbor facilities. Also, care must be taken to maintain pedestrian safety as well as to avoid creating a less than desirable visual and spatial atmosphere for visitors and residents moving through this area. The aesthetics, image and appearance of downtown Honolulu are areas of great concern to the community. Therefore, DOT requests DTS consult with DOT and downtown stakeholders on this matter and to provide equitable improvements to the sidewalks including material sidewalk improvements, street trees and site furnishings.
 - b. Recognizing the importance of this stretch of Nimitz Highway, in 2008 DOT installed plantings of coconut palms. As such, all existing median trees to be removed by Project construction shall be transplanted at DTS' expense to another state right-of-way site approved by DOT's Highway Landscape Architect.

DOT appreciates the opportunity to provide comments. Given the anticipated and potential impacts to multiple DOT facilities, it would be beneficial to have DTS make periodic presentations to DOT as part of the on-going Project planning and coordination with DOT.

Mr. Wayne Yoshioka
Page 8
January 29, 2009

STP 8.3074

Presentations should cover issues such as the Project task list and timeline, coordination for design and construction phasing, environmental issues and mitigation measures and physical impacts to and integration with DOT airport, harbors and highway systems. Further, these meetings should include all or combinations of the modal divisions based on the particular subject matter or area and location being discussed.

If there are any questions regarding all three modal divisions of DOT, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at (808) 587-2356.

Very truly yours,



BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

c: Mr. Abraham Wong, Federal Highway Administration
Mr. Ted Matley, Federal Transit Administration
Ms. Katherine Kealoha, Office of Environmental Quality Control

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

June 25, 2009

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

DEP-A
09.043

Mr. Wayne Yoshioka
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Subject: Honolulu High Capacity Transit Corridor Project
Honolulu International Airport Link Alignment

This correspondence confirms the State of Hawaii, Department of Transportation, Airports Division's (DOT-A), supports for a High Capacity Transit Corridor (HCTC) link to the Honolulu International Airport. We recognize the importance of this intermodal connection for encouraging use and making the HCTC more fully viable.

However, one area of concern is the possible impact the rail alignment may have with the DOT-A's Mauka Concourse Extension project, which is part of their \$1.7B Terminal Modernization Program. The project is currently under design with the first phase schedule to start construction in December 2010.

Since the HCTC link to the airport and the Mauka Concourse Extension are both important projects, we recommend that a collaborative effort be undertaken as soon as possible to ensure all stakeholders' concerns are discussed and any resulting issues resolved to the extent possible. To this end, our Airports Division will host an initial collaborative session with all concerned stakeholders to include the DOT-A, the Rapid Transit Division (RTD) team, the Federal Aviation Administration (FAA), the Transportation Security Administration (TSA), and the U. S. Post Office. We fully expect this to be the first of a series of sessions to review and address the Airport's impacts.

Please contact Mr. Jeff Piette at 840-5291 or jeff.piette@parsons.com to schedule a mutually agreeable time for this initial meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read "B T M".

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFU HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

November 2, 2009

RT9/09-331566R

Honorable Brennon T. Morioka, Ph.D., P.E.
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Dear Dr. Morioka:

Subject: Honolulu High-Capacity Transit Corridor Project
Reference No. DEP-A 09.053

This is in response to additional comments received on the *Honolulu High-Capacity Transit Corridor Project* in your letter dated August 10, 2009. The following paragraphs address comments included in the above-referenced submittal:

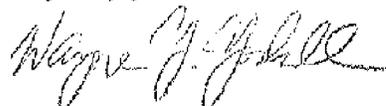
In response to your comment that the proposed alignment must be revised to be more responsive to the Airport's operations and property constraints, the rail project alignment has been moved to avoid impacts to the planned Mauka Terminal and Air Operations Area, and the Lagoon station has been moved to avoid impacts to Runways 22R/4L and 22L/4R. Rapid Transit Division (RTD) staff has met with HDOT-A several times since receipt of this letter and will continue to coordinate with HDOT-A on the alignment, station and column locations as the Project moves forward.

During the meeting with HDOT-A held on September 30, 2009, RTD staff presented drawings of the proposed alignment and column locations. It was verified that the guideway alignment and column locations will not impact Aolele Street, the lei stands, parking exit lanes, or the Airport's fuel farms. In addition, during a meeting on October 6, 2009, specifically on the CONRAC facility, it was verified that the guideway alignment and column locations will not impact the vehicular access roads to the existing rental car facility and future consolidated car rental facility.

Honorable Brennon T. Morioka, Ph.D., P.E.
Page 2
November 2, 2009

RTD staff will continue to coordinate with HDOT staff on project details and will provide updates as requested. The RTD appreciates your interest and cooperation in the rail project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

cc: Mr. Ted Matley
Federal Transit Administration

✓ bcc: Mr. Mark Garrity, PB

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

November 3, 2009

RT10/09-337601

Mr. Leslie T. Rogers, Regional Administrator
Federal Transit Administration, Region IX
U.S. Department of Transportation
201 Mission Street, Suite 1650
San Francisco, California 94105

Attention: Mr. Raymond Sukys

Dear Mr. Rogers:

Subject: Project Mitigation for Impacts to Airport Runways 22R/4L and 22L/4R
Honolulu High-Capacity Transit Corridor Project

The City and County of Honolulu (City) is planning to design, construct, and operate a High-Capacity Transit Corridor Project (Project) along Aolele Street through Honolulu International Airport property. The City, the Hawaii Department of Transportation Airports Division (HDOT-A), and the Federal Aviation Administration (FAA) have been meeting to coordinate and address issues raised by the proximity of the Project to Runways 22R/4L and 22L/4R.

To address the requirements of FAA Advisory Circular 150/5300-13, the FAA, HDOT-A, and the City have discussed the following approach:

- The City will, in cooperation with HDOT-A and FAA, perform a detailed engineering analysis to identify and address the impacts of relocating Runway 22R/4L approximately 750' makai and Runway 22L/4R approximately 300' makai. The analysis will address operational impacts during and post construction, impacts to existing and future capacity of the Airport, and develop budgetary estimates. The analysis will evaluate the benefits and disadvantages of the proposed relocations from the perspective of all Airport stakeholders.

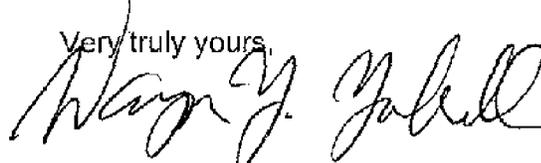
- Upon completion of the engineering analysis, as appropriate, the City will, in coordination with HDOT-A and FAA, determine the mitigation measures required to allow the runway relocations. If agreement cannot be reached, the City will be responsible for proposing an alternative(s) that will be satisfactory to HDOT-A and FAA.
- The City, to the extent allowed by State and Federal regulations, will, in coordination with HDOT-A and FAA, prepare the appropriate environmental documentation necessary for the relocation of the runways or the alternative(s) and be responsible for taking the documentation through the environmental process; the City will fund any costs of such documentation.
- As part of the engineering analysis to relocate the runways, the City will, in coordination with HDOT-A and FAA, seek all Airport stakeholders' input into shortening the declared landing distance available for Runway 4R in lieu of relocating the runway. The result of that consultation will inform the engineering analysis.
- The City will, in coordination with HDOT-A and FAA, eliminate or mitigate any other Project-related obstructions and ensure the Project will not affect airport operations.
- The City will, in coordination with HDOT-A, relocate the Lagoon Station to avoid impacts to the Runway Protection Zones (RPZs) of Runways 22R and 22L.
- The City will fund the runway relocations or alternative proposed by the City, and fund all associated relocation of FAA navigational aids, visual aids, associated lighting systems, ASDE-X RU stations, possibly military arresting gear, and any other incidental costs associated with the runway relocations.

This approach was agreed upon at a meeting held on October 19, 2009, among the City, FTA, FAA, and HDOT-A. This approach is reflected in the Honolulu High-Capacity Transit Corridor Project Final EIS. Any other required documentation, as a result of this approach, will be prepared by the City, consistent with allowable practices, and will be referenced in the Honolulu International Airport Master Plan/EA Update currently under development. The City understands that necessary permits and approvals, such as FAA Form 7460-1, Notice of Proposed Construction or Alteration, are required prior to construction.

Mr. Leslie T. Rogers, Regional Administrator
Page 3
November 3, 2009

The City is firmly committed to addressing all runway clearance issues raised by the Project and coordinating with HDOT-A and FAA as the Project moves forward.

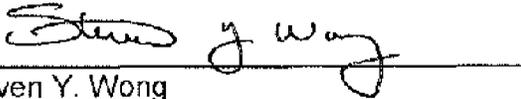
Very truly yours,



WAYNE Y. YOSHIOKA
Director

CONCUR:

This approach has been discussed with the FAA and is consistent with reasonable practices for addressing the necessary runway protection requirements. The FAA will continue to work with the City to ensure all appropriate FAA regulations are adhered to as the Honolulu High-Capacity Transit Corridor Project advances.



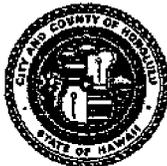
Steven Y. Wong
Program Manager
Federal Aviation Administration

cc: Dr. Brennon Morioka, Director,
Hawaii Department of Transportation
Mr. Brian Sekiguchi, Deputy Director,
Hawaii Department of Transportation,
Airports Division

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 9, 2010

RT4/10-361274

Brennon Morioka, Ph.D.
Director
Hawaii Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Morioka:

Subject: Request to Revise the Airport Layout Plan (ALP) to show the Honolulu Rail Project

Following the recent discussions about the best way to mitigate the effects of the Honolulu Rail Project alignment on the runway protection zone of Runway 4R/22L at Honolulu International Airport (HNL), the City has made a decision that to avoid the central portion of the runway protection zone, the guideway will shift from Aolele Street one block mauka to Ualena Street starting about 2,000 feet Ewa of Lagoon Drive.

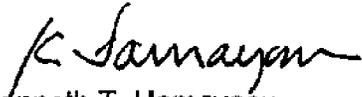
Based on reviews by the Federal Aviation Administration (FAA), this short shift in the alignment will resolve the concerns about the runway protection zone. It will also provide Honolulu International Airport (HNL) with more flexibility to manage its property in the best interests of the aviation community it serves.

The next step requires that the ALP be updated to incorporate the Honolulu Rail Project guideway alignment through the Airport. That is a requirement of the FAA, but the request for the update and the ensuing review must be submitted by HDOT-Airports Division. By means of this letter, we request HDOT update the ALP to include the alignment found on the enclosed CAD file. We also ask that HDOT request a review of the updated ALP by the FAA. Following the review, the FAA would issue a conditional approval of the ALP for inclusion in the Final EIS of the Honolulu Rail Project.

Brennon Morioka, Ph.D.
Page 2
April 9, 2010

We appreciate the ongoing cooperation of the Hawaii Department of Transportation in helping to bring the Honolulu Rail Project to fruition. Please call me at 768-8344 if there are any questions about this request.

Sincerely,


Kenneth T. Hamayasu
Chief, Rapid Transit Division

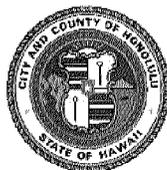
Enclosure

cc: Mr. Steve Wong, FAA Program Manager

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 28, 2010

RT4/10-364061

Honorable Brennon T. Morioka, Ph.D., P.E.
Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Dear Mr. Morioka:

Subject: Honolulu High-Capacity Transit Corridor Project

Enclosed please find three (3) compact disk copies of the Honolulu High-Capacity Transit Corridor Project Final EIS (Pre-Decisional Review Copy). This document addresses comments previously received by the City from the Federal Transit Administration (FTA) and the cooperating agencies. With the exception of Chapter 5, blue highlight has been used throughout the document to denote most of the changes made since the October 2009 version of the Administrative Final EIS that was reviewed by FTA. FTA and the City respectfully request an expedited review by the cooperating agencies on this document.

This version of the Final EIS is being sent to you to review the revisions made to the June 2009 Administrative Final EIS that was issued to the cooperating agencies. Changes include additional documentation of the effects of the Project to Waters of the U.S., a summary of common comments received on the Draft EIS and responses to those comments (Chapter 8), design refinements for access between H-2 and the Pearl Highlands Station, and in the vicinity of the Pearl Harbor National Historic Landmark to remove project features within the boundary of the landmark and design refinements in the vicinity of Honolulu International Airport. These refinements are summarized in Section 2.4.1 of the Final EIS. The environmental effects and mitigation of the refinements are incorporated into Chapters 3 and 4 of the enclosed Final EIS.

In coordination with the Federal Aviation Administration (FAA) and HDOT Airports Division, the alignment design described in the Draft EIS in the vicinity of Honolulu International Airport was refined to minimize impact to the runway protection zone (RPZ). The FAA's evaluation of design options to avoid conflicts within the RPZ is included in Appendix K of this Final EIS, but the conditional approval of the Airport Layout Plan (ALP) is not included as yet. It will be added to Appendix K prior to issuance of the Final EIS.

Honorable Brennon T. Morioka, Ph.D., P.E.
Page 2
April 28, 2010

Chapter 5 of this Final EIS [Section 4(f) Evaluation] was revised in response to FTA's review comments to the October 2009 version of the Administrative Final EIS. The revised text includes a Section 4(f) evaluation of the refined alignment near the Airport. The findings presented in the determination of Section 4(f) use remain consistent with the October 2009 version.

Please review this document and submit final comments to FTA and the City by May 10, 2010. Should you have any questions regarding this matter or would like to meet and discuss the revisions, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX

Participating Agencies

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8306 • Fax: (808) 623-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274154

Mr. Gordon G. W. Lum, Executive Director
Oahu Metropolitan Planning Organization
Ocean View Center
707 Richards Street, Suite 200
Honolulu, Hawaii 96813

Dear Mr. Lum:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

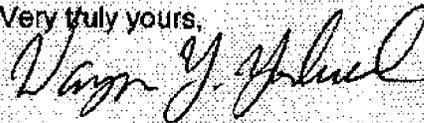
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Gordon G. W. Lum
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

1 CD containing the following:
Purpose and Need for the Project
Alternatives



September 3, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Honolulu High-Capacity Transit Corridor Project – Participating Agency Project Update

Thank you for the opportunity to review and comment on the Purpose and Need for the Project and Alternatives chapters from the Draft Environmental Impact Statement for the Honolulu High-Capacity Transit Corridor Project. We offer the following comments:

- Reference to the print date of 2006 for the *Oahu Regional Transportation Plan 2030* (ORTP 2030) on pages 1-19 and 2-1 is outdated. A print date of 2007 for this document is referenced on pages 2-2, 2-8, and 2-37. The date of 2007 should be consistently used as this is the latest version of the *ORTP 2030* (as of Amendment #1).
- Pages 2-2 and 2-6 (Table 2-2) noted that the OahuMPO rejected the Pearl Harbor tunnel based on the cost and limited benefit. This statement is partially correct.

The Pearl Harbor tunnel was not included in the fiscally constrained plan, but instead, placed in the illustrative category, due to its \$7 billion estimated cost and the State's lack of authority to collect tolls. Illustrative projects are those projects that are considered high-priority for inclusion into the regional transportation plan should additional, firmly established funding revenue sources become available. Illustrative projects are not considered to be a part of the officially endorsed regional transportation plan.

- The date of July 1, 2008 on the last line of the first column on page 1-14 should be changed to July 8, 2008 (date the zipper lane occupancy requirement was increased to three or more).
- There is a typo on the eighth line, of the first paragraph on page 1-15.

Oahu Metropolitan Planning Organization

Ocean View Center / 707 Richards Street, Suite 200 / Honolulu, Hawaii 96813-4623
Telephone (809) 587-2015 • (809) 528-4178 / Fax (808) 587-2018 / email: 

OahuMPO@OahuMPO.hawaii.gov

Mr. Wayne Yoshioka

Page 2

September 3, 2008

- The 326,000 daily vehicle hours of delay attributed to the ORTP and cited on the last sentence of the first paragraph on page 1-20 does not correspond to the figure used in the ORTP 2030.
- The first sentence of the second paragraph, of the second column on Page 2-37 should be broken into two sentences. It should read:

“The planned extensions are included as illustrative projects in the *Oahu Regional transportation Plan 2030* (OahuMPO 2007). The City anticipates completion of these extensions at some time in the future prior to 2030 as separate projects that would receive detailed environmental review.”

This modification is proposed to clarify that it is the City, not the ORTP 2030 that anticipates completion of the extensions prior to 2030. As defined by the ORTP 2030, the extensions, as illustrative projects are not assumed to be part of the 2030 plan unless additional, firmly established funding revenues sources become available.

Sincerely,



Gordon G.W. Lum
Executive Director

State of Hawaii

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1295.5

DEC 23 2005

Mr. Kenneth Hamayasu
Transportation Planning Division
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Hamayasu:

Subject: Honolulu High-Capacity Transit Corridor Project, EISPN

Thank you for the opportunity to comment on the Honolulu High-Capacity Transit Corridor Project. An improved transportation system would enhance peoples' quality of life, safety, and economic well being. I request that you keep us informed and work with us throughout the project's planning, design, construction and operation phases as we expect to be directly affected by most of the alternatives proposed. To cite some examples:

1. Alternative 3: Managed Lane Alternative will likely directly affect our Aloha Stadium Complex.
2. Alternative 4: Fixed-Guideway Alternative support facilities and other impacts could directly affect our facilities at Kakuhihewa (Kapolei State Office Building), Aloha Stadium, Liliha Civic Center (O. R. & L. Building and site), the State Capitol, and other State buildings, and State-owned land. Alternative 4c may cut off the main vehicular access to the Capitol via Miller Street if the proposed tunnel below Beretania Street mauka of the Capitol, is built.

The State will work with you to address any and all costs it would incur as a result of this project.

Mr. Kenneth Hamayasu
(P)1299.5
Page 2

If you have any questions, please call me at 586-0400, email me at russ.k.saito@hawaii.gov,
or have your staff call Mr. Bruce Bennett of the Public Works Division at 586-0491, email
bruce.e.bennett@hawaii.gov.

Sincerely,



RUSS K. SAITO
State Comptroller

c: Ms. Genevieve Salmonson, OEQC

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1079.8

MAR 28 2008

Mr. Henry Eng, FAICP
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

RECEIVED
MAR 28 2 21 35
COMMUNICATIONS SECTION

Dear Mr. Eng:

Subject: Public Infrastructure Map Revision for the Honolulu High-Capacity Transit Corridor Project (2008/PIM-1)

Thank you for your letter dated March 7, 2008. The Department of Accounting and General Services (DAGS) understands the City's desire to move this project forward expeditiously, and is prepared to work with the Department of Transportation Services (DTS) on two areas of concern. The first is the effect this project may have on the Aloha Stadium and the second is its effect on our Liliha Civic Center.

Aloha Stadium

1. The proposed alignment is far more intrusive into the stadium property than the previous alignment that more closely followed Salt Lake Boulevard. This would be mitigated by running the system past the airport, or if this is not possible, by an improved arrangement crossing over the H1 freeway near Salt Lake Boulevard that would more closely follow Salt Lake Boulevard past the stadium. The State Fair and other events use the parking lot area traversed by the proposed alignment. In addition, if there is a need in the future to build a new facility, such as a replacement stadium, the proposed alignment may preclude this or make it much more expensive.
2. Disturbance during construction and operation of the transit system, including losses of parking and access, and additional noise, would adversely affect our operations and the outlying community.
3. Our need to provide operational security and safety for our workers, event attendees, and other visitors requires that pedestrian walkways be independent of vehicular traffic and that transit station and park and ride facilities be securable daily from stadium,

Mr. Henry Eng
(P)1079.8
Page 2

4. The park and ride, transit station, and the transit line itself would each eliminate much of our parking without compensating or providing in-kind replacement parking capacity. This would exacerbate our already critical shortage of parking during major events. A mutually beneficial solution might be for the City to build a new parking structure of perhaps three or more levels for shared use between your park and ride and major stadium events, similar to other park and ride facilities, and if the traffic improvements listed in the next item are implemented.

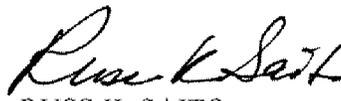
5. To address traffic congestion and provide the opportunity to increase parking, we suggest that the City eliminate the far west section of Salt Lake Boulevard (SLB) that runs through the Kamehameha lot and the bus lot. This would create a contiguous lot. We would also have to remove traffic lights at the corner of Essex Road/Main Salt Lake Gate 1 (MSLG 1) and SLB/Kamehameha Highway, and establish two-way traffic on Essex Road. Essex Road and the intersection at Essex Road/Kamehameha Highway would have to be modified to accommodate heavier traffic flow in this area. New ingress/egress options for MSLG 1 and Kamehameha lot would have to be discussed as well.

Liliha Civic Center

There have been no discussions with us about the Liliha Civic Center property that is across King Street from Aala Park. We will reserve our comments pending meetings and discussions on this matter.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Bruce Bennett of the Public Works Division at 586-0491.

Sincerely,



RUSS K. SAITO
State Comptroller

- c: The Honorable Brennan Morioka, Director, DOT
- Mr. Wayne Yoshioka, CCH-DTS
 - Mr. Scott Chan, Aloha Stadium Manager
 - Mr. Jim Dunn, Parsons Brinkerhoff

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

TP 202195

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

RECEIVED
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
HONOLULU, HAWAII

07 APR 2 P 2: 19

(P)1070.7

Mr. Melvin N. Kaku, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Kaku:

Subject: Invitation to Participate in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Thank you for your March 16, 2007 letter. The Department of Accounting and General Services (DAGS) requests that we be included as a participating agency.

We have issues of concern that we have made known previously, as the currently preferred route will impact our facilities at Aloha Stadium, Liliha Civic Center (Kaaahi Street extension) and in the State's Capital District.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Bruce Bennett of the Public Works Division at 586-0491.

Sincerely,

RUSS K. SAITO
State Comptroller

c: Ms. Genevieve Salmonson, DOH-OEQC

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

950 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 528-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 11, 2008

RT8/08-274204

Honorable Russ K. Saito, State Comptroller
Department of Accounting and General Services
State of Hawaii
P. O. Box 119
Honolulu, Hawaii 96810

Dear Mr. Saito:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

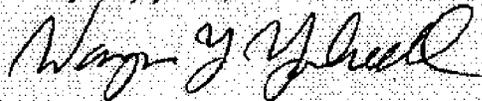
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Russ K. Saito
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives

LINDA LINGLE
GOVERNOR



HUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1296.8

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for your letter of August 18, 2008. The Department of Accounting and General Services, as an update to our letter of March 28, 2008, remains prepared to work with the Department of Transportation Services on two areas of concern. The first is the effect this project may have on Aloha Stadium and the second is its effect on our Liliha Civic Center.

Aloha Stadium

1. We are pleased that the proposed alignment is far less intrusive into the stadium property, as it now more closely follows Salt Lake Boulevard. As stated previously, the State Fair and other events use the parking lot and were transversed by the former alignment. In addition, if there is a need in the future to build a new facility on the property, such as a replacement stadium, the updated alignment would facilitate construction. The impact on the Stadium would be further mitigated if the system ran past the airport, thereby eliminating the need for a traction power station on the stadium property.
2. Disturbance during construction and operation of the transit system, including losses of parking and access, and additional noise, would adversely affect stadium operations and the outlying community.
3. Our need to provide operational security and safety for stadium workers, event attendees, and other event visitors requires that pedestrian walkways be independent of vehicular traffic and that transit station and park and ride facilities be securable daily from stadium, parking, and other ancillary areas.

Mr. Wayne Yoshioka
(P)1296.8
Page 2

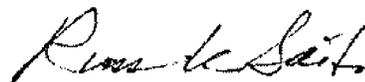
4. The park and ride, transit station, traction power station (proposed for the Salt Lake Boulevard alternative only), and the transit line itself would each eliminate much of our parking without compensation or providing in-kind replacement parking capacity. This would exacerbate the existing shortage of parking during major events. A mutually beneficial solution might be for the City to build a new multi-level parking structure for shared use between park and ride and major stadium event customers.
5. To address traffic congestion and provide the opportunity to increase parking, we suggest that the City eliminate the far west section of Salt Lake Boulevard (SLB) that runs through the Stadium's Kamehameha lot and bus lot. This would create a contiguous lot, and would require the removal of traffic lights at the corners of Essex Road/Main Salt Lake Gate 1 (MSLG 1) and SLB/Kamehameha Highway, and the establishment of two-way traffic on Essex Road. Essex Road and the intersection at Essex Road/Kamehameha Highway would have to be modified to accommodate heavier traffic flow in this area. New ingress/egress options for MSLG 1 and Kamehameha lot would have to be discussed as well.

Liliha Civic Center

There have been no discussions with us about the Liliha Civic Center property that is across King Street from Aala Park. We note that you are now proposing placement of a traction power station near or on this site. We request that it be relocated off-site, and will reserve further comments pending further information, meetings and discussions on this matter.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Bruce Bennett of the Public Works Division at 586-0491.

Sincerely,



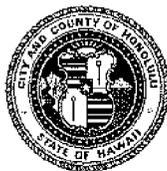
RUSS K. SAITO
State Comptroller

c: The Honorable Brennan Morioka, Director, DOT
Mr. Scott Chan, Aloha Stadium Manager
Ms. Stephanie Roberts, PB Americas

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

October 15, 2009

RT10/09-337450

Mr. Russ K. Saito, State Comptroller
Department of Accounting and General Services
State of Hawaii
P. O. Box 119
Honolulu, Hawaii 96810

Dear Mr. Saito:

Subject: Section 4(f) Coordination for *De Minimis* Impact Finding
Aloha Stadium
Honolulu High-Capacity Transit Corridor Project

Section 4(f) of the U.S. Department of Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) requires that the proposed use of land from a publicly-owned parkland, recreation area, wildlife and/or waterfowl refuge, or any significant historic or archaeological site, as part of a federally funded or approved transportation project, is permissible only if there is no feasible and prudent alternative to the use. Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allows the Federal Transit Administration (FTA) to determine that certain transportation uses of Section 4(f) land will have no adverse effect on the protected resource. With respect to publicly-owned parklands and recreational areas, a finding of *de minimis* impact may occur if the transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). If this is the case, the *de minimis* finding requires written concurrence from the official(s) with jurisdiction over the resources. In addition, public notice and opportunity for public review and comment on the finding is required.

The U.S. Department of Transportation, Federal Transit Administration (FTA), and the City and County of Honolulu, Department of Transportation Services (DTS), are preparing the Final Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project preferred alternative - the Airport Alignment (the Project) which addresses mobility and accessibility issues in the corridor between East Kapolei and Downtown Honolulu. The selection of this alternative following the public comment period of the Draft EIS took into consideration its ability to achieve Project goals and minimize adverse impacts to social, economic and environmental conditions. In addition, coordination with DAGS and the Aloha Stadium manager has been on-going to design the Project to minimize impacts to Aloha Stadium property and be consistent with the recreational facility plans.

The direct impact to the Aloha Stadium involves construction of an elevated guideway through a portion of the Aloha Stadium parking lot along the Ewa edge of the property from a rail transit station and bus transit center, and a paved and striped parking lot. The elevated guideway will be about 28 to 30 feet wide, supported by columns that are about 6 to 8 feet in diameter, placed about 120 feet apart. The base of each of the columns will impact approximately 100 square feet. The guideway will be used by electrically powered trains carrying people between stations and will be about 35 to 40 feet above the ground through this area. The total amount of area that will be used by the Project will be approximately two acres. This amount includes land under the guideway that may be used for parking. The area for the shared park-and-ride lot will be an additional use of approximately 4.2 acres. A figure illustrating the Project and its features is attached.

The elevated guideway will pass over a small portion of the main parking lot, next to Kamehameha Highway. Approximately four columns will be placed in the main parking lot to support the guideway, requiring removal of approximately three parking spaces. The guideway will cross over Salt Lake Boulevard at Kamehameha Highway, continuing above the existing gravel overflow parking lot, supported by six columns. In the overflow lot, the Project will construct a rail station and bus transit center to serve the Stadium, and will pave and stripe the gravel lot creating about 600 parking spaces that can also be used by stadium patrons during stadium events. An additional six guideway support columns will be located on Aloha Stadium property south of the overflow parking lot next to Kamehameha Highway. The guideway in this area will be wider than 30 feet to accommodate a third track to accommodate additional trains during stadium events.

The guideway design has been developed in close consultation with your agency to minimize impact to the stadium parking area. This alignment is far less intrusive than the former Salt Lake alternative, and we will coordinate with the DAGS during final design to minimize impact to parking for stadium events. The Project will provide transportation benefits to Aloha Stadium that will enhance its ability to provide recreational opportunities to users, offering choice, greater capacity and improved service. The transportation use of the site will not change with the Project. It will provide an additional form of access to Aloha Stadium via the new fixed guideway. The stadium will be one of 21 station stops on the 20-mile system that will be used by more than 100,000 riders on an average weekday. The station can be used up to 20 hours a day from 4:00 a.m. to 12:00 midnight. Trains will arrive every few minutes, and extra trains can be coordinated to accommodate peak demand during Aloha Stadium events. Use of the shared park-and-ride area will also be dedicated for use by the stadium during stadium facility functions and events. Normally, the system will provide capacity for more than 6,000 riders per hour in each direction, but this could be greatly increased to meet demand during Stadium events or other peak periods. In addition to providing train service, the Project will convert the existing gravel overflow area to a paved, striped parking lot and bus transit center. This will enhance the existing auto access without substantially reducing capacity. Buses, shuttles and taxis will be able to pull off-street to serve the station and Aloha Stadium, providing a multi-modal transit center that will provide access from all directions.

We are committed to mitigating disturbance during construction and operation of the transit system that may adversely affect stadium operations and the outlying community, including loss of stadium parking and access, additional noise, and safety and security issues due to the mixing of pedestrian and vehicular traffic. The City will coordinate with DAGS prior to

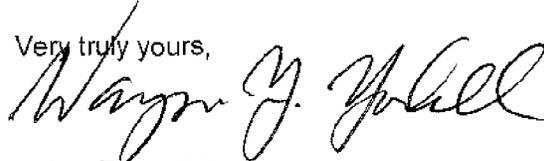
Mr. Russ K. Saito, State Comptroller
Page 3
October 15, 2009

construction regarding the Maintenance of Traffic Plan. Should future operations of the Project cause an adverse effect to stadium access or operations after construction, the City will coordinate with DAGS to consider options to improve transportation benefits to the stadium such as construction of a new multi-level parking structure for shared use between the park-and-ride and the stadium during stadium events and functions, and realignment of Salt Lake Boulevard (SLB) as it runs between the Stadium's Kamehameha lot and bus lot. This would include consideration of the removal of traffic lights at the corners of Essex Road/Main Salt Lake Gate 1 (MSLG1) and SLB/Kamehameha Highway, the establishment of two-way traffic on Essex Road, the modification of the intersection at Essex Road/Kamehameha Highway to accommodate potentially higher traffic volume in this area, and new ingress/egress options for MSLG 1 and Kamehameha lot.

We request your concurrence that the Project will not adversely affect the activities, features, or attributes of Aloha Stadium. Upon your written agreement, the DTS intends to propose a *de minimis* impact finding to the FTA for the use of the park property in the Final EIS. The *de minimis* finding was presented in the Draft EIS for public comment on the proposed impact. If you agree with this statement, please indicate your concurrence on the signature line below.

Thank you, in advance, for your assistance regarding this request. If you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

CONCUR:



Russ K. Saito, State Comptroller
Department of Accounting and
General Services
State of Hawaii

10/16/09

Date

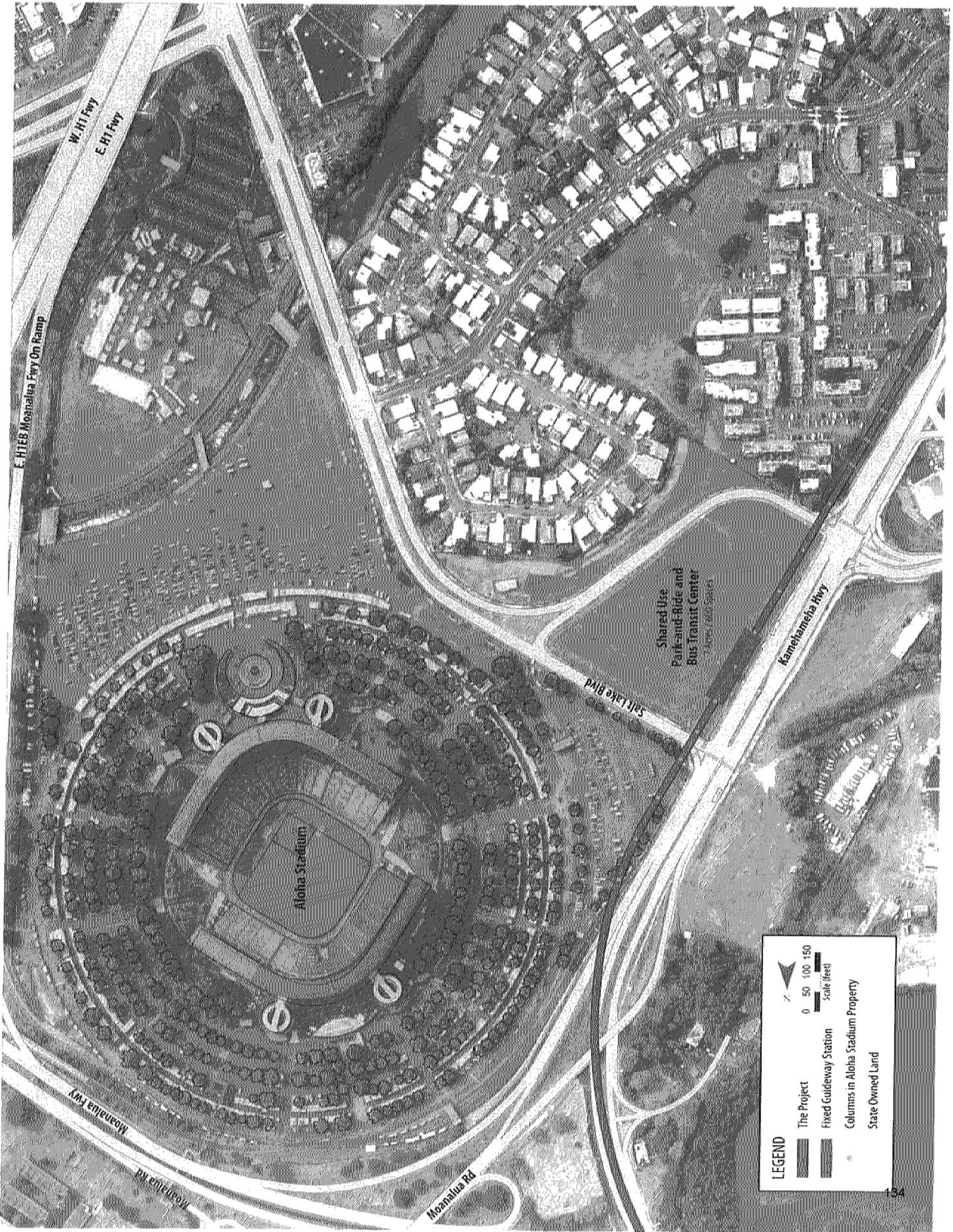


Laura H. Thielen, Chairperson
Board of Land and Natural Resources
State of Hawaii

10/16/09

Date

Attachment



March 16, 2007

Mr. Theodore Liu, Director
Hawaii Department Of Business, Economic Development & Tourism
PO BOX 2359
Honolulu, HI 96804

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Liu:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process. Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you elect to become a participating agency, you must accept this invitation in writing. The acceptance may be transmitted electronically to fmiyamoto@honolulu.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written responses to this invitation are not due until after the interagency scoping meeting, scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Written responses accepting designation as participating agencies should be transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Toru Hamayasu of DTS at (808) 768-8344.

Sincerely,

Melvin Kaku, Director
Department of Transportation Services

Enclosures:
Scoping Information Package



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

Telephone: (808) 586-2355
Fax: (808) 586-2377

February 3, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City & County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Subject: Honolulu High Capacity Transit Corridor Project
Draft Environmental Impact Statement (EIS)

Thank you for sending the State Department of Business, Economic Development & Tourism (DBEDT) a copy of the subject document for review. Following are the recommendations of my department by division.

Research and Economic Analysis Division

DBEDT's Research and Economic Analysis Division, the departmental lead for economic research, methodology, data collection and tracking, has the following recommendations.

1. Page 4-154, Employment: The description on indirect and induced jobs is not clear. We recommend the following wording: "Indirect employment is the jobs created in the supporting industries such as building suppliers, wholesale and retail trade, and transportation, as a result of the rail construction. Induced employment results from the increase in spending by the employees of the construction and other supporting industries from income derived from the rail construction."
2. Table 4-33: The employment impacts are over estimated for the following reasons:
 - A) Total costs were used in estimating the jobs impact, which is equivalent to the assumption that all funds are coming from out of state. Most of the funding comes from the 0.5% County Surcharge Tax. Oahu residents will reduce their consumption on other goods and services due to the increase in the total tax rate. The job loss due to the reduction in resident spending should be taken into account.

- B) The assumption that all funds will be spent on construction is not accurate. A portion of the funds will be used for importing equipment and conducting other studies like the one under review. When calculating the employment impact, it is better to itemize the spending by sector rather than assume that it will all be spent on one industry - construction.

Strategic Industry Division

The Strategic Industries Division of DBEDT, the departmental lead on energy, science and technology issues, has the following recommendations.

1. Page 4-108: With respect to the amount of power the system is projected to consume, the report states, "The Project would consume approximately 1 to 2 percent of the total projected electricity generated in 2030." This is open to some interpretation. What is the actual amount of power the rail will need to operate, and will that demand coincide with the utility's peak electrical demand? Will the City and County develop any type of renewable energy or energy storage projects to meet the requirements for the system? The report goes on to state, "Integration of photo-voltaic cells into stations and other project features could reduce net project electricity demand." How much PV are they estimating they will install, and what percentage of station or system energy requirements will be met by these additions? What other alternatives are they considering as primary or backup power for the system? The bottom line is that more specific details should be provided.
2. In addition, we would like to call your attention to the following considerations:
 - A) **State energy conservation goals.** Project buildings, activities, and site grounds should be designed and/or retrofit with energy saving considerations. The mandate for such consideration is found in Chapter 344, HRS ("State Environmental Policy") and Chapter 226 ("Hawaii State Planning Act"). In particular, we would like to call to your attention HRS 226 18(c) (4) which includes a State objective of promoting all cost-effective energy conservation through adoption of energy-efficient practices and technologies.
 - B) **Energy and resource efficiency.** We encourage a leadership commitment to implement innovative and resource efficient operations and management, and to design and construct related buildings to meet and receive certification for U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), among others. We also

Mr. Wayne Y. Yoshioka
February 3, 2009
Page 3

encourage planning for or installing energy reduction, energy savings,
or energy producing efforts and technologies to lessen electrical
consumption or to increase efficiencies in using electrical energy.

Thank you for allowing us to provide these recommendations and we look forward to
receiving a copy an updated Final EIS.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theodore E. Liu', written over a large, stylized initial 'T'.

Theodore E. Liu

c: Barry Fukunaga, Office of the Governor

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3948 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

April 16, 2007

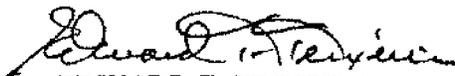
Mr. Melvin N. Kaku, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Kaku:

Thank you for your letter of March 16, 2007, and the invitation to participate in the environmental review process for the Honolulu High-Capacity Transit Corridor Project. We completed a review of the Draft Coordination Plan for the Honolulu High-Capacity Transit Corridor Project and Comment dated March 16, 2007, and found it to be informative.

Our point of contact for participation in the Environmental Review Process for the High-Capacity Transit Corridor Project is Mr. Victor Gustafson, Plans and Operations Branch Chief, 733-4301, ext. 554. Thank you for the opportunity to assist you in this transportation planning initiative on Oahu.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 769-8308 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFE HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274211

Major General Robert G. F. Lee
Adjutant General and Director of
Civil Defense
State Department of Civil Defense
3949 Diamond Head Road
Honolulu, HI 96816-4495

Dear Sir:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

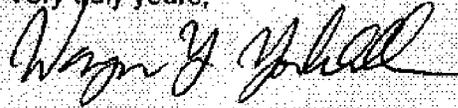
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Major General Robert G. F. Lee
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

1 CD containing the following:
Purpose and Need for the Project
Alternatives



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

January 10, 2006

Mr. Alfred A. Tanaka, Acting Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Tanaka:

The Department of Education (DOE) has reviewed the Scoping Information Package and the State of Hawaii Environmental Impact Statement (EIS) Preparation Notice for the High-Capacity Transit Corridor Project.

The DOE notes that there was no reference in the document to the students or facilities of the DOE. We assume that students commuting to school would also be users of a new urban transportation system in Honolulu. We note that under social and economic conditions, the Draft EIS will evaluate direct and indirect impacts of the proposed system on parks and recreation areas; historic resources; and visual and aesthetic resources. We hope that you will consider adding educational resources.

The DOE would like to see that schoolchildren could use a new transit system safely, economically and efficiently. Since they are not likely users of park and ride facilities, our concern would center on how students could safely access the transit stops and then use the system.

The DOE would like to know where the system might be relying on school lands or future school lands and the levels of noise when routes are located close to school facilities.

If you have any questions, please call me at 586-0430 or Heidi Meeker of the Facilities Development Branch at 733-4862.

Sincerely,

A handwritten signature in black ink that reads "Duane Kashiwai".

Duane Kashiwai, Public Works Manager
Facilities Development Branch

DK:ly

cc: Patricia Hamamoto, Superintendent
Clayton Fujie, Deputy Superintendent
Assistant Superintendent, OBS



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

March 30, 2007

Mr. Melvin N. Kaku, Director
Department of Transportation
City and County of Honolulu
650 South King Street, Third Floor
Honolulu, Hawaii 96813

Dear Mr. Kaku:

Subject: Invitation to Participate in Review Process for Transit Corridor Project

The Department of Education accepts your invitation to become a participating agency in the environmental review process for the Transit Project.

We appreciate this opportunity to participate. Should you have any questions, please call Heidi Meeker of the Facilities Development Branch at 733-4862.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Duane Y. Kashiwai".

Duane Y. Kashiwai
Public Works Administrator

DYK:jmb

c: Superintendent
Assistant Superintendent, OBS

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 529-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274197

Mr. Duane Kashiwai
Public Works Administrator
Department of Education
State of Hawaii
P. O. Box 2360
Honolulu, Hawaii 96804

Dear Mr. Kashiwai:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

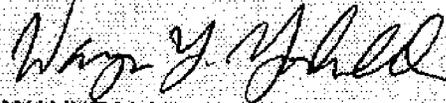
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Duane Kashiwai
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KALLANA B. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

December 29, 2005

Mr. Toru Hamayasu
Transportation Planning Division
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Hamayasu:

Subject: Honolulu High-Capacity Transit Corridor Project
East Kapolei Region
Preferred Route

Please allow this letter to express the Department of Hawaiian Home Land's (DHHL) preferred route for the high-capacity transit corridor. As a major developer in the East Kapolei region, the DHHL would prefer that the transit corridor follow the route as shown on the attached exhibit. Essentially, this would be similar to your department's Alternative 4d as it pertains to the East Kapolei area. The DHHL fully supports the University of Hawaii West Oahu campus and this route would allow the high capacity transit system to access the West Oahu Campus at its main entrance and focal point.

This route would also serve a major commercial center planned by the DHHL at the intersection of the North-South Road and the Kapolei Parkway. Because the DHHL is of the opinion that education is the key to success for its beneficiaries, it would like to see the University of Hawaii West Oahu campus, the Leeward Oahu Community College and the University of Hawaii Manoa campus connected by the high-capacity transit system. As far as the balance of the route is concerned, the DHHL withholds its comments in favor of those along the proposed routes.

Mr. Toru Hamayasu
December 29, 2005
Page 2

If you have any questions or require more information, please
call me at 586-3801 or Larry Sumida at 630-7141.

Aloha and mahalo,

A handwritten signature in black ink, appearing to read "MICK", with a horizontal line extending from the end of the word.

Micah A. Kane, Chairman
Hawaiian Homes Commission

Encl.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-6305 • Fax: (808) 323-4730 • Internet: www.honolulu.gov

MUJI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274185

Honorable Micah Kane, Chairman
Department of Hawaiian Home Lands
State of Hawaii
P. O. Box 1879
Honolulu, Hawaii 96805

Dear Mr. Kane:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Micah Kane
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICHA KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

KAULANA H. PARK
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

February 6, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Subject: Comments on the Draft Environmental Impact Statement (DEIS) for the Honolulu High-Capacity Transit Corridor (HHCTC) Project

Mahalo for the opportunity to provide comments on the subject DEIS and for extending the public review period on this important project.

As stated in the DEIS, the Department of Hawaiian Home Lands (DHHL) has several new development projects in East Kapolei that would be impacted by the proposed HHCTC project. We have reviewed the document and provide the following comments.

Over the past few years DHHL has expedited the number of homestead awards to qualified native Hawaiians and have focused on ensuring that new and existing homesteads are livable and complete communities. DHHL seeks to enhance the quality of life for all its beneficiaries and to ensure that they not only have adequate shelter, but their homes are energy efficient, well served by schools, internet ready, transit ready, and pedestrian oriented. Our goal is to provide live, work, play and educational opportunities within our communities.

Kapolei/Ewa is the fastest growing region in the State of Hawai'i. There are several public and private investments driving the growth of this secondary urban center on O'ahu. Major road and utility infrastructure projects, a University of Hawai'i West O'ahu campus (UHWO), major residential clusters, and nodes of commercial development are amongst the investments being supported as the region continues to develop.

Mr. Wayne Y. Yoshioka
February 6, 2009
Page 2

DHHL's Kapolei lands are in the middle of this prospering secondary urban center. The investments in infrastructure, employment, education, recreation, housing and commercial projects have contributed to a holistic community. These developments are leading to the actualization of Kapolei as O'ahu's Secondary Urban Center, and not just a bedroom suburb of Honolulu. Since many of DHHL's lands elsewhere in the State are located in rural or remote areas, there are few places better for DHHL to have a greater impact on meeting the needs of its beneficiaries than in Kapolei.

DHHL's East Kapolei 1 and 2 projects represent DHHL's ideal master plan community development efforts. DHHL's primary goal is to provide thriving communities where people can:

- Live (proposed single-family and multi-family residences within East Kapolei 1 and 2),
- Work (Ka Makana Ali'i regional shopping complex),
- Play (the proposed Kroc Center),
- Learn (UHWO campus, and proposed elementary and middle school sites in DHHL East Kapolei 2), and
- Shop (Ka Makana Ali'i regional shopping complex).

Additionally, DHHL has lands within Kalaheo that would probably be best suited for industrial or industrial mixed-use development, with the potential for providing more work opportunities for its beneficiaries residing in Ewa and Waianae.

Approximately 2,650 new housing units are planned for DHHL East Kapolei 1 and 2 projects along with the headquarters for DHHL, open parks, and a preschool. Also planned for DHHL's East Kapolei 1 and 2 projects are public and community services including the Kroc Center, a new fire station site, spaces for Hawaiian organizations and a Hawaiian Homestead Heritage Center. Some of the housing will be developed by the State of Hawaii's Housing Finance and Development Corporation (HHFDC). Thus, the proposed developments on DHHL East Kapolei 1 and 2 projects will not only benefit DHHL's beneficiaries but all residents as well.

The DHHL East Kapolei 1 and 2 parcels are further surrounded and supported by other work, live, play and learn opportunities. The UHWO campus will be located immediately mauka of the East Kapolei 1 parcel providing learning opportunities (including a State Department of Education elementary school site). Recreational opportunities will be provided at proposed park sites and at the Kroc Center, which is situated within walking distance of most of the residential units in DHHL East Kapolei 2. A 1.5 million square foot regional mall is planned in the commercial parcel of DHHL East Kapolei I ("Ka Makana Ali'i regional shopping complex").

Mr. Wayne Y. Yoshioka
February 6, 2009
Page 3

When finished, the UHWO campus is expected to have roughly 743,000 gross square feet of building space with room for expansion that could accommodate 7,600 students and 1,000 faculty and staff. DHHL supports the plans of the University of Hawai'i – West O'ahu campus to locate in East Kapolei. The proposed campus also attracts housing and commercial developments and provides opportunities to create communities where one can live, work, play, and learn.

Additionally, Kapolei's tremendous growth creates a critical mass that will attract new employment opportunities, as well as transit ridership. The UHWO campus, Kroc Center, and the planned Ka Makana Ali'i regional shopping complex on DHHL land, and other commercial and retail projects will provide future employment so that Kapolei/Ewa residents will not be forced to commute to Honolulu and Waikiki. **For this reason, DHHL is supportive of the proposed phasing of the HHCTC project to start construction between Kapolei and Waipahu.**

Our detailed comments on the DEIS follow:

On page 2-24, the key components of each transit are described in a "sidebar." We note that there is no mention of public restrooms (even automated public toilets) or what form of security will be provided (including security cameras). We would think that both types of facilities are necessary for old, young and otherwise. The impacts of including or not including such facilities should be directly addressed in the Final EIS (FEIS).

Vehicle Maintenance and Storage Facility – On page 2-38 of the DEIS, it is noted that one potential location for the required Vehicle Maintenance and Storage Facility would be located on a 43-acre site makai of Farrington Highway between Waipahu High School and Leeward Community College. While we concur that this site would allow for an efficient transit "system operation because it is more centrally located and vehicles could enter and exit the fixed guideway in either direction...", the loss of 43 acres of centrally located land will have a significant negative impact to DHHL's goals of providing either housing and/or economic benefits to its beneficiaries. This site is centrally located to H-1 and H-2 and would be ideal for warehousing operations for larger retailers. Located between two educational facilities, this site is also ideal for families with school-aged children or for adults interested in changing careers or life-long learning.

We believe that if the City and County of Honolulu would be willing to exchange Varona Village for the proposed Vehicle Maintenance and Storage Facility near Leeward Community College, this would help to mitigate the impacts of losing the

Mr. Wayne Y. Yoshioka
February 6, 2009
Page 4

latter site. The Hawaiian Homes Commission Act requires that land exchanges be of equal value.

On Figure 2-14 (page 2-25), the location of the "Proposed Park-and-Ride Lot" for the East Kapolei Station is shown but what is not shown is how commuters will access the parking lot. We would, of course, be concerned about late commuters speeding through the DHHL East Kapolei 1 project to access the "Proposed Park-and-Ride Lot" for the East Kapolei Station, endangering our beneficiaries and their children commuting to a proposed DOE elementary school in the UH West O'ahu site.

On page 3-53, in the "sidebar" entitled "Summary of Findings: Transportation Conditions and Effects," we note that under the category of "Effects of the Build Alternatives," there is no mention of the traffic impacts from cars generated from the "Proposed Park-and-Ride Lots" on streets immediately surrounding such facilities.

Table 4-1, Page 4-5, "Acquisitions, Displacements, and Relocations (Section 4.3)" - The land under the selected Vehicle Maintenance and Storage Facility site would eliminate either landowner's opportunities for development of their respective sites. This should be included in Table 4-1 or elsewhere in the FEIS.

Page 4-28, Figure 4-9 - While Figure 4-3 indicates the "Future Campus of UH West O'ahu" and the "Future Salvation Army Kroc Center," Figure 4-9 does not show these important community resources and facilities, even though they are currently not in operation (but will be by the time the transit stations are built). Figure 4-9 should be revised accordingly.

Page 4-171, Table 4-36 - There is no mention of DHHL's East Kapolei 1 (between UH West O'ahu, North-South Road, Kapolei Parkway and Kapolei Golf Course) and East Kapolei 2 (between Hoopili, North-South Road and Ewa Villages) projects. Table 4-36 should be revised accordingly.

With the electorate voted in favor of proceeding with the HHCTC project this past November, DHHL wishes to express its support for the HHCTC Project, but wants to ensure that the project is done "right." We believe that the HHCTC project will increase its beneficiaries' accessibility to jobs, schools, shopping and recreational opportunities, without having to own a second car.

DHHL wants to be on record that it supports the extension of the HHCTC west towards the City of Kapolei as long as there is a transit station (identified as Kapolei Parkway Station on Figure 2-5 of the DEIS) located at DHHL's Ka Makana Ali'i regional shopping complex.

Mr. Wayne Y. Yoshioka
February 6, 2009
Page 5

We appreciate the opportunity to provide comments on the Draft EIS. Should you have any questions regarding this matter please feel free to contact Darrell Yagodich from our Planning Office at 620-9481.

Aloha and mahalo,

A handwritten signature in black ink, appearing to read "Micah", written over a horizontal line.

Micah A. Kane, Chairman
Hawaiian Homes Commission

March 16, 2007

Dr. Chiyome Fukino
Hawaii Department of Health
P.O. Box 3378
Honolulu, HI 96801

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dr. Fukino:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you elect to become a participating agency, you must accept this invitation in writing. The acceptance may be transmitted electronically to fmiyamoto@honolulu.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written responses to this invitation are not due until after the interagency scoping meeting, scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Written responses accepting designation as participating agencies should be transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Toru Hamayasu of DTS at (808) 768-8344.

Sincerely,

Melvin Kaku, Director
Department of Transportation Services

Enclosures:
Scoping Information Package

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3379
HONOLULU, HAWAII 96801-3378

In reply, please refer to:

EPG-08-163

February 3, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

SUBJECT: Draft Environmental Impact Statement (EIS) for Honolulu High-Capacity Transit
Corridor Project (HHCTCP)
Honolulu and Ewa Districts, Oahu, Hawaii

Thank you for allowing us to review and comment on the subject application. The document was routed to the various branches, offices and groups of the Department. We have the following Wastewater Branch, Clean Water Branch, Hazard Evaluation and Emergency Response Office, Indoor and Radiological Health Branch, Built Environmental Working Group and General comments.

Wastewater Branch

The document identifies the current and future need to address mobility and travel reliability issues to support transportation and land use planning policies, and improve transportation equity in the corridor between Kapolei and the University of Hawaii at Manoa on the Island of Oahu.

The subject project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed.

Information provided to our office showed that the HHCTCP's Maintenance and Storage Facility may generate domestic and non-domestic wastewaters. We have no objections to the draft EIS provided all wastewaters generated by the facility shall be connected to the available public sewer system.

Mr. Yoshioka
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Clean Water Branch

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject DEIS. The CWB staff also attended December 16, 2006 Honolulu High-Capacity Transit Corridor Project Water Resources Agency Coordination Meeting held at the Transit Office. Please note that our review and comments are based on the limited technical information provided in the DEIS and additional information and knowledge obtained during the agency coordination meeting and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. The City and County of Honolulu (CCH), Department of Transportation Services (DTS), may be responsible for fulfilling additional requirements related to our program. We recommend that CCH-DTS and its consultant also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. An application for an individual Section 401 Water Quality Certification (WQC) authorized under Clean Water Act (CWA), Section 401; Hawaii Revised Statutes (HRS), Section 342D-53; and HAR, Chapter 11-54 is required for the subject project. Table 4-37 (Page 4-176 of DEIS) has identified that a Department of the Army (DA) CWA, Section 404 permit is anticipated. As discussed in Item No. 4.13.1 (page 4-128 of DEIS), the requirement of a DA Section 404 permit triggers the need for DOH's CWA, Section 401 WQC.

We were further informed at the meeting that a standard (individual) DA CWA, Section 404 permit is required for the placement of drilled shafts/piers in at least four (4) streams.

In addition, the construction of any drainage outfall and associated shore protection structures may also require the DA CWA, Section 404 permit and DOH Section 401 WQC coverage if the work is to be conducted below the high water mark.

Mr. Yoshioka

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2/3/2009

Section 401 WQC Application and Guidelines may be picked up at our office or downloaded from our website at:

<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/wqc-index.htm>

3. The CCH-DTS is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters authorized under CWA, Section 402; HRS, Chapter 342D; and HAR, Chapter 11-55. An NPDES permit is required for effluent discharges from the following activities and/or facilities:
 - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
 - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the start of the construction activities.**
 - c. Treated effluent from leaking underground storage tank remedial activities.
 - d. Hydrotesting water.
 - e. Construction site dewatering effluent.
 - f. Vehicles wash area(s).
 - g. Small Municipal Separate Storm Sewer System.

For certain types of discharges into Class A or Class 2 State waters, CCH-DTS may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form. The CCH-DTS must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:

<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/geni-index.html>

4. The CCH-DTS must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. CCH-DTS should submit a copy of their request for review by SHPD or SHPD's determination letter for the project along with CCH's NOI or NPDES permit application, as applicable.
5. The adequacy of the statement (Page No. 4-134 of DEIS) "[M]ost of the guideway, stations, and transit facilities are planned within roadway corridors and in non-wetland area. Therefore, no direct impacts to wetlands are expected for any of the Build Alternatives" and the statement (Page No. 4-135) that "[B]ecause no impact to wetlands are expected, no mitigation is expected to be required," needs to be re-evaluated. (Emphasis added)
 - a. The DEIS needs to discuss in details whether wetlands exist within the project construction and operation limits. There was no discussion on potential impacts to wetlands in the Water Resources Technical Report. Limited discussion regarding wetlands' presence is located in Item No. 4 of the "Natural resources Technical Report" and Page Nos. 4-128 and 4-130 of the DEIS. The potential indirect impact to the "spring-fed" wetland system in Kalauao adjacent to a segment of the project (and is currently used by the Sumida Watercress Farm) is identified in the DEIS.
 - b. Page No. 4-21 of the August 15, 2008 "Natural Resources Technical Report" indicated that Field investigation of wetlands along the proposed alignment was conducted in December 2007 and January 2008. But, there is no indication of whether a wetlands delineation was performed. Wetlands delineation and wetlands function shall be properly identified and mitigation measures proposed if adverse impacts to wetlands are "unavoidable." We acknowledge that Page No. 4-128 of the DEIS did indicate that "[I]f mitigation is required for fill placed in the wetlands, the project must comply with *Compensatory Mitigation for Losses of Aquatic Resources Final Rules*." However, under this situation, the CWB prefers to have the on-site compensatory mitigation measures that will address wetlands function replacement and acreage loss.
6. For water pollution control purposes, DEIS and associated technical reports should also include an assessment of potential adverse impacts to the quality of receiving State waters resulting from the construction site(s) storm water discharges (either directly or indirectly) into and construction activities within the State waters including perennial streams, intermittent streams, gulches, ditches, nature drainage ways, etc.

Mr. Yoshioka

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7. Prior to DOH's establishment of Total Daily Maximum Loads (TMDL) for CWA, Subsection 303(d) listed water bodies, discussion is needed on what types of Best Management Practices (BMPs) measures will be implemented during the project construction and operations period to ensure that there will be "**no net increase of loadings of pollutants of concerns**" for each of the listed streams, estuaries and embayments.

We note that Page No. 4-1 of the "Water Resources Technical Report," identified that many of the streams within the construction corridor are listed by the DOH as impaired water bodies under CWA, Subsection 303(d). Item No. 2.1.3 (Page No. 2-4) of the same report also indicated that "during the design phase of each section of the project area, a Permanent BMPs Technical Manual will be produced."

8. An Applicable Monitoring and Assessment Plan (AMAP) shall be properly established and implemented to adequately monitor and assess potential project construction related Short-term impacts and operations related long-term impacts.

An AMAP shall be properly designed and implemented to ensure the adequacy of the implemented BMPs measures and to demonstrate that the project construction and operations related activities do not cause applicable water quality criteria to be violated in the receiving State waters.

An AMAP should be developed using the Data Quality Objectives (DQO) planning process and include Quality Assurance (QA) and Quality Control (QC) methods to be used. The purpose and goal of the DQO process can be found at <http://www.hanford.gov/dqo>.

9. The CCH-DTS shall be informed that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the applicable State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact Mr. Ed Chen of the Engineering Section, CWB, at 586-4309.

Hazard Evaluation and Emergency Response Office (HEER)

The route of the fixed guide-way rail system goes through agricultural and industrial areas where soil contamination may be encountered during excavations for the system's construction. It is appropriate to conduct Phase I investigations of those properties with the potential for chemical contamination, and Phase II studies when necessary. This includes businesses associated with

Mr. Yoshioka
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automotive repair (oil and solvents), dry cleaning (chlorinated solvents), petroleum and petroleum products refining and storage (gasoline, diesel and other products), pesticide mixing and storage facilities (metals, dioxins, chlorinated pesticides/herbicides), etc.

A major component of potential contamination is the array of pipelines in the Iwilei District. There are also extensive areas of known contamination along Dillingham Boulevard and the rest of the Honolulu Harbor area. Great care should be taken when excavating along this route. Coordination with the HEER Office is imperative. The appropriate contact for the Iwilei District is Anna Fernandez. She can be reached through the HEER Office at 586-4249.

In summary, the City and its contractors should be in direct contact with the HEER Office to locate properties along the route already in the HEER Database. All Phase I reports, sampling plans, and Phase II reports should be reviewed by the HEER Office. Please call Richard Palmer at 586-0957 if you have any questions regarding the comments.

Indoor and Radiological Health Branch

Project activities shall comply with the Administrative Rules of the Department of Health, Chapter 11-46, Community Noise Control

Should there be any questions, please contact Russell S. Takata, Environmental Health Program Manager, Indoor and Radiological Health Branch, at 586-4701.

Built Environmental Working Group

The Hawaii Department of Health Built Environment Working Group (BEWG) is comprised of 20 representatives from 12 divisions within the Department holding as its overarching goal cross-programmatic collaboration. By implementing this approach, we intend to improve the health and safety of Hawaii residents through the promotion of healthy community design policies and practices.

Based on our review of the Honolulu High Capacity Transit Corridor EIS Review, the following are a listing of our recommendations and comments:

Recommendations:

Transit User Benefits Section: Recommendation is to include the health benefits of utilizing transit. (Summarized by Katie M. Heinrich, Ph.D.)

- Over time, physical activity levels have declined due to increased reliance on time-saving devices, and reduced physical demands of work, housework, and travel. This has created an energy imbalance (consuming more calories than are expended) resulting in higher obesity rates.¹ Rail transit has the potential for increasing physical activity, since most

trips begin and end with walking.²⁻³ As compared to people who do not use public transit, those using rail walk an additional 10.5 more minutes per day,⁴ with 1/3 of American transit users walking the recommended 30 minutes per day.² Even small increases in physical activity, such as a brisk walk of 15-20 minutes, help expend up to 100 calories per day, potentially attenuating weight gain for 90% of the population.⁴ By construction, light rail stops involve greater distance than bus stop, inviting more walking, and one round-trip rail commute involves an average of 4 walking trips each day.⁵ Rail use can also result in public health cost savings (e.g., \$12.6 million over 9 years for 9100 residents in Charlotte, NC;¹ or \$4800-\$6600 per person each year nationally⁴), development rights around rail stations and rights of way, increased land values, lower rates of injury and death, reductions in vehicular accident costs, reductions in air pollution, increased access to care, stress reductions, and reduced traffic congestion.^{1,2,4} It is imperative that the design of areas around and to rail stations is a collaborative effort between health, housing, transportation, and environmental advocates in order to create an attractive built environment that supports walking to destinations for everyday activities.^{3,5}

References

1. Stokes RJ, MacDonald J, Ridgeway G. Estimating the effects of light rail transit on health care costs. *Health Place* 2008;14:45-58.
2. Besser LM, Danneberg AL. Walking to public transit: steps to help meet physical activity recommendations. *Am J Prev Med* 2005;29(4):273-280.
3. Li F, Harner PA, Cardinal BJ, Bosworth M, Acock A, Johnson-Shelton D, Moore JM. Build environment, adiposity, and physical activity in adults aged 50-75. *Am J Prev Med* 2008;35(1):38-46.
4. Edwards RD. Public transit, obesity, and medical costs: assessing the magnitudes. *Prev Med* 2008;46:14-21.
5. Brown BB, Werner CM. A new rail stop: tracking moderate physical activity bouts and ridership. *Am J Prev Med* 2007;33(4):306-309.

Chapter 2, Page 2-20 states that it is "envisioned" that bicycles will be allowed on trains. Recommendation would be to plan for bikes to be allowed on trains as well as in the design of the transit stations. Light rail vehicles can be equipped with interior bike racks as achieved in other states. Visit http://www.vta.org/services/bikes.html#bikes_on_buses for additional information.

Chapter 3, Page 3-35 explains that each guideway vehicle would be designed to accommodate bicycles in "off peak hours". It is recommended that guideway vehicles be designed to accommodate bicycles at all times. The MOST important time to accommodate bicycles would be during peak hours.

It also states that several stations would be located at existing or planned bicycle facilities. Recommendation would be for all stations to have bike facilities. Bike stations that are installed

Mr. Yoshioka

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at transit stops provide transit users a safe, and secure location to store bikes. It can also provide opportunities for bike share and rentals, bike repair and encourages users who may travel longer distances to utilize transit knowing their bikes could be stored at the station. Visit <http://www.bikestation.org/>.

As mentioned on pages 3-43 to 3-44, allowing bikes on trains, as currently envisioned, would create a demand for bicycle lanes or routes near stations. Recommendation would be to plan for access and connections for bicycles to and from transit stations preferably as marked bike lanes or routes.

The discussion of existing bicycle and pedestrian facilities (3.2.5) does not mention that the bicycle facilities are also "sometimes narrow or not continuous" as they do mention for the pedestrian facilities. Please include this language in reference to bicyclists as well.

Chapter 4, page 4-93 states that "new vegetation" will be provided whenever trees must be displaced. Recommend that such vegetation should include the planting of new trees whenever feasible and as appropriate.

On visual impacts (Chapter 4), recommend providing visual simulations of the rail system between Halekauwila St. and Ala Moana Center. The height of the rail system is the issue. The Halekauwila St. intersection simulation looks like it runs 20 feet above grade, but does the height increase once it reaches Ala Moana Center? Also, any visual shots to show the project's effects on existing mountain-to-ocean view corridors, like Piikoi St. and Ward Ave, would be welcome.

Comments:

We appreciate the City Department of Transportation Services' willingness to coordinate with the City Department of Planning and Permitting TOD initiative, and that they will ask communities for input on station design elements. We recommend that:

- Each community along the proposed route have a sense of ownership of their neighborhood station
- Public outreach should continue throughout the design and construction phases, especially with regard to environmental justice areas

If the Airport route is chosen over the Salt Lake and combination options, recommend the DEIS provide more discussion on its connectivity with feeder bus routes.

- Based on Chapters 3 and 7, the Airport route appears to have higher ridership, need for fewer parcel acquisitions, fewer acres converted to transportation usage, and would be built on level, less hilly terrain.

Mr. Yoshioka
Page 9
2/3/2009

- The Airport route seems to be slightly less cost-effective than the Salt Lake option. However, the small difference appears to be made up by increased ridership.

Linkages between the train stops and local resources should be made apparent (e.g., schools, shopping, parks). Recommend these linkages be provided through visual simulation or GIS mapping.

Please call Heidi Smith at 586-4495 if have any questing regarding these recommendations and comments

General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project be adhered to.

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: Barry Fukunaga, Governor's Office
DDEH
OEQC
WWB
CWB
HEER
IRH
BEWG
EPO

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 10, 2006

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
ROBERT M. MARUDA
DEPUTY DIRECTOR
DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOAT AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
MAROGLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

C&CHTRANSPORTATION

LDNAV

Alfred A. Tanaka, P.E.
Acting Administrator
Department of Transportation Services
City and County Of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Tanaka:

Subject: Honolulu High Capacity Transit Corridor Project

Thank you for the opportunity to review and comment on the subject matter.

A copy of the document pertaining to the subject project was transmitted or made available to the following Department of Land and Natural Resources' Divisions for their review and comment:

- Division of Aquatic Resources
- Engineering Division
- Division of Forestry and Wildlife
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Land-Oahu District Land Office
- Special Project Coordinator Oahu Branch

Enclosed please find a copy of the Division of Aquatic Resources, Commission on Water Resource Management and Oahu District Land Office response.

Based on the attached responses, the Department of Land and Natural Resources has no other comment to offer on the subject matter.

Should you have any questions, please contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 587-0384.

Very truly yours,

RUSSELL Y. TSUJI
Administrator

C: ODLO

LINDA LINGLE
GOVERNOR OF HAWAII



RESOURCES:	
DIRECTOR	
COMM. FISH.	
AO RES/ENV	
AO REC	
PLANNER	
STAFF SVCS	
RCUW/UH	
STATISTICS	
AFFC/FED AID	
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LAND DIVISION

2005 DEC 29 A 9:30

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MGMT
HERBERT K. BEASLEY
DEPUTY DIRECTOR
DEAN NAKANO
ACTING DEPUTY DIRECTOR, WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
COASTAL AND ESTUARINE SCIENCES
CONSERVATION AND RESOURCES IMPROVEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 13, 2005
C&COTRANSIT

LD-NAV
Suspense Date: 12/28/05

MEMORANDUM:

TO: ✓ XXX Division of Aquatic Resources
XXX Office of Conservation and Coastal Lands
XXX Engineering Division
XXX Commission on Water Resource Management
XXX Oahu District Land Office
XXX Division of Aquatic Resources
XXX Special Projects Coordinator (ODLO)
XXX Division of Forestry and Wildlife



FROM: Russell Y. Tsuji, Administrator
Land Division

SUBJECT: Document Review (Draft)
Environmental Impact Statement Preparation Notice
Titled: Honolulu High Capacity Transit Corridor

Please review the attached document pertaining to the subject matter and submit your comments (if any) back to us on Division letterhead signed and dated by the suspense date.

If you have any questions, please contact Nicholas A. Vaccaro at 587-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

(✓) Comments attached.

Signed:

Date: 27 Dec. 2005

Name: Don Polhemus

Division: Aquatic Resources

Suspense Date: December 28, 2005

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii

MEMORANDUM

To: Dan Polhemus, Administrator *DP*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Draft Environmental Impact Statement Preparation
Notice

Comments Requested By: Russell Y. Tsuji, Land Division

Date of Request: 12/13/05 Date Received: 12/21/05

Summary of Project

Title: Honolulu High-Capacity Transit Corridor Project

Proj. By: C&C, Department of Transportation Services

Location: Various, Oahu

Brief Description:

The City & County of Honolulu Department of Transportation Services will be preparing an EIS to evaluate alternatives that would provide high-capacity transit service on Oahu. The primary study area is the travel corridor between Kapolei and the University of Hawaii at Manoa.

Comments:

We will review the DEIS when it is completed and comment on any significant impacts adverse to aquatic resource values at a later date. Specific impacts from some of the projects described cannot be identified at this time.

Many previous transportation proposals have been reviewed by our Division and comments have been provided. We do not expect any significant adverse effects on the aquatic environment from the future activities anticipated. However, when additional information about the projects becomes available, we would appreciate further opportunity to address any potential aquatic resources concerns.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

May 1, 2006

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Nami Ohtomo, Environmental Planner
Parsons, Brinckerhoff, Quade, and Douglas, Inc.
American Savings Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, HI 96813

Dear Ms. Nami,

The only species that Division of Aquatic Resources have any concerns about that are listed in Hawaii Revised Statutes Chapter 195D are whales, marine turtles and monk seals.

Although the City & County Study Area Maps describes briefly the proposed project, we suggest the forthcoming DEIS discuss in detail potential short term impacts and propose specific means for averting or minimizing adverse effects, and provide possible mitigation for unavoidable damage to natural resource values such as Best Management Practices and Water Quality Monitoring.

All proposed stream, shoreline and seaward activities in the vicinity should be adequately described in the DEIS and the Department should have the opportunity to review all project related effects to the aquatic environment. Crossings of drainageways or perennial freshwater streams necessary for the project should be adequately described in the DEIS

Specific impacts from some of the projects described cannot be identified at this time. Many previous transportation proposals have been reviewed by our Division and comments have been provided. We do not expect any significant adverse effects on the aquatic environment from the future activities anticipated. However, when additional information about the projects becomes available, we would appreciate further opportunity to address any potential aquatic resources concerns. We will review the DEIS when it is completed and comment on any significant impacts adverse to aquatic resource values at a later date.

Sincerely,

for Dan Polhemus, Administrator
Division of Aquatic Resources

LINDA LINGLE
GOVERNOR OF HAWAII



05 DEC 29 P3:53

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER Y. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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DEAN NAKARO
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AQUATIC RESOURCES
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KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 13, 2005
C&COHTRANSIT

LD-NAV
Suspense Date: 12/28/05

MEMORANDUM:

TO: XXX Division of Aquatic Resources
XXX Office of Conservation and Coastal Lands
XXX Engineering Division
✓ XXX Commission on Water Resource Management
XXX Oahu District Land Office
XXX Division of Aquatic Resources
XXX Special Projects Coordinator (ODLO)
XXX Division of Forestry and Wildlife

FROM: Russell Y. Tsuji, Administrator *[Signature]*
Land Division

SUBJECT: Document Review (Draft)
Environmental Impact Statement Preparation Notice
Titled: Honolulu High Capacity Transit Corridor

Please review the attached document pertaining to the subject matter and submit your comments (if any) back to us on Division letterhead signed and dated by the suspense date.

If you have any questions, please contact Nicholas A. Vaccaro at 587-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

✓ Comments attached.

Signed: *Edwin T. Saboda*

Date: DEC 23 2005

Name: *Edwin T. Saboda*

Division: *CWRM*

LINDA LINGUE
GOVERNOR OF HAWAII



PETER I. YOUNG
CHAIRPERSON
MEREDITH J. CHINO
JAMES A. FRAZIER
NEAL S. FUJIMURA
CHYONGE L. FUKINO, M.D.
LAWRENCE K. MIKE, M.D., J.D.
STEPHANIE A. WHALEN
DEAN A. NAKANO
ACTING DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809
DEC 23 2005

REF:

TO: Russell Tsuji, Administrator
Land Division
FROM: Dean A. Nakano, Acting Deputy Director *DAN*
Commission on Water Resource Management
SUBJECT: EISPN Honolulu High Capacity Transit Corridor
FILE NO.: C&CHTRANSIT

RECEIVED
LAND DIVISION
2005 DEC 23 P 4:21
DEPT. OF LAND
NATURAL RESOURCES
STATE OF HAWAII

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dln/cwrmi>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at www.hawaii.gov/dln/cwrmi/forms.htm.

- 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.
- 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.

DRF-LD 04/15/2005

- 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.

OTHER:

The Draft EIS should address whether bed or banks of streams would be affected by this project.

This project may require other agency approvals regarding wetlands, water quality, grading, stockpiling and floodways.

If there are any questions, please contact David Higa at 587-0240.

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION

2005 DEC 30 A 7 51



DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. NAKANO
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND AND RESERVE COMMISSION
LAND
STATE PARKS

December 13, 2005
C&COTRANSIT

LD-NAV
Suspense Date: 12/28/05

MEMORANDUM:

TO: XXX Division of Aquatic Resources
XXX Office of Conservation and Coastal Lands
XXX Engineering Division
XXX Commission on Water Resource Management
✓ XXX Oahu District Land Office
XXX Division of Aquatic Resources
XXX Special Projects Coordinator (ODLO)
XXX Division of Forestry and Wildlife

FROM: Russell Y. Tsuji, Administrator
Land Division *[Signature]*

SUBJECT: Document Review (Draft)
Environmental Impact Statement Preparation Notice
Titled: Honolulu High Capacity Transit Corridor

Please review the attached document pertaining to the subject matter and submit your comments (if any) back to us on Division letterhead signed and dated by the suspense date.

If you have any questions, please contact Nicholas A. Vaccaro at 587-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

We have no comments

Comments attached.

Signed: *Cecil Santos*

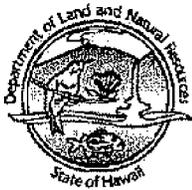
Date: 12/28/05

Name: Cecil Santos

Division: LAND - OAHU DISTRICT

ur

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 18, 2007

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Mr. Melvin N. Kaku, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Kaku:

Subject: Invitation to Participate in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project.

The Department of Land and Natural Resources, Historic Preservation Division and Division of Forestry and Wildlife will provide comments as the environmental review process information for historic sites and endangered species become available along this important transit corridor on Oahu. Other line Divisions of the Department may participate as appropriate following the review of the environmental document. Federal and State laws help protect historic sites and plant species in the State of Hawaii and we will determine the level and appropriateness of our participation based on the documents and surveys that will be included in the environmental impact statement preparation. Thank you for the opportunity to participate in this environmental review.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter T. Young".

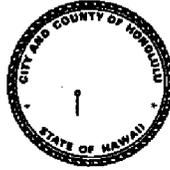
Peter T. Young
Chairperson

C: Division of Forestry and Wildlife
Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 98813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

February 1, 2008

RTD08-00020

Mr. Daniel S. Quinn, Administrator
Division of State Parks
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Quinn:

Subject: Section 6(f) Land and Water Conservation funds used on State Parks

The City and County of Honolulu Department of Transportation Services (DTS), in cooperation with the Federal Transit Administration, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The primary project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

Project staff will be getting in contact with you shortly to provide an overall briefing for the project. Project staff is in the process of reviewing possible park and recreational impacts for Section 4(f) of the Department of Transportation Act of 1966 and Section 6(f) of the Land and Water Conservation Fund Act of 1965 considerations. Attached is a list of parklands that may be directly impacted by the project as the project stands at this time. As the EIS engineering design work continues, refinements to the alignment may change these potential impacts. As our progress continues, the project team will coordinate a meeting with your staff to discuss any potential impacts that may occur.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over the typed name.

WAYNE Y. YOSHIOKA
Director

cc: Mr. Ted Matley, FTA Region IX

Enclosures: Map of Honolulu High-Capacity Transit Corridor Project Area
List of potential State parks impacted

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE

1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

April 2, 2008

Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

Russell Y. Tsuji
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR FOR
THE COMMISSION ON
WATER RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND MANAGEMENT
STATE PARKS

Mr. Darrell Sommerlatt
Environmental Scientist
Parsons Brinckerhoff, Inc
American Saving Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, Hawaii 96813

Dear Mr. Sommerlatt:

Subject: Request for Species List, Endangered Species Act, Honolulu High-Capacity Transit Corridor Project, Island of Oahu.

We appreciate the opportunity to comment on your subject request. DLNR, Division of Forestry and Wildlife know of three endangered plants that have historical significance in the Kapolei-Ewa plains area. Federal and state laws protect these plants and the identified genus-species are 1) *Chamaesyce skottsbergii* var. *skottsbergii* common name akoko, 2) *Achyranthes splendens* var. *rotundata* and 3) *Abutilon menziesii*. Please have a trained Botanist who is familiar with identifying these plants, survey your proposed transit corridor route to mitigate the potential impacts that this project may have on the endangered plants. ~~This information should be contained~~ in your draft EIS under flora and fauna survey. Thank you for the opportunity to comment your project.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul J. Conry".

Paul J. Conry
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 15, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City & County of Honolulu
650 South King Street 3rd Floor
Honolulu, Hawaii 96813

Attention: Ms. Stephanie Roberts

Gentlemen:

Subject: Honolulu High-Capacity Transit Corridor Project Participating Agency
Project Update

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of Boating & Ocean Recreation, Division of State Parks, Commission on Water Resource Management, Engineering Division, Land Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Morris M. Atta".

Morris M. Atta
Administrator



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 26, 2008

MEMORANDUM

TO: **DLNR Agencies:**
 ~~Div. of Aquatic Resources~~
 ~~Div. of Boating & Ocean Recreation~~
 ~~Engineering Division~~
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division – Oahu District/Keith/Gavin

FROM: Morris M. Atta *Maulea*
SUBJECT: Honolulu High-Capacity Transit Corridor Project
LOCATION: Island of Oahu
APPLICANT: City & County of Honolulu

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 14, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *8/29/08*
Date: *Elmthorpe*

2008 AUG 27 10:05 AM

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 8, 2008

MEMORANDUM

To: Morris M. Atta
Land Division

From: Daniel S. Quinn *[Signature]*
Division of State Parks

Subject: Honolulu High-Capacity Transit Corridor Project

By letter dated February 1, 2008, Wayne Yoshioka, Director of the Department of Transportation Services, City and County of Honolulu, we were informed that the proposed high-capacity transit service would potentially impact seven (7) park areas, one of which is 'Aiea Bay State Recreation Area (SRA), the only 6(f) protected park of the 7 park areas. 6(f) protection applies to areas acquired and/or developed using funds from the federal Land and Water Conservation Fund Program administered by the National Park Service. To comply with NEPA, the potential impacts of this corridor project to the existing pedestrian/biking path and to the wetland wildlife, among others, must be evaluated and considered in your planning. While it is unclear if there will be any taking of land from this park for the travel corridor, please be aware that any taking will be subject to NPS concurrence and a conversion. In a conversion, the park land must be replaced with new park land of equivalent recreational value and appraised value.

While the February 1, 2008 letter indicated that State Parks would be briefed on the project, no meeting has been scheduled to date to discuss this matter. We are available to further discuss the project particularly with respect to the potential impacts to 'Aiea Bay SRA relative to both 4(f) and 6(f).

We appreciate the opportunity to review and comment on the proposed project. Should you have questions, please feel free to contact Lauren Tanaka at 587-0293 or by email to: Lauren.A.Tanaka@hawaii.gov.

LAIKA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUIH
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOHOLA WILDLIFE RESERVE COMMISSION
LAND
STATE PARKS

RECEIVED
LAND DIVISION
2008 SEP 10 A 10:14
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA B. FIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RECEIVED



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

08 AUG 27 A 8: 23

COMMISSION ON WATER
RESOURCE MANAGEMENT

August 26, 2008

MEMORANDUM

From. TO:

- DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division - Oahu District/Keith/Gavin

0: FROM: Morris M. Atta *M. Atta*
 SUBJECT: Honolulu High-Capacity Transit Corridor Project
 LOCATION: Island of Oahu
 APPLICANT: City & County of Honolulu

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 14, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed: *W. C. Kawa*
 Date: 09/04/08

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION

2008 SEP -4 P 2:31
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809
September 4, 2008

LAURA H. THIELEN
CHAIRPERSON
MEREDITH J. CHING
JAMES A. FRAZIER
NEAL S. FUJIMURA
CHIYOME L. FUKINO, M.D.
DONNA FAY K. KIYOSAKI, P.E.
LAWRENCE H. MIKE, M.D., J.D.
KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

REF: Honolulu High-Capacity Transit Corridor

TO: Morris Atta, Administrator
Land Division
FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management
SUBJECT: Honolulu High-Capacity Transit Corridor Project
FILE NO.: NA
TMK NO.: NA

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrn>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/pp/index.htm>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

DRF-1A 06/19/2008

182

6. We recommend the use of alternative water sources, wherever practicable.
7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrm/resources_permits.htm.

8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water.
9. A Well Construction Permit(s) is (are) required any well construction work begins.
10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
12. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
13. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER:

If there are any questions, please contact Lenore Ohye at 587-0216.

LO:sd



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 26, 2008

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District/Keith/Gavin

FROM: Morris M. Attā *M. Attā*
SUBJECT: Honolulu High-Capacity Transit Corridor Project
LOCATION: Island of Oahu
APPLICANT: City & County of Honolulu

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 14, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *M. Attā*
Date: 9/4/08



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

MEMORANDUM

To: Morris M. Atta, Administrator

From: Keith Chun, Planning and Development Manager 

Date: September 4, 2008

Re: Honolulu High-Capacity Transit Corridor Project, Oahu, Hawaii

The following is in response to your request for comments dated August 26, 2008 regarding the City and County of Honolulu's High-Capacity Transit Corridor Project (the "Project").

The State of Hawaii Department of Land and Natural Resources ("DLNR") is the owner of two parcels of land in East Kapolei identified by Tax Map Key Numbers (1) 9-1-17:86 and (1) 9-1-18:05 (the "DLNR Lands"). According to Figures 2-5 and 2-15, one of the Project alternatives provides for a Fixed Guideway Alignment and a five-acre Park and Ride and Transit Center to be located within the DLNR Lands.

DLNR and the University of Hawaii – West O'ahu ("UHWO") have been negotiating an arrangement under which UHWO would develop the DLNR Lands in connection with the UHWO campus. While no formal agreement has yet been entered, DLNR and UHWO continue to work together on this arrangement.

Thank you for the opportunity to provide these comments.

cc: Mr. Gene Awakuni, Chancellor
University of Hawaii – West Oahu



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 26, 2008

MEMORANDUM

Handwritten: FROM: [circled] TO: [circled]

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Oahu District/Keith/Gavin

Handwritten signature: [Signature]

FROM: Morris M. Atta
SUBJECT: Honolulu High-Capacity Transit Corridor Project
LOCATION: Island of Oahu
APPLICANT: City & County of Honolulu

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 14, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments. *LD Development Team will provide comments.
- Comments are attached. provide comments.

Signed: *[Signature]*
Date: 8/27/08 *PL*

Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

September 15, 2008

MEMORANDUM

TO: Morris M. Atta, Administrator
Land Division

FROM: Paul J. Conry, Administrator
Division of Forestry and Wildlife



SUBJECT: Request for Comments: Honolulu High-Capacity Transit Corridor Project.

DOFAW has reviewed the subject project request for comments and provide the following for your consideration. Page S-1 – *Abutilon* is mentioned as “threatened,” but it is actually listed as “endangered” according to State and Federal law. The Habitat Conservation Plan (HCP) covers only the land included in the document, not within the surrounding land area. If additional plants are discovered outside the boundaries of the lands covered, then the transit corridor will need its own Habitat Conservation Plan. Finally, should a plant survey of the transit corridor show no endangered plants in the Kapolei-Ewa area, it does not mean no plants are present because plants have emerged following rainfall or scarification. Thank you for the opportunity to comment on this project.

RECEIVED
LAND DIVISION
2008 SEP 17 P 1:39
DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 22, 2008

City & County of Honolulu
Department of Transportation Services
650 South King Street 3rd Floor
Honolulu, Hawaii 96813

Attention: Ms. Stephanie Roberts

Gentlemen:

Subject: Honolulu High-Capacity Transit Corridor Project Participating Agency project Update

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to the Division of Forestry & Wildlife for their review and comment.

The Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Morris M. Atta".

Handwritten initials in cursive script, appearing to read "MMA".
Morris M. Atta
Administrator

Cc: Office of Planning

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274147

Honorable Laura Thielen, Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Thielen:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also pertinent Technical Reports for your review and comment. These Technical Reports include those regarding Natural Resources, Water Resources, and Ecosystems. The Technical Reports regarding Historic Resources, Archaeological Resources, and Cultural Resources were sent directly to the State Historic Preservation Division Office under separate cover.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Ms. Laura Thielen
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

- 1 CD containing the following:
 - Purpose and Need for the Project Alternatives
 - Natural Resources Technical Memorandum
 - Water Resources Technical Memorandum
 - Ecosystems Technical Memorandum

Miyamoto, Faith

From: Dan.Quinn@hawaii.gov
Sent: Wednesday, June 09, 2010 3:36 PM
To: Miyamoto, Faith
Subject: Re: FW: Honolulu Rail Project - Pacific War Memorial Site

Faith:

Other than that the land disposition will probably be an easement (which requires BLNR approval), I don't see any problems with your notes.

Dan

"Miyamoto, Faith" <fmiyamoto@honolulu.gov>

To <Dan.Quinn@hawaii.gov>

cc

06/09/2010 01:02 AM

Subject FW: Honolulu Rail Project - Pacific War Memorial Site

Hi Dan -

Do you have any comments on or corrections to the meeting notes that we put together regarding the Pacific War Memorial Site? We would like to finalize the notes and so we would like to know whether the notes are accurate. Thanks.

Faith

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

From: Miyamoto, Faith

Sent: Mon 6/7/2010 4:47 PM

To: 'Dan.Quinn@hawaii.gov';

'Stephen.L.Thompson@hawaii.gov'; 'CappyFasi@aol.com'; 'barry.w.cheung@hawaii.gov'

Cc: 'James Yamamoto'; 'zaref@pbworld.com'

Subject: RE: Honolulu Rail Project - Pacific War

Memorial Site

Hi Everyone -

Hope you all received my earlier email. I would like to receive any comments or corrections by tomorrow. Thanks in advance for your help in this matter.

Faith

6/9/2010

From: Miyamoto, Faith
Sent: Monday, June 07, 2010 9:35 AM
To: Dan.Quinn@hawaii.gov;
Stephen.L.Thompson@hawaii.gov; 'CappyFasi@aol.com'; 'barry.w.cheung@hawaii.gov'
Cc: 'James Yamamoto'; 'zaref@pbworld.com'
Subject: Honolulu Rail Project - Pacific War
Memorial Site

Hi Everyone -

Thank you for taking the time to meet with us to discuss the Pacific War Memorial Site. Attached is a summary of the meeting notes from the meeting with DLNR-Parks on June 2, 2010 and KMO-DAV on June 4, 2010 and the graphic we provided you at the meetings.

Please review the meeting notes and let me know if you have additions, comments, or corrections.

Faith Miyamoto
Department of Transportation Services
Rapid Transit Division
(808) 768-8350

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6/9/2010

AR00004652

From: Stephen.L.Thompson@hawaii.gov [mailto:Stephen.L.Thompson@hawaii.gov]
Sent: Tuesday, June 08, 2010 9:00 AM
To: Miyamoto, Faith
Subject: RE: Honolulu Rail Project - Pacific War Memorial Site

Faith,
I will not be adding any comments.
Thanks, Steve Thompson

"Miyamoto, Faith" <fmiyamoto@honolulu.gov>

06/07/2010 04:47 PM

To <Dan.Quinn@hawaii.gov>, <Stephen.L.Thompson@hawaii.gov>, <CappyFasi@aol.com>, <barry.w.cheung@hawaii.gov>
cc "James Yamamoto" <JimmyY@rmtowill.com>, <zaref@pbworld.com>
Subject RE: Honolulu Rail Project - Pacific War Memorial Site

Hi Everyone –

Hope you all received my earlier email. I would like to receive any comments or corrections by tomorrow. Thanks in advance for your help in this matter.

Faith

From: Miyamoto, Faith
Sent: Monday, June 07, 2010 9:35 AM
To: Dan.Quinn@hawaii.gov; Stephen.L.Thompson@hawaii.gov; 'CappyFasi@aol.com'; barry.w.cheung@hawaii.gov
Cc: 'James Yamamoto'; zaref@pbworld.com
Subject: Honolulu Rail Project - Pacific War Memorial Site

Hi Everyone –

Thank you for taking the time to meet with us to discuss the Pacific War Memorial Site. Attached is a summary of the meeting notes from the meeting with DLNR-Parks on June 2, 2010 and KMO-DAV on June 4, 2010 and the graphic we provided you at the meetings.

Please review the meeting notes and let me know if you have additions, comments, or corrections.

Faith Miyamoto
Department of Transportation Services
Rapid Transit Division
(808) 768-8350

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AR00004653

From: Barry.W.Cheung@hawaii.gov
Sent: Tuesday, June 08, 2010 8:17 AM
To: Miyamoto, Faith
Cc: CappyFasi@aol.com; Dan.Quinn@hawaii.gov; James Yamamoto; Stephen.L.Thompson@hawaii.gov; Zaref, Amy
Subject: Re: Honolulu Rail Project - Pacific War Memorial Site
Attachments: DLNR-Parks (June 2, 2010) and KMO-DAV Meeting Notes (June 4, 2010) .doc

Follow Up Flag: Follow up
Flag Status: Flagged

Morning, Faith
Just some minor revisions, thanks.

Barry Cheung
Land Division
Department of Land and Natural Resources
1151 Punchbowl Street, Suite 220
Honolulu, Hawaii 96813
Tel: (808) 587-0430
Fax: (808) 587-0455

"Miyamoto, Faith" <fmiyamoto@honolulu.gov>

06/07/2010 09:35 AM

To <Dan.Quinn@hawaii.gov>, <Stephen.L.Thompson@hawaii.gov>, <CappyFasi@aol.com>, <barry.w.cheung@hawaii.gov>
cc "James Yamamoto" <JimmyY@rmtowill.com>, <zaref@pbworld.com>
Subject Honolulu Rail Project - Pacific War Memorial Site

Hi Everyone –

Thank you for taking the time to meet with us to discuss the Pacific War Memorial Site. Attached is a summary of the meeting notes from the meeting with DLNR-Parks on June 2, 2010 and KMO-DAV on June 4, 2010 and the graphic we provided you at the meetings.

Please review the meeting notes and let me know if you have additions, comments, or corrections.

Faith Miyamoto
Department of Transportation Services
Rapid Transit Division
(808) 768-8350

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Note: The meeting notes were circulated amongst meeting participants on June 7, 2010. It was reviewed and commented on by Barry Cheung, O'ahu District Land Agent, DLNR by email on June 8, 2010 and Dan Quinn, Administrator, DLNR-Parks by email on June 9, 2010.

Honolulu High-Capacity Transit Corridor Project – Summary of Meeting to Discuss Pacific War Memorial Site June 2, 2010 at DLNR-Parks

Attendees:

- For the State: Dan Quinn, Department of Land and Natural Resources (DLNR-Parks); Barry Cheung, DLNR-Land Division
- For the City: Faith Miyamoto, Department of Transportation Services, City (DTS); Amy Zaref, PB Americas; Jimmy Yamamoto, R.M. Towill

Purpose of the meeting: Meet with DLNR-Parks to discuss Project effects and mitigation on the Pacific War Memorial Site

The following items were discussed:

Project Effect on the Pacific War Memorial Site: The Project will traverse the property near the mauka property line next to Nimitz Highway and grade separated ramps for the H1 Freeway. On the property, the Project guideway will be approximately 30 feet wide, between 30 to 35 feet high, and elevated above approximately 0.5 acre of land. The guideway will be constructed on approximately three columns that will be about 6 feet in diameter each, which will result in the use of approximately 150 square feet of the property. The area where the three guideway columns will be constructed is generally where the elevated guideway will pass over the property is not used for memorial or recreational activities and is in an area where there are existing utility easements.

Noise analysis conducted for the Project compared the measured existing noise level and future project noise. There will be no noise impact on the property.

DLNR-Parks noted that there will be visual impacts from the Project on mauka views (from the area obelisk) and on the view of the obelisk when turning into the property from the property entrance road. The City noted that the Final EIS discloses visual impacts and mitigation. The City and DLNR-Parks discussed that the mauka views from the property are already obscured by the highway and freeway ramps.

The guideway columns are located as close to Nimitz Highway and the H1 Freeway as possible to minimize impact to the property. However, the Project will affect trees, the property's fence and landscaping along the mauka property boundary.

Property Ownership and Management:

- DLNR-Parks has jurisdiction of the subject State land over its use.
- KMO-DAV is a nonprofit organization with oversight over the facility; Ke'ehi Lagoon Memorial Committee (KLMMC) manages the daily operations of the multi-use facility.
- KMO-DAV can make improvements to the facility described in the property master plan without the concurrence of DLNR-Parks, because DLNR-Parks previously reviewed the amended master plan

- The type of real property instrument and process for using DLNR property for the Project was also discussed. DLNR expressed their preference to have easement agreements by section/area. The Project right-of-way team will meet with DLNR to discuss easement agreement options. The City noted that easement agreements will not be executed until after the record of decision in accordance with FTA's NEPA regulations.

Mitigation of Project Effect: The following mitigation measures, as discussed with DLNR-Parks, will be implemented by the City during design and construction:

- The City will relocate and replant any affected trees and/or landscaping in the area disturbed by construction on the property.
- The fence along the mauka edge of the property will be replaced, with "security fencing" as feasible based on the request of KMO-DAV
- Access to the property will be maintained during construction in accordance with the Project's maintenance of traffic and safety plans.
- During construction, the work area will generally be limited to the area under the guideway.
- After construction, the property will be restored in consultation with KMO-DAV.
- The City will coordinate with the KMO-DAV to develop a landscaping and planting plan to replace vegetation and trees disturbed during construction.
- Coordination with KMO-DAV will continue during final design and construction.

Conclusions and Next Steps: The memorial obelisk and Japanese garden are closer to Nimitz Highway and the Project will not affect the mauka views from this area of the property since they are already obscured by the highway ramps. Based on the discussion of the Project and its impacts, DLNR-Parks agreed that since most of the recreational features are on the portion of the property near the water and the obelisk and Japanese Garden are already near the highway and freeway ramps, the Project will not affect the property's recreational activities, features, and attributes.

DLNR-Parks requested that the City meet with KMO-DAV to discuss the Project since it defers to that organization for the day-to-day management of the property.

Note: The meeting notes were circulated amongst meeting participants on June 7, 2010. It was reviewed and commented on by Stephen Thompson, DLNR-Parks by email on June 8, 2010 and Cappy Fasi, KMO Consultant by email on June 8, 2010.

Honolulu High-Capacity Transit Corridor Project – Summary of Meeting to Discuss Pacific War Memorial Site June 4, 2010 at Pacific War Memorial Site

Attendees :

- For the State and the Pacific War Memorial Site: Stephen Thompson, Department of Land and Natural Resources (DLNR-Parks); Cappy Fasi, Keehi Memorial Organization (KMO) Consultant; Bob Freitas, Chair, Keehi Lagoon Memorial Committee (KLMMC) ; Joe McCloskey, KLMMC Vice Chair
- For the City: Faith Miyamoto, Department of Transportation Services, City (DTS); Amy Zaref, PB Americas; Jimmy Yamamoto, R.M. Towill

Purpose of the meeting: Meet with KMO-DAV to discuss Project effects and mitigation on the Pacific War Memorial Site

The following items were discussed:

Project Effect on the Pacific War Memorial Site: The Project will traverse the property near the mauka property line next to Nimitz Highway and the grade separated H1 Freeway ramps. On the property, the Project guideway will be approximately 30 feet wide, between 30 to 35 feet high, and elevated above approximately 0.5 acre of land. The guideway will be constructed on approximately three columns that will be about 6 feet in diameter each, which will result in the use of approximately 150 square feet of the property. The area where the three guideway columns will be constructed is generally where the elevated guideway will pass over the property. This is in an area not used for memorial or recreational activities and is in an area where there are utility easements.

The guideway columns are located as close to Nimitz Highway as possible to minimize impact to the property. However, the Project will affect trees, the property fence and landscaping along the mauka property boundary.

Noise analysis conducted for the Project compared the measured existing noise level and future project noise. There will be no noise impact at the property

KMO-DAV expressed their support for the Project and the desire to continue coordination with the City during final design and construction. KMO-DAV requested that the City limit construction on weekend evenings to minimize disruption. KMO-DAV expressed this concern because they are a self sustaining facility and rely on the fees received for rental of their buildings and properties for parties, community events and weddings. KMO-DAV expressed their concern about security of the property, especially in the evening since this is a common location for transients. The City will coordinate with KMO-DAV during final design to replace fencing on the mauka property line and on the utility bridges with "security fencing" as feasible. KMO-DAV noted that the Project will have minimal impact on views towards the mountains because those views are already impacted by the highway and freeway ramps.

Mitigation of Project Effect:

The following mitigation measures will be implemented by the City during design and construction:

- The City will relocate and replant any affected trees and/or landscaping in the area disturbed by construction on the property.
- The fence along the mauka edge of the property will be replaced.
- Access to the property will be maintained during construction in accordance with the Project's maintenance of traffic and safety plans.
- During construction, the work area will be generally limited to the area under the guideway.
- After construction, the property will be restored in consultation with KMO-DAV.
- The City will coordinate with the KMO-DAV to develop a landscaping and planting plan to replace vegetation and trees disturbed during construction.
- Coordination with KMO-DAV will continue during final design and construction.

The following mitigation measures were discussed and will be implemented by the City based on discussions with KMO-DAV:

- The City will coordinate with HDOT regarding the installation of secure fencing from the ground to the elevated Nimitz Highway at the mauka end of the property. The City will also evaluate the potential for flooding in the design of the fence and coordinate with appropriate regulatory agencies. Fence design may be dictated by other agency requirements.
- The City will evaluate the feasibility on installing marine fences on the two utility bridges connecting the site to the paintball property to further secure the site.
- The City will coordinate with KMO-DAV prior to construction to minimize effects during construction on weekend evenings when the site is used for community events.

Conclusions and Next Steps: The memorial obelisk and Japanese garden are closer to Nimitz Highway and the Project will not affect the mauka views from this area of the site since they are already obscured by the highway ramps. Based on the discussion of the Project and its impacts, KMO-DAV agreed that since most of the recreational features are on the portion of the site near the water and the obelisk and Japanese Garden are already near the highway and freeway ramps, the Project will not affect the site's recreational activities, features, and attributes.

The City will provide meeting notes to DLNR-Parks and KMO-DAV. The City will send meeting notes to DLNR-Parks and KMO-DAV for comments or corrections.

Note: A meeting was held with KMO-DAV on June 4, 2010 (meeting notes below)



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Melanie Chinen
Hawaii DLNR - State Historic Preservation Division
PO Box 621
Honolulu, HI 96809

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Ms. Chinen:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. 5.1008.5

If you elect to become a participating agency, you must accept this invitation in writing. The acceptance may be transmitted electronically to Ted Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written responses to this invitation are not due until after the interagency scoping meeting, scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Written responses accepting designation as participating agencies should be transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supersedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Ms. Laura H. Thielen
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamckila Boulevard
Kapolei, Hawai'i 96707

DTS
 TRANS PLANNING
 JAN 7 11 51 AM '07

RE: Honolulu High-Capacity Transit Corridor
Project Coordination on Determination of Area of
Potential Effect

Dear Ms. Thielen:

The City and County of Honolulu Department of Transportation Services (DTS) and the U.S. Department of Transportation Federal Transit Administration (FTA) are in the process of defining the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project in accordance with 36 CFR 800.16(d).

The project will include the construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. In addition to the guideway and stations, the project will include construction of a transit vehicle maintenance facility, several park-and-ride lots, traction power sub-stations, and improvements to the bus system to interface with the fixed guideway system. The attached map illustrates the extent of the planned system, including two optional sites for the maintenance facility. Planning and environmental review is being completed for the project extents; however, anticipated funding is only available for completion of the First Project, which would extend from the vicinity of the planned University of Hawai'i at West O'ahu to Ala Moana Center. This portion of the overall project is anticipated to be completed and operational by 2018, while the schedule for any future extensions is indeterminate.

Pending your comment, the APE for the project is proposed to include the following:

- For **Archaeological Resources**, the APE is proposed to be all areas of direct ground disturbance. This would include any areas excavated for the placement of piers to support the elevated structure and foundations for structures, or graded to provide parking. Confining the Archaeological Resources APE to the limits of ground disturbance is warranted because the surrounding built environment is largely developed, becoming progressively more urban as the project progresses Koko Head. As a result of the existing level of development, construction of the elevated guideway would not generate secondary effects, such as visual, atmospheric, or audible elements, that could diminish the integrity

of archaeological resources. Accordingly, direct construction impacts to known and as-yet-
unidentified archaeological resources are the concern.

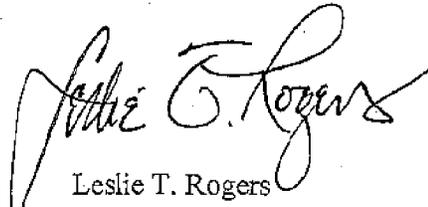
- For **Historic Resources**, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of stations, park-and-ride facilities, and maintenance and storage facility alternatives, the coverage of the APE is proposed to include the entire blocks on which the stations or facilities are located, to a maximum of 500 feet from the project element where there is no defined block. Similarly, for portions of the alignment within or adjacent to historic districts, the APE is proposed to extend one block, rather than one parcel deep.

Direct construction impacts to known and as-yet-unsurveyed historic resources are the main concern. Alterations to the setting of historic resources (where the setting is a qualifying characteristic of its eligibility for the National Register) are also addressed in the above definition of the APE. Since stations, park-and-ride facilities, and the maintenance facility could have a greater effect, the APE is larger around them. It is also larger where the alignment is in or near an eligible historic district because of the potential greater importance of setting to historic districts.

Once the project's APE has been defined, consultation will continue with your office regarding identifying historic properties within the APE.

If you have any questions, please call Ted Matley, FTA Transportation Representative, at (415) 744-2590. Thank you.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures:

Map of Honolulu High-Capacity Transit Corridor Project

Compact disc containing detailed maps of the proposed APE for historic resources

cc: Administrator, State Historic Preservation Division

→ Mr. Toru Hamayasu, DTS (w/o enclosures)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
691 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THEILSN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
MANAGEMENT AND WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUIH
FIRST DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION OF WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES DEVELOPMENT
DIVISION
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPOLEI AND ISLAND RESOURCE COMMISSION
LAND
STATE PARKS

February 4, 2008

Ms. Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
Region IX
201 Mission Street
Suite 1650
San Francisco, California 94105-1839

LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

Dear Ms. Rogers:

**SUBJECT: Section 106 Coordination
Honolulu High-Capacity Transit Corridor Project Determination of Area of
Potential Effect
TMK: (1)-various**

This letter acknowledges your transmittal of December 26, 2007, received in our Kapolei office on January 8. Through consultation with the City and County of Honolulu Department of Transportation Services and the U.S. Department of Transportation Federal Transit Administration and in accordance with 36 CFR 800.16(d), the proposed project area of potential effect (APE) is outlined for consideration. SHPD staff has participated in site visits of the proposed route on November 14, 2007 and January 10, 2008 with Mason Architects, Inc. and other interested parties.

The proposed project is for construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. The scope of work includes the guideway, transit stations, a transit vehicle maintenance facility (two optional sites), park-and-ride lots, traction power sub-stations, and improvements to the existing bus system. The first phase of the project, from the planned University of Hawai'i at West O'ahu to Ala Moana Center, is anticipated for completion by 2018, with future extensions as yet indeterminate.

Upon review of the proposed APE, for archaeological resources, in addition to all areas of direct ground disturbance, the area of potential effect should include a greater area, to be determined through consultation with native Hawaiian organizations, as well as other knowledgeable individuals of the community, to account for any visual effects the proposed undertaking may have on traditional cultural properties (TCP's). We suggest consulting native Hawaiian organizations and other knowledgeable community members to identify any traditional cultural properties that may be adversely affected by the proposed undertaking.

Ms. Leslie T. Rogers, Regional Administrator
Federal Transit Administration
Page 2 of 3

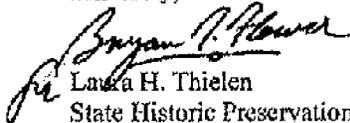
LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

For historic architectural resources of the built environment, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of transit stations, park-and-ride lots, and maintenance and storage facilities, the APE is proposed to extend the entire block on which stations or facilities are located or to a maximum of 500 feet in less developed areas. For portions of the proposed alignment within or adjacent to historic districts, the APE will also extend one block, rather than one parcel, deep.

Whereas it regards the potential impact of direct construction and alteration to local historic built contexts, these will be determined following an ongoing survey of resources. The SHPD acknowledges that consultation will now proceed to identify and consult on individual historic properties within the identified APE.

The SHPD concurs with the Federal Transit Administration's identified area of potential effect and its due consideration of historic architectural and archaeological resources. Thank you sincerely for the opportunity to comment. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman, regarding architectural matters, or Teresa E. Davan, regarding archaeological matters, in our O'ahu office at (808) 692-8015.

Sincerely,


Laura H. Thielen
State Historic Preservation Officer and Chairperson

AMBL:

U.S. Department of the Interior, National Park Service

Dr. Elaine Jackson-Retondo, Architectural Historian, Architectural Resources Team, Specific
Great Basin Support Office, 1111 Jackson Street, Suite 700, Oakland, California 94607-
4807

Frank Hays, Director, Pacific West Region-Honolulu, West Regional Office, 300 Ala Moana,
Blvd., Room 6-226, Honolulu, Hawaii 96850

National Trust for Historic Preservation

Elizabeth S. Merritt, Deputy General Counsel, Law Department, 1785 Massachusetts Avenue
N.W., Washington, D.C. 20036

Anthea Hartig, Director, The Hearst Building, 5 Third Street, Suite 707, San Francisco,
California 94103

Anthony Veerkamp, Senior Program Officer, The Hearst Building, 5 Third Street, Suite 707,
San Francisco, California 94103

Historic Hawaii Foundation

Kiersten Faulkner, Executive Director, P.O. Box 1658, Honolulu, Hawaii 96806

Ms. Leslie T. Rogers, Regional Administrator
Federal Transit Administration
Page 3 of 3

LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

Advisory Council on Historic Preservation

Don L. Klina, Director (Eastern and Western Offices), Eastern Office (EO), 1100
Pennsylvania Avenue N.W., Suite 803, Washington, D.C. 20004

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274151

Ms. Pua Aiu, Administrator
State Historic Preservation Division
State Department of Land and Natural Resources
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Dear Ms. Aiu:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also pertinent Technical Reports for your review and comment. These Technical Reports include those regarding Historic Resources, Archaeological Resources, and Cultural Resources.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

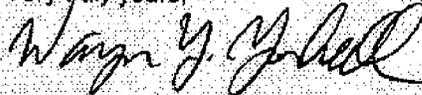
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Ms. Pua Aiu
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

- 1 CD containing the following:
 - Purpose and Need for the Project
 - Alternatives
 - Historic Resources Technical Memorandum
 - Archaeological Resources Technical Memorandum
 - Cultural Resources Technical Memorandum

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8306 • Fax: (808) 529-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276186

The Honorable Laura Thielen, Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, SHPD Administrator

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project

The City and County of Honolulu Department of Transportation Services (DTS), in cooperation with the U.S. Department of Transportation Federal Transit Administration (FTA), is evaluating the impacts of a high-capacity transit system on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa (UH Mānoa).

Enclosed for your review and concurrence, please find the Determinations of Eligibility for the Honolulu High-Capacity Transit Corridor Project. These determinations were completed in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and the State of Hawai'i Revised Statutes (HRS), Chapter 6E, which addresses projects funded or permitted by state or county agencies. Thirteen consulting parties were invited to participate in the Section 106 process and to assist in the identification of historic built resources. The enclosed eligibility determinations cover the portion of the study corridor between East Kapolei and Ala Moana Center, which would be affected by the Project currently under development.

In order to fulfill the letter and spirit of the Section 106 process, DTS in consultation with the State Historic Preservation Division, established an Area of Potential Effects (APE) that included all properties one tax map lot deep flanking the proposed project corridor. Architectural historians assessed these parcels for the presence of resources that were previously listed in or determined eligible for listing in the National Register of Historic Places. Remaining resources that were constructed before 1969 were also identified and evaluated for eligibility for listing in the National Register. A range of resource types was encountered and included residential, commercial, military, and sacred architecture and historic landscape features. Resources were evaluated on forms that include photographs, brief architectural descriptions, and significance and integrity evaluations. In all, 626 resources or potential districts constructed before 1969 were newly identified, and DTS is recommending that 79 are eligible for listing in the National Register.

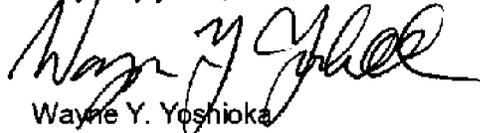
The Honorable Laura Thielen, Chairperson
Page 2
August 25, 2008

Please direct any formal written comments to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If you would like project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting.

Very truly yours,

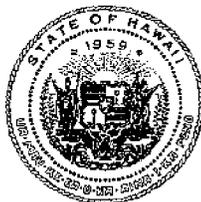


Wayne Y. Yoshioka
Director

Enclosures

cc: Ms. Astrid Liverman, Acting Architectural Branch Chief
Mr. Raymond Sukys, Federal Transit Administration, Region IX
U.S. Department of the Interior, National Park Service
-- Mr. Frank Hays, Director, Pacific West Region-Honolulu
-- Dr. Elaine Jackson-Retondo, Architectural Historian,
Architectural Resources Team
National Trust for Historic Preservation
-- Ms. Elizabeth S. Merritt, Deputy General Counsel
-- Ms. Anthea Hartig, Director and Mr. Anthony Veerkamp,
Senior Program Officer
Historic Hawaii Foundation
-- Ms. Kiersten Faulkner, Executive Director
Advisory Council on Historic Preservation
-- Ms. Kelly Yasaitis Fanizzo, Historic Preservation Specialist

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUII
FIRST DEPUTY

KEN C. KAWAHARA
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 26, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2008.3762
DOC NO: 0809AL44
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor
Purpose and Need for the Project and Alternatives Chapters, Draft
Environmental Impact Statement
Technical Report: Historic Resources
Island of O'ahu
TMK: (1) (various)**

This is in response to your transmittal, dated August 18 and received in our office on August 22, 2008. Thank you for providing the opportunity to comment on the draft Historic Resources Technical Report, dated August 1, as well as confidential, intergovernmental advance portions of the draft Environmental Impact Statement. Our office requested to postpone our response until after our September 19 project update and coordination meeting with staff from Parsons Brinckerhoff, Mason Architects Inc., and other stakeholders. This slight delay enables us to incorporate useful information from that meeting into our response.

The proposed project covers the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. Complete analysis of the historic resources and determination of effect for the University of Hawaii, West Kapolei, and Waikiki spurs have not been fully addressed in the documentation, as those portions of the project are not yet funded and will be subject to additional consultation at a future time. Consultation between the Federal Transit Administration, State Historic Preservation Officer, and other consulting and concurring parties will result in a Memorandum of Agreement regarding the proposed undertaking's impact to architectural resources.

The State Historic Preservation Division (SHPD) has several comments that it would like to offer for consideration at this time:

Table S-1: Summary of Identification, Evaluation, and Effects—Historic Resources (p. S-2) presents the findings of the number of State or National Register of Historic Places listed, known eligible, or evaluated eligible resources, numbering in total 119 if both the Salt Lake and Airport segments are completed. However, the summary only indicates a total of six resources for which the FTA proposes a determination of adverse effect due to demolition. The SHPD does not concur with this preliminary determination that adverse effects for this project are limited to those six resources. The Historic Hawai'i Foundation expressed the same concern in their letter of September 15, specifically regarding

construction passing over historic bridges, indirect impacts, and individual listed resources and districts. Examples of indirect impacts would include those to landscapes such as the Sumida Watercress Farm and 'Aiea Plantation Cemetery, and to individual resources such as the PetsWell Animal Hospital designed by locally renowned architect Vladimir Ossipoff.

However, our discussion indicated that the Federal Transit Administration has not yet completed its review for effect determinations pending our office's response to individual eligibility determinations. In a separate transmittal shortly forthcoming, the SHPD will comment in more detail regarding the findings of the technical report in relation to the eligibility determinations submitted for individual resources. We appreciate the amount of substantive research that characterizes the submitted documentation.

Furthermore, we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including viewsheds *makai to mauka*, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation.

·Based on new information emerging regarding resources in the vicinity of former Marine Corps Air Station 'Ewa Field, additional consideration should be given to resources, if any, in the area of potential effect associated with the December 7, 1941 attack. Please further qualify the description of MCAS 'Ewa (p. 4-2), for which a few resources remain extant (p. 4-8). Ongoing consultation with the Navy regarding the transfer of parcels in this area to a private developer has recently revealed the necessity for more thorough investigation as to the status and eligibility of these resources. This includes the MCAS 'Ewa runways (p. 4-10), which should be evaluated in accordance with the National Park Service bulletin, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*.

·In response to the description of proposed station characteristics and potential siting (pp. 2-19-31), the SHPD suggests in the next few months, as more information comes available, engaging in a site visit to better visualize scale and setting at these locations. We are also interested in additional information regarding the dimensions and materials of the stations and how stations will be individualized to harmonize with the local character of a neighborhood or site. Staff from Parsons Brinckerhoff has very helpfully provided CADD renderings of the corridor at locations including the Nu'uuanu Stream Bridge, and we would be interested in similar visuals for the proposed stations.

Regarding the image (fig. 2-41) depicting the installation of a traction power substation, we would like to inquire as to whether there will be an effort to provide a design component to these mechanical features/support facilities so that they better harmonize with the local character of their setting.

·Please clarify as to whether the Advisory Council on Historic Preservation is formally participating in this consultation. It is also our understanding that the National Trust for Historic Preservation and Hawaii's Thousand Friends have expressed interest in participating in consultation. As such, they should be included in the list figured on pp. 2-4-5.

·Due to the stated importance (p. 2-4) of the Chinatown National Register district's historic connection with the waterfront, we believe that the placement of the transit corridor will result in an adverse effect on that district, although planners have made distinct efforts to minimize that harm. As a result, the updating of the Chinatown NRHP nomination would constitute appropriate mitigation.

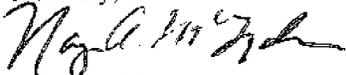
Regarding mitigation, the SHPD strongly supports the suggestions offered by the Historic Hawai'i Foundation as proportional to the direct, indirect, and cumulative impacts of the corridor. These include: public access to documentation; National Register updates and nominations; City and County of Honolulu certified local government designation; Main Street program development; restoration of historic Irwin Park; and context sensitive design solutions. In compliment, the SHPD would like to add, in terms of public access to documentation, that digitization of our office's O'ahu Island inventory would contribute to the National Conference of State Historic Preservation Officers' ongoing effort to promote a comprehensive, nationwide historic resources inventory. Additionally, if historic as well as contemporary Sanborn Fire Insurance maps could be provided to our office, it would enhance the SHPD's future ability to accurately review projects on O'ahu as well as contribute to the availability of this type of documentation to the public.

The draft Technical Report also offers suggestion of forms of mitigation, including Historic American Building Survey documentation. The statement on p. 6-2, however, should be clarified: "All of this documentation would be provided to SHPD, who would have a role in coordinating and completing this effort." While our office would act as a repository for mitigation documentation, due to understaffing, we would not be able to take an active role in completing any documentation. Other suggestions include interpretive signage, cultural landscape reports, historic context reports, and multiple property NRHP submissions. Our office appreciates all of these suggestions, which along with those offered by Historic Hawai'i Foundation, should be actively considered as consultation continues. Regarding cultural landscape reports, it would be appropriate, given the overall adverse effect of the project (p. 5-9), to complete a report that extends the length of the corridor.

To confirm from our meeting, the final EIS will include the list of properties proposed to be acquired or demolished as well as identify the preferred alternative regarding the Salt Lake Boulevard and Airport routes. This information will aid in ongoing discussion regarding mitigation commitments.

Thank you for the opportunity to comment. Comments from our Archaeology and History and Culture branches will be sent under separate cover. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman in our O'ahu office at (808) 692-8015.

Sincerely,



Nancy A. McMahon
Deputy State Historic Preservation Officer

AMBL:

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]

U.S. Department of the Interior, National Park Service

Frank Hays, Director, Pacific West Region-Honolulu [email]

Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]

National Trust for Historic Preservation

Brian R. Turner, Law Fellow, Western Office [email]

Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]

Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]

Mr. Wayne Yoshioka, Director
Department of Transportation Services
Page 4 of 4

LOG NO: 2008.3762
DOC NO: 0809AL44

Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004

Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813

Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]

Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
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COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 3, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2008.3917
DOC NO: 0810AL02
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor
Eligibility Determinations
Island of O'ahu
TMK: (1) (various)**

This is in response to your transmittal, dated August 25 and received in our office on September 2, 2008. The submitted determinations of eligibility for structures along the proposed Honolulu High-Capacity Transit Corridor include all properties one tax map lot deep flanking the corridor. Professional architectural historians (Mason Architects Inc.) assessed all resources constructed before 1969, including residential, industrial, commercial, military, and sacred resources as well as historic landscape features. Inventory forms provided photographs, brief architectural descriptions and significance and integrity evaluations. A total of 626 resources were identified and 79 presented as listed on or eligible for listing on the National Register of Historic Places in accordance with the National Park Service criteria. We appreciate the amount of substantive research that characterizes the submitted documentation.

Determinations pertain to the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. Complete analysis of the historic resources and determination of effect for the University of Hawaii, West Kapolei, and Waikiki spurs have not been fully addressed in the documentation, as those portions of the project are not yet funded and will be subject to additional consultation at a future time.

The State Historic Preservation Division (SHPD) generally concurs with the determinations provided, although we have some concerns regarding the potential eligibility of some additional properties. Following our September 19 meeting with project coordinators, we did have the opportunity to discuss our preliminary review of the eligibility documentation with staff of Mason Architects, who were subsequently extremely helpful in providing additional photographs of specific properties.

At this time and based on those photographs, we would like suggest that the following additional properties be considered potentially eligible as good examples of representative local building typologies; rural landscape, vernacular structure, and pre-stress engineering accomplishment respectively:

-Waipahu-'Aiea Segment

94-526 Farrington Highway (1956)—Ishira House

94-143 Pupukahi Street (1965)—Terahira Apartments

94-1031 Kahuamoku Street (1965)—Carvalho Apartments
94-965 Awane'i Street (1956)—Ohara Apartments
94-1066 Awaiki Place (1959)—Sandobal House
96-121 Waiawa Road—Watercress of Hawaii
96-135 Kamehameha Highway (1937)—Solmirin House

Kalihi-Ala Moana Segment

1441 Kapiolani Boulevard (1959)—Ala Moana Building

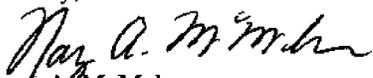
Some buildings we would appreciate further photographed for our state historic resource inventory are:

606 Coral (1963)
975 Queen Street (1941)—Tropical Lampshade
1209 Kona Street (1943)—Honolulu Hardwoods

Finally, based on new information emerging regarding resources in the vicinity of former Marine Corps Air Station 'Ewa Field, additional consideration should be given to resources, if any, in the area of potential effect associated with the December 7, 1941 attack. Please further qualify the description of MCAS 'Ewa (p. 4-2), for which a few resources remain extant (p. 4-8). Ongoing consultation with the Navy regarding the transfer of parcels in this area to a private developer has recently revealed the necessity for more thorough investigation as to the status and eligibility of these resources. This includes the MCAS 'Ewa runways (p. 4-10), which should be evaluated in accordance with the National Park Service bulletin, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*.

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman in our O'ahu office at (808) 692-8015.

Sincerely,



Nancy A. McMahon
Deputy State Historic Preservation Officer

AMBL:

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]
U.S. Department of the Interior, National Park Service
Frank Hays, Director, Pacific West Region-Honolulu [email]
Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]
National Trust for Historic Preservation
Brian R. Turner, Law Fellow, Western Office [email]
Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]
Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]
Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004
Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813
Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]
Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

LINDA LINGLE
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LAURA H. THIELEN
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 2, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai'i 96813

Subject: Honolulu High Capacity Transit Corridor Project (City and County of Honolulu)
Draft Environmental Impact Statement/Section 4(f) Evaluation

Dear Mr. Yoshioka:

Thank you for the opportunity to review the above-referenced submittal received November 2008, regarding improved transportation equity in the corridor between Kapolei and the University of Hawai'i at Manoa on the island of Oahu. After review by the Department of Land and Natural Resources (DLNR), division comments have been compiled. The following is representative of the State Historic Preservation Division, the Commission on Water Resource Management and Division of Aquatic Resources, the Division of Engineering, Land Management, the Division of Forestry and Wildlife, and State Parks.

I. Historic Preservation

The State Historic Preservation Division (SHPD) disagrees with the Federal Transit Administration (FTA) that this project will have "no adverse effect" on known and potentially unknown historic properties, potential burial sites, cultural landscapes and traditional cultural properties. The FTA's determination has the potential to eradicate over 80 potentially eligible known sites and overlooks impacts existing viewplanes in Ewa, Chinatown and to individual properties. Additionally, the SHPD has concerns about the treatment of potential burials and archaeological sites, including cultural layers that may be found during the archaeological inventory phase. To date the State Historic Preservation Officer has not concurred the FTA's determination.

A. Architecture: The Architecture Branch provides documents on the draft Historic Resources Technical Report on September 26, 2008 (2008.3762/0809AL44). On December 17, 2008, the SHPD Architecture Branch participated in a workshop

regarding effect determinations for the proposed Transit Corridor project as part of ongoing Section 106 consultation under the National Historic Preservation Act alongside representatives from Parsons Brinckerhoff (PB), the City and County of Honolulu's Department of Transportation Services, Historic Hawai'i Foundation, and the National Trust for Historic Preservation. A total of 83 architectural resources within the area of potential effect have been determined eligible for nomination to the National Register of Historic Places. PB staff presented a finding of adverse effect for a total of seven properties: Solmirin House; Afuso House; Higa Fourplex; Teixeira House; Kamani Trees (Dillingham Blvd.); Dillingham Transportation Building; and the Boulevard Saimin property. A finding of no historic properties affected or no adverse effect was presented for the remaining 76 properties located along the corridor.

SHPD Architecture Branch has expressed concern over these preliminary determinations on a number of points. First, a finding of no historic properties affected implies that no historic properties are present in the area of potential effect or that the undertaking will have no effect as defined in 36 CFR Part 800.16(i). However, it appears that FTA has only affected the project's direct affects and has not taken into account the indirect affects of the project on historic resources. For example, the raised guideway may impede customary viewplanes, changes to the scale and character of the setting, or transit based development around stations may have long-term impacts to the historic resource.

SHPD believes that visual effect must be given greater consideration where it concerns impacts to integrity of setting, feeling, and association. For example, the indirect effects of guideway crossings on Nu'uaniu Stream Bridge and Hono'uli'uli Stream Bridge. Other resources that deserve additional consideration for indirect impacts per 36 CFR Part 800.5(a)(2)(v), include the 'Aiea (Honolulu Plantation) Cemetery, Tong Fat Wood Tenement Buildings, Aloha Tower, OR & L Depot, Mother Waldron Park, Walker Park, Irwin Park, and the Aloha Chapel. SHPD suggested that simulations be developed to analyze the character of visual and atmospheric effects and parcel takings to this and other individual resources. Adverse effects are not confined to direct impacts to a parcel and can include cumulative and far-reaching impacts to historic resources as provoked by the Project, including proposed transit based development around transit stations.

The above should also be duly re-considered in regards to constructive use determinations under Section 4(f) of the Department of Transportation Act. Per 23 CFR Part 774.15(a), as published in the Federal Register Vol., 73, No. 49 (March 12, 2008): "A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired." Impairments include noise level increase, obstruction or elimination of primary views, restriction of

access, vibration impacts, etc. Table 5-2 cites *de minimis* findings for direct use determination under Section 4(f) for the six Quonset hut grouping along Dillingham Boulevard, Chinatown historic district (see below), Hawaiian Electric, Radford High School, and Pearl Harbor National Historic Landmark (see below). These determinations are still pending.

Regarding the Chinatown historic district, listed on the National Register of Historic Places on January 17, 1973, SHPD expressed specific concerns. The district nomination records the following description:

"The boundaries of the district, as established by the Hawai'i Historic Places Review Board, are as follows: a 50 ft. line on the *'ewa* (north) side of Nu'uaniu Stream, the *mauka* (east) side of Beretania Street, a line 50 ft. from the building line on the Diamond Head (south) side of Nu'uaniu Avenue, and 50 ft. *makai* (west) of the longest pier stretching into Honolulu Harbor. The major reason for its early development and continuous history as a commercial area was due to the close proximity to Honolulu Harbor."

Under statement of significance, the nomination reads:

"Throughout the whole of its 180 years as a trading center in the Pacific, Honolulu has always been closely identified with its harbor--the principal channel of contact with the outside world. It is, however, that portion of Honolulu immediately adjacent to the harbor at the mouth of Nu'uaniu Stream which holds the longest continuous history of native and immigrant settlement and where the story of Hawai'i's common folk has been most compactly unfolded (...)"

As the intimate connection between the architectural district and the waterfront are called out as character-defining features of the National Register nomination, SHPD has significant concerns regarding a determination of no adverse effect to the district.

SHPD Architecture is in receipt of the FTA's December 11, 2008 letter inviting consultation with the Secretary of the Interior regarding potential adverse effect to the Pearl Harbor National Historic Landmark. SHPD looks forward to continuing consultation regarding this site. We are in receipt of the Historic Hawai'i Foundation's (HHF) December 10, 2008 letter which raises questions regarding the inadequacy of the description given in the Draft EIS to the vital significance of the National Historic Landmark.

Moreover, in reference to the above-named correspondence, please verify that the resources of the former Naval Air Station Barber's Point and lands west of the West Loch station were omitted because they will be fully consulted on in a separate Draft EIS at a later time. As referenced by HHF, discussion of the resources associated

with former Marine Corps Air Station 'Ewa Field should parallel the import of the newly designated Valor in the Pacific National Monument.

Discussion of effect determinations and the above-named points is scheduled to continue with consulting parties. SHPD Architecture participated in a driving tour of the proposed route (Airport alternative) with PB staff and the Historic Hawai'i Foundation on January 9. We will resume discussion of draft mitigation commitments following closer concurrence on effect determinations. Regarding Table 4-5, "Acquisitions and Displacements Summary," please provide an itemized list of how many parcel acquisitions and displacements by land use impact eligible historic resources. Finally, please note that National Register criteria considerations D and G are not cited regarding methodology. Federal Transit Administration has not yet completed its review for effect determinations pending our office's response to individual eligibility determinations.

- B. Archaeology: The Area of Proposed Effect (APE) was divided into 10 different sub-areas to evaluate below-ground effects. The proposed project covers the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. The project does affect potential human burials, subsurface features and cultural deposits that have not yet previously been identified. We agree that once column locations are identified archaeological inventory work would focus on these locations and if historic properties are identified then mitigation plans should include archaeological monitoring, possible archaeological data recovery and burial treatment plans. SHPD participating in on-going 106 consultation on a Programmatic Agreement to address the above issues.
- C. Culture and History: SHPD Culture and History Branch concurs that the transit project as a whole will change the character of the physical features within the corridor (36CFR 800.5). SHPD is specifically concerned about the affect view planes from traditional lookout points such as Makakilo and Pu'u Kapolei. As stated in our September 26, 2008 correspondence: "Furthermore, we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including view sheds *makai* to *mauka*, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation." Other examples of character changing impacts would include those to landscapes such as the Banana Patch community, Sumida Watercress Farm and Aiea Plantation Cemetery. At the same time, we do recognize and appreciate that some modifications to the alignment have been made specifically to minimize adverse effect.

The Oahu Island Burial Council (OIBC), Hui Malama I Na Kapono, and Office of Hawaiian Affairs have been consulted, as stipulated in the National Historic Preservation Act, Section

106. OIBC at their January 14, 2009, meeting summarized their consultation work with HTA but seemed to be only addressing the Programmatic Agreement concerns and not the Draft EIS or relevant studies. We will defer their comments on the Draft EIS at this time.

We understand that a Memorandum of Agreement is being developed to address the concerns of the Architecture and a Programmatic Agreement is being developed to address Archaeology and Cultural/History respectively. Also, please note that the Advisory Council on Historic Preservation, National Park Service, and the National Trust for Historic Preservation were not listed as consulting parties in the Draft EIS.

We have not reviewed the *Honolulu High Capacity Transit Corridor Project Archaeological Resources Technical Report*. In a separate transmittal shortly forthcoming, the SHPD will comment in more detail regarding the findings of the technical report. We look forward to the Archaeological Inventory Survey Plan (Phase I) which will be done by the construction phases, along with an Archaeological Inventory Survey Report(s) and an Archaeological Monitoring Plan.

If there are any questions, please contact Pua Aiu, SHPD Administrator, at 692-8015.

II. Aquatics and Water Resource Management

The proposed Honolulu High-Capacity Transit Corridor Route will cross the following streams: Honouliuli, Waikele, Kapakahi, Kalo'i Gulch, Waiawa, Waimalu, Kalauao, Aiea, Halawa, Moanalua, Kalihi, Kapalama, and Nu'uaniu which all empty into the Pacific Ocean along the southern coast of the island of Oahu. All these streams are perennial except for Kapakahi and Kalo'i Gulch which are non-perennial. The Division of Aquatic Resources (DAR) has conducted many biological surveys in Waikele, Waiawa, Halawa, Moanalua, Kalihi, and Nu'uaniu streams and has observed native macrofauna. The estuarine, lower and middle reaches native macrofauna which may be impacted by the transit corridor include native fish species such as *Stenogobius hawaiiensis*, *Eleotris sandwicensis*, *Mugil cephalus*, *Kuhlia xenura*, *Kuhlia sandwicensis*, and the native freshwater crustacean, *Macrobrachium grandimanus*. Other native macrofauna which migrate to the upper reaches would also be impacted during their migration through this corridor. Impacts on the native macrofauna and other aquatic resources can be minimized by avoiding any work in the stream channels or along banks. Impacts on the nearshore reefs and fauna would also be minimized by not disturbing the stream channels or banks and addressing heavy rainfall runoff from this project.

Additionally, the following mitigative measures should be implemented during the construction of the fixed rail transit system and associated areas to minimize the potential for erosion, siltation and pollution of the aquatic environment include:

1. Lands denuded of vegetation should be planted or covered as quickly as possible to prevent erosion;

2. Scheduling site work (particularly the excavation and grading) during periods of minimal rainfall;
3. Use to silt fences or other means to prevent sediments from entering the stream; and
4. Preventing construction materials, petroleum products, debris and landscaping products from falling, blowing or leaching into the aquatic environment.

We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMP's may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initative/lid.php>.

There may be the potential for ground or surface water degradation/contamination and we recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

A Stream Channel Alteration Permit is required by CWRM before any alteration(s) can be made to the bed and/or banks of a stream channel. The planned source of water for this project has not been identified in the Draft EIS report, therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

We recommend that the Final EIS disclose projected potable and non-potable water demands associated with the project, including indirect and cumulative effects such as the City and County's proposed transit oriented development that will surround the rail system. We also recommend that the proposed sources to meet these demands be identified.

If there are any questions, please contact Ken Kawahara, Water Deputy, at 587-0214.

III. Engineering

DLNR, Engineering Division, has reviewed the subject document, and have no comments at this time regarding flood zone(s) traversed by proposed project alignment. However, we do have the following general comments:

1. Column construction in streams will likely trigger comments related to aquatic habitat and biological/environmental issues. Response to these issues would have to be prepared.
2. As required by the City and County of Honolulu's Flood Plain Management Ordinance, any construction planned in a Flood Zone designated as AE (Floodway) will require a detailed floodway study and/or no risk certification.
3. A Conditional Letter of Map Revision (CLOMR) is required if there are any changes in water level (44 CFR 65.12).

4. Note that FEMA is conducting a Flood Insurance Risk Study that will update approximately 60 miles (Kaena Point to Kawaihoa Point) of coastal flood hazard boundaries. Preliminary study results have been issued to the City and County of Honolulu, Department of Planning and Permitting.

Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards.

If there are any questions, please contact Eric Hirano, Engineering Administer, at 587-0230.

IV. Land

Among the lands owned and managed by DLNR are two parcels in East Kapolei, Ewa, Hawai'i, located west of the proposed North-South Road alignment and mauka and makai of Farrington Highway. The two parcels are identified by Tax Map Key Numbers (1) 9-1-17:86; and 9-1-18:05 (the "DLNR Parcels"). These parcels have excellent long-term development potential, and DLNR has accordingly identified these parcels as future income producing lands to support DLNR's operations and maintenance/management of the State's public lands and natural and cultural resources. DLNR has also communicated its desire to the City and County of Honolulu (the "City") to have these parcels rezoned to allow for commercial and/or other income-producing uses.

Various sections, figures, and tables in the Draft EIS provide for the fixed guideway alignment and a park-and-ride facility to be located within the DLNR Parcels, e.g., Figures 2-2, 2-3, 2-4, 2-5, 2-15, 2-38, 2-44, 4-3, Table 2-6, Appendix A. However, it is not clear whether these parcels are included among the properties identified by the City for acquisition (see Section 4.3 and Table 4-5) and whether compensation will be paid for any such acquisition.

The conveyance of any easement or other rights over the DLNR Parcels to allow such facilities, and the amount of compensation to be paid for such easement/rights, if any, requires the approval of the Board of Land and Natural Resources (BLNR). As of the date of this memorandum, BLNR has not granted any such approval, and therefore, BLNR's approval should be added to the list of Anticipated Permits and Approvals required for the proposed project (Table 4-37). It should also be noted, however, that DLNR has had prior discussions with the City regarding use of portions of the DLNR Parcels for the proposed transit project and DLNR's desire to rezone the DLNR parcels, and DLNR intends to continue to work with the City on these issues.

We understand that either route proposed in the Draft EIS involves some State Lands managed by other State agencies or entities. In most cases, these State Lands have been set aside to the government agency for a specific purpose, pursuant to Section 171-11, HRS. Any uses deviated from the specific purposes in the set aside require approval from the Governor and the BLNR.

The State is currently prohibited from conveying any portion of ceded lands due to a Hawai'i Supreme Court decision dated January 31, 2008. If any proposed acquisition of property requires fee title conveyance of the ceded lands, the outcome of the appeal filed by the State to the US Supreme Court may affect the final design of the project.

For future easy reference, it may be helpful if the Final EIS contains a table on the acquisition with information on ownership and current uses on the affected properties.

If there are any questions, please contact Morris Atta, Land Administrator, at 587-0456.

V. Forestry and Wildlife

According to comments submitted September 15, 2008, the Division of Forestry and Wildlife (DOFAW) stated that on Page S-1 -- *Abutilon* is mentioned as "threatened," but it is actually listed as "endangered" according to State and Federal law. DOFAW would like to provide the following for your consideration.

The existing State Department of Transportation Habitat Conservation Plan (HCP) for *Abutilon*, covers only a limited geographic area related to North-South road (DOT), Kapolei Parkway, University of Hawaii West Oahu, DHHL right-of-entry and subdivision, and DLNR future development plans (pgs 9-18). Additional DHHL lands are included under a Certificate of Inclusion registered with the Land Court. The City and County of Honolulu land ownership was identified in the original HCP (pg 9) and a Certificate of Inclusion issued for a portion of their lands. However, the current HCP does not include all affected lands or current planned activities within the rail transit corridor (see attached Table 3. Landownership of Parcels at Kapolei Properties). Activities and lands within the HCP area can be included by an additional Certificate of Inclusion, but activities outside the HCP area will need an amendment or new HCP.

Mitigation activities should address increased fire management measures. Although the current HCP includes a fire management strategy, it does not take the proposed project into consideration, so it does not address fire concerns for the project under review. The project under review could create new threats to the *Abutilon* reserve, with concern of discarded cigarettes or equipment sparks for example.

The level of fire management identified in the current HCP includes:

“A fire management strategy consisting for the following measures is being implemented to ensure that the plants are not accidentally destroyed.

- Identification of fire fighting resources available near the Kapolei population;
- Provide information to fire stations to assist them in protecting *A. menziesii* from fire;
- Identification of water resources near the Kapolei population.

The details of the fire management strategies are described in the Final Interim Management Report for *Abutilon menziesii* (DLNR DOFAW, 2003, Appendix G).” (p. 21).

If additional plants are discovered outside the boundaries of the lands covered under the current HCP, then the transit corridor will need a new Habitat Conservation Plan (see attached information on HCP and ITL) or an amendment to the existing HCP. Additionally, should a plant survey of the transit corridor show no endangered plants in the Kapolei-Ewa area, it does not constitute a finding of no plants present because plants can emerge following rainfall or scarification. Therefore, it is recommended that multiple surveys are done and that the biology of endangered flora and fauna be considered, especially that of the *Abutilon*.

The issue of invasive species is not addressed in the Honolulu High-Capacity Transit Draft EIS. The implementation of this project creates risks related to the introduction of new harmful invasive species, weeds or pests that could be brought into Oahu by importation of heavy equipment and materials sourced from sites off island, be it from other islands or continental locations. For example the red imported fire ant is a serious pest in a number of southern and coastal states including: CA, TX, NC, AR, NM, DE, and in other areas around the world. Recent economic input analysis indicated that if established in Hawai‘i, the estimated negative impacts to Hawai‘i’s economy could be as high as \$200 million within 20 years and it would affect our way of life and human health. Apart from the potential introductions from out-of-state import risks are the intra-state risks between islands. A number of pests are present on other islands in Hawai‘i but not present or are under control on Oahu, e.g. miconia, little fire ant and coqui frogs. Appropriate mitigation would involve implementing prevention measures, paying close attention to pests at the site of origin for incoming equipment and materials, cleaning, inspections and treatment both before shipping and after arrival on Oahu would reduce these risks significantly.

The Draft BIS describes plans for the planting of trees and other landscaping projects. Nursery plants sourced from outer islands are a known pathway for “hitchhiker pests,” and should be subject to inspections and appropriate treatment. Also, the plants that are considered for planting could themselves become harmful invaders or contribute to existing problems, if not screened properly. Species under consideration for planting should be reviewed using the University of Hawai‘i, Weed Risk Assessment system that allows high-risk potentially harmful species to be identified, while low risk alternatives could be a more suitable species selected for this project.

Mr. Wayne Y. Yoshioka
February 2, 2009
Page 10 of 10

The subject project Draft EIS did not address tree removal plans, or lack thereof, in the rail transit corridor. If tree removal is part of the construction process, there is concern in central Honolulu in the Kapiolani Blvd. area where a population of white tern, *Gygis alba* or Manu-o-kū, is known to nest.

Further mitigation could involve implementing pre and post construction surveys to determine what plant species are present along the transit pathway and remove any potentially invasive species as a post construction mitigation action. If the prevention mitigation measures mentioned above are implemented successfully, this latter problem will likely be minor or insignificant.

If there are any questions, please contact Paul Conry, DOFAW Administrator, at 587-4182.

VI. State Parks

The subject project Draft EIS does not acknowledge the transit corridor's alignment near State Parks, and the impacts it may have on those areas.

Section 5.4.1 of the Draft EIS states that the project will require direct property acquisition of several recreational areas, one of which is Ke'ehi Lagoon Beach Park, resulting in a section 4(f) use. Directly adjacent to the beach park is the Hawai'i Disabled American Veteran's (DAV) Keehi Lagoon Memorial that was set aside to the department and is operated and maintained by the Hawai'i DAV. Its location may place it near the alignment for both the Airport and Salt Lake alternatives, however, there is no mention of it in the document.

We also note that Aiea Bay State Recreation Area, also under our jurisdiction and a section 4(f) area, was discussed in the Draft EIS and determined to have no use based on the criteria for review of 4(f) properties. There is concern that the criteria used to make this determination is unclear.

If there are any questions, please contact Dan Quinn, State Parks Administrator, at 587-0292.

Thank you for the opportunity to submit comments.

Sincerely,



Layra H. Thielen, Chairperson
Department of Land and Natural Resources

c: ✓ Mr. Ted Matley, FTA Region IX

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 15, 2009

RT4/09-308983

Honorable Laura H. Thielen
State Historic Preservation Officer
and Chairperson
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, Administrator

Dear Ms. Thielen:

Subject: Section 106 Historic Resources Effects Determination for the
Honolulu High-Capacity Transit Corridor Project

The U. S. Department of Transportation Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) have completed the enclosed effects determination on historical resources under Section 106 of the National Historic Preservation Act for eligible resources located within the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project (HHCTCP).

Previous correspondence from FTA dated December 26, 2007, conveyed the APE determination for the project, and a letter dated August 25, 2008 from DTS transmitted the determinations of eligibility for historic resources to the State Historic Preservation Division (SHPD). The DTS has coordinated with the SHPD regarding its September 26, 2008 comments on the preliminary effects determination included in the Administrative Draft EIS and their October 3, 2008 response to the determinations of eligibility.

Honorable Laura H. Thielen
Page 2
April 15, 2009

As a result of this coordination with SHPD and other Section 106 consulting parties, the FTA and DTS have completed the enclosed revised effects determination for the HHCTCP. This letter transmits the three (3) copies of the Historic Effects Determination for concurrence by the State Historic Preservation Officer.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: U. S. Department of the Interior, National Park Service (CD)
--Mr. Frank Hays, Director, Pacific West Region
--Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region
National Trust for Historic Preservation (CD)
--Mr. Brian R. Turner, Law Fellow, Western Office
--Ms. Elizabeth S. Merritt, Deputy General Counsel, Law Department
Historic Hawaii Foundation (CD)
--Ms. Kiersten Faulkner, Executive Director
Advisory Council on Historic Preservation (CD)
--Ms. Katry Harris, Historic Preservation Specialist
Office of Hawaiian Affairs (CD)
Mr. Ted Matley, Federal Transit Administration, Region IX (CD)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIRLEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF COUNTY AFFAIRS
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOA VE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 16, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and county of Honolulu
650 South King Street
Honolulu, Hawaii'i 96813

LOG NO: 2009.0607
DOC NO: 0903WT177
Archaeology

Dear Mr. Yoshioka:

**SUBJECT: Section 106, National Historic Preservation Act (NHPA) Review--
Honolulu High Capacity Transit Corridor Review of Archaeological Resource
Technical Report, Honolulu High-Capacity Transit Corridor Project from Kapolei
to UH Manoa, O'ahu, Hawai'i
TMK: (1) 3-8-006: 007**

Thank you for providing the opportunity to review this technical report which we received on March 5, 2009. The proposed undertaking is the construction of a high speed rail transit extending from Kapolei to UH Manoa and beyond to Waikiki. As part of consultation to reduce anticipated impacts on historic properties which may be in the areas of ground disturbance the City and County produced this technical report to address the archaeological concerns.

In an earlier review, we requested revisions (LOG NO: 2008.3917/DOC NO: 0810WT35). We requested that the City and County supply us with the maps of ground disturbance areas, and aerial photographs with the APE super-imposed. Furthermore, we reviewed and accepted an Archaeological Inventory Survey Plan (AISP) produced by Cultural Surveys Hawai'i (*Archaeological Inventory Survey Plan For Construction Phase I of the Honolulu High-Capacity Transit Corridor Project, Station 392+00 (Near East Kapolei Station) to Station 776+00 (Near Waimano Home Road), Hono'uli'uli, Hō'ae'ae, Waikele, Waipi'o, and Waiawa Ahupua'a, 'Ewa District, O'ahu, Hawai'i, TMK: (1) 0-1, 9-4, 9-5, 9-6, 9-7 (Various Plats and Parcels) [Hammatt and Shideler MA, March 2009] (LOG NO: 2009.1325/DOC NO: 0903WT115)*

Archaeological survey techniques to be employed are driven by the necessity to determine historic properties subsurface in areas of sensitivity. Additionally, these techniques will also confirm the lack of properties in areas not sensitive. This is an efficient and cost reducing methodology. These include test trenching, Ground Penetrating Radar (GPR) and limited areal excavations. We agree that these methods will adequately document historic properties that, if significant and with further consultation with this office, be investigated in a data recovery phase. Another measure to mitigate possible effects to historic properties, especially human burials, would be the development of a monitoring plan to address the results of this inventory survey and/or data recovery studies.

In the event that historic resources, including human skeletal remains, are identified during the activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from

Mr. Wayne Yoshioka
Page 2

additional disturbance, and the State Historic Preservation Division, notified immediately at (808) 692-8015.

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon".

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

C:
Mr. David Shideler
Cultural Surveys Hawai'i
P. O. Box 1114
Kailua, Hawai'i 96736

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 29, 2009

RT4/09-311224

Honorable Laura H. Thielen
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, Administrator

Dear Ms. Thielen:

Subject: Section 106 Coordination for the Honolulu High-Capacity
Transit Corridor Project

Enclosed are copies of letters that were sent to organizations that were invited by letters dated December 5, 2007 to be Consulting Parties in the Section 106 of the National Historic Preservation Act process for the Honolulu High-Capacity Transit Corridor Project.

These letters were sent to confirm the participation of those organizations invited to be Consulting Parties. Enclosed with the letter was a CD of the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project*. This is the plan that was recently accepted by the State Historic Preservation Division.

The Consulting Parties were also sent CD copies of the *Historic Effects Report, Honolulu High-Capacity Transit Corridor Project*. This report was submitted, under separate cover, for your concurrence on April 16, 2009. Your expeditious review of this document will be greatly appreciated.

In the next month, we will provide, for your review, a draft Memorandum of Agreement that will formalize all commitments made under the Section 106 process.

Honorable Laura H. Thielen
Page 2
April 30, 2009

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

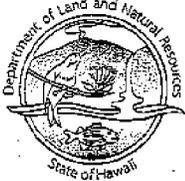


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Advisory Council for Historic Preservation
National Trust for Historic Preservation
National Park Service
Mr. Ted Matley, FTA Region IX

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 21, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2009.1900
DOC NO: 0905ST08
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor Project
Historic Effects Determination Report
Island of O'ahu
TMK: (1) (various)**

This is in response to your transmittal, dated April 15, 2009 and received in our office on April 16, 2009. The submitted Historic Effects Determination Report (Report) was completed for the U.S. Department of Transportation Administration (FTA) and the City and County of Honolulu's Department of Transportation Services (DTS) to address the effects on the integrity of historic properties as triggered by the proposed undertaking, the Honolulu High-Capacity Transit Corridor Project (HHCTCP/Project). The grade-separated, fixed guideway rail transit system is proposed for the 20-mile section of the Project between East Kapolei and Ala Moana Center, including the Airport route which was chosen over the Salt Lake route option.

The Report identifies 499 properties "as constructed or developed by or before 1968": 9 listed in the NRHP, 74 eligible for listing (where 2 eligible have since been demolished), (therefore 416 are not eligible). Of 81 identified National Register of Historic Places (NRHP) listed and eligible properties within the Project's Area of Potential Effects (APE), the determinations are: 22 "adverse effect"; 51 "no adverse effect"; and 8 "no effect".

According to the Report, the FTA and DTS state their compliance with requirements of Section 106 of the National Historic Preservation Act of 1966 (as amended):

"to consider the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP." The Criteria for Evaluation (36 CFR 60) are applied to NRHP-listed and -eligible properties: "the quality of significance in American history, architecture, archaeology, engineering, and culture ... present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association (Criteria A, B, C, and D)." In addition, Criteria Considerations were applied to properties "that have achieved significance within the past 50 years" (categories a, b, c, d, e, f, and g).

The Report acknowledges that an examination of settings should not only involve “features and their relationships ... within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.” The Report states that it addresses our previously expressed concerns of indirect effects, including impedance of customary viewplanes, changes to scale and character/integrity of setting, feeling, and association. The Report now addresses indirect effects of guideway crossings on Nuuanu and Honouliuli Stream Bridges and effects to the Chinatown Historic District, and the Oahu Railway & Land Co. Terminal & Document Storage Buildings.

However, assessments do not adequately discuss “topographic features (a gorge or the crest of a hill); vegetation; simple manmade features (paths or fences); and relationships between buildings and other features or open spaces” that it acknowledges to address. It does not adequately consider the effect of the undertaking with consideration of “the quality of significance in American history, architecture, archaeology, engineering, and culture ... present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association” that it acknowledges to address. It does not adequately address elimination of primary views, restriction of access. It does not adequately and appropriately address national historic landmarks.

We disagree with the “no adverse effect” findings for the following historic properties.

- Pearl Harbor National Historic Landmark (NHL) and World War II Valor in the Pacific National Monument;
- CINCPAC Headquarters NHL;
- Aiea (Honolulu Plantation) Cemetery;
- Tong Fat Wood Tenement Buildings;
- Aloha Tower;
- Walker Park;
- Irwin Park;
- Pier 10/11;
- DOT Harbors Division Building;
- Merchant Street Historic District;
- HECO Downtown Plant and Leslie A. Hicks Building;
- Six Quonset hut grouping along Dillingham Boulevard;
- Boulevard Saimin (formerly on the original list of 7 with an “adverse effect”);
- Solmirin House (also one of original 7 and now not addressed);
- Radford High School (a determination was pending and is not addressed).

Additional before-and-after simulations would help to analyze the character of visual and atmospheric effects and parcel takings to these resources. We request verification that the former Naval Air Station Barber’s Point and lands west of the West Loch station will be consulted on in a separate Draft EIS. We continue our concerns regarding effects to the former Marine Corps Air Station Ewa Field.

Given our concerns and those of consulting parties regarding these effect determinations, we anticipate further discussions towards draft mitigation commitments that include our concerns on affected parcel acquisitions and displacements.

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please call Susan Tasaki at (808) 692-8015.

Sincerely,

Nancy A. McMahon
Deputy State Historic Preservation Officer

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]
U.S. Department of the Interior, National Park Service
Frank Hays, Director, Pacific West Region-Honolulu [email]
Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]
National Trust for Historic Preservation
Brian R. Turner, Law Fellow, Western Office [email]
Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]
Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]
Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004
Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawaii
96813
Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]
Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

DEPARTMENT OF TRANSPORTATION SERVICES
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 22, 2009

RT5/09-315624R

Ms. Nancy A. McMahon
Deputy State Historic Preservation Officer
Department of Land and Natural Resources
State of Hawaii
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Ms. McMahon:

Subject: Honolulu High-Capacity Transit Corridor Project

Thank you for your letter dated May 21, 2009. We appreciate your office's comments on the *Honolulu High-Capacity Transit Corridor Project Historic Effects Report* (Report). This letter responds to the concerns described in your letter and summarizes some points raised during our meeting with you, Ms. Susan Tasaki, Dr. Pua Aiu, and members of our project team on June 2, 2009. Our response also addresses points discussed with Ms. Tasaki during a project field view on June 4, 2009. Please also note that the project team provided Ms. Tasaki with visual simulations from select vantage points within the project area as requested on June 5, 2009.

In your May 21, 2009 letter, you disagree with the "no adverse effect" findings for several resources discussed in the Report. Several of your comments are based on an earlier iteration of the project's design and planning efforts that have since changed. Specifically, current design reflects changes that reduce some resource impacts that were of concern. In addition, since publication of the Draft EIS, the Airport Alternative has been selected as the Project. As a result, the Report focuses on the Airport Alternative and includes information relevant to the project as currently planned.

We respectfully disagree with the statement on Page Two of your letter that the assessments do not adequately consider the effects of the undertaking. On the contrary, the individual assessments of each aspect of integrity for each resource show that the effects for each resource were carefully considered. While your office may not concur with the effects findings for the individual resources, the project team maintains that both the letter and spirit of the law contained in Section 106 has been addressed. Additionally, the project team has determined that the undertaking as a whole has an adverse effect. We are seeking to reconcile the differences in professional opinion on the specific resources discussed below in order to determine Section 4(f) resources and category of use.

Although you state generally that your office does not believe the assessments consider the undertaking's effects, the letter does not indicate specifically why your office does not concur with the findings for each listed resource. Under 36 CFR 5(c)(2)(i), your office should "specify the reasons for the disagreement in the notification." This information will facilitate ongoing consultation and allow us to consider your perspective in the way that Section 106 intends and, where possible, reconcile differences.

In the interest of progressing in consultation, we are summarizing our approaches to assessing the following resources. Although we do not have specific insight into your concerns for each resource, we hope that some of these comments may resolve select issues. These comments reiterate the discussions with Ms. Tasaki during the field view on June 4, 2009. We remain willing to discuss and clarify ongoing issues and consider any more specific comments that your office may have.

- **Pearl Harbor National Historic Landmark:** The project team is seeking to reconcile the effect on this resource with National Park Service (NPS) staff. To date, the Navy has not expressed concern regarding adverse effects. Navy environmental staff who provided access to all Pearl Harbor resources agreed with our field assessments. Currently, in response to concerns from NPS, the Pearl Harbor Naval Base Station design has been changed to be outside the landmark boundary. The redesign now avoids even minor direct impacts.
- **CINCPAC Headquarters:** The proposed guideway will be 650 feet from this resource; and due to topography and vegetation, the project will only be minimally visible from select vantage points from within the property's historic boundary. The historic setting of the resource consists of its immediate surroundings, which include the drive from Kamehameha Highway (which was not designated as part of the NHL) and the surrounding plantings. The rather dense vegetation will serve to screen the project from the CINCPAC Headquarters. Because of the distance from the project, the lack of visibility due to surrounding plantings, and pre-existing changes to the setting, the project will have no adverse effect on the setting, feeling, or association of this resource.
- **Aiea Cemetery/Honolulu Plantation Cemetery:** The project team maintains that the area surrounding the cemetery does not retain integrity of setting, nor does it contain character-defining features. The cemetery is surrounded on all sides by highway alignments and its setting contains Aloha Stadium and other high-rise buildings, as well as power transmission poles that will be substantially higher than the proposed guideway. There are no historically significant views to or from the cemetery. The proposed project has no adverse effect on the Aiea Cemetery because there is currently no integrity of setting.
- **Tong Fat Wood Tenement Buildings:** The project is located approximately 150 feet from the tenements. Warehouses on Kaaahi Street will be partially located between the project and the tenement buildings. The project will be visible in the distance from only select vantage points within the historic boundary. The tenements' current viewshed includes non-historic industrial buildings, and no historically significant views to or from this resource were identified on the recently completed eligibility form. There will be no adverse effect to the integrity of this resource.

- **Aloha Tower:** As planned, Aloha Tower was intended to serve as a landmark for those arriving by boat. While it certainly is a local landmark from the inland area, the proposed project will not block views, although some views will be altered. Aloha Tower has only marginal integrity of setting, with Downtown high rises, proximate recently constructed buildings, and a modern shopping mall surrounding it. Although certain important buildings can be viewed from Aloha Tower, there are no significant identified viewsheds with integrity from the Tower. Downtown Honolulu has become densely built with tall buildings and busy roadways. Aloha Tower will still be able to be viewed from many vantage points without seeing the proposed project; therefore, the feeling and association of the resource will not be adversely affected. While the project will be visible from the tower, given the lack of integrity of setting, the impacts will not be adverse.
- **Walker Park:** The recently completed eligibility form with which your office concurred states that the "setting has been changed by the conversion of Fort Street to a pedestrian mall and by the addition of a paved area and fountain." The form also details additional changes to the park as well as memorial items and plaques "without their own historic significance." The form cites the park's significance as a created greenspace. There will be no impact to this greenspace. The setting outside the park does not have integrity. The feeling and association of the park within its historic boundary have already been substantially altered by the introduction of the diverse collection of elements deemed to be not significant. For all of these reasons, the project will not have an adverse effect on Walker Park.
- **Irwin Park:** In the recently completed eligibility form, Irwin Park is described as "unique in Hawaii, because it is largely a parking lot with grass medians and numerous mature monkeypod trees and coconut palms." The form states that the realignment "of Nimitz Highway has altered the mauka boundary, but the historic configuration of parking spaces among the mature trees remains." The proposed project will not impact the stated character-defining features of the park. All work will occur on the already-compromised mauka side of the parking lot, which contains the busy Nimitz Highway and does not contribute to the current significance of the resource. The lush vegetation will screen select portions of the site from the project. Although the project will be visible from some areas, the overall impact to the parking lot does not constitute an adverse effect.
- **Pier 10/11:** This building derives its significance from its relationship to the harbor. The proposed project will not interrupt this important aspect of setting. However, the setting does not have integrity due to the busy multi-lane Nimitz Highway, the recently constructed retail area, and multiple Downtown high-rise buildings. The project will not impact any other aspects of integrity, due to the strong remaining connection to the harbor and the lack of direct impacts. Therefore, there is no adverse effect to this resource.

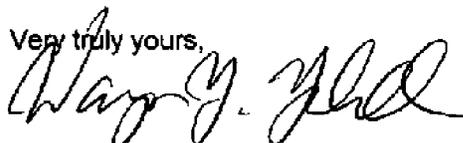
- **DOT Harbors Division Building:** This building derives its significance under Criterion A from its association with the Harbor Commission of the Territory and its primary and significant relationship is with the water. The proposed project will not impact or interrupt this relationship. The project team acknowledges that the undertaking will occur in close proximity to this resource. However, like other resources in its proximity, changes to the mauka setting are so substantial that there is a lack of integrity of setting. Therefore, there is no adverse effect to this building.
- **Merchant Street Historic District:** The historic district is separated from the project by high-rise buildings. The project will be visible in the distance from only select vantage points within the historic district boundaries. The project will not have an adverse effect on the historic district.
- **HECO Downtown Plant and Leslie A. Hicks Building:** The small property take required from this resource's parcel of land will not impact any contributing buildings within the historic boundary. The resource has undergone numerous changes over time within the proposed boundary and its integrity will not be altered by the proposed project.
- **Six Quonset Huts:** The relocated Quonset huts' integrity of location, design, materials, and workmanship will not be impacted by the project. The Quonset huts' integrity of setting, association, and feeling are marginal at best. Although the Quonset huts, now functioning as light industrial buildings, may have gained significance from within their new setting, their integrity of setting, as recently assessed, includes numerous recently constructed commercial buildings. The project will not have an adverse effect on the setting, feeling, and association of these resources. As an aside, since the eligibility determination, a new roll-up/overhung door has been installed in the building facing Dillingham Boulevard.
- **Boulevard Saimin:** The project will require a very small property take from the parking lot of Boulevard Saimin. This area is not a character-defining feature of Boulevard Saimin. Similarly, the setting, feeling, and association of the site have minimal integrity. The project will result in no adverse effect to the resource.
- **Solmirin House:** Please note that your office concurred that the Solmirin House is not eligible for the National Register of Historic Places on November 14, 2008. Resources that are not eligible are not assessed for effect, which is why this resource was not evaluated in the Report.
- **Radford High School:** Please note that Radford High School is no longer within the Area of Potential Effects for the project. The project is approximately one mile away from this resource.

At this time, we would like to request a meeting with your office and other consulting parties to discuss in detail your concerns with these effect determinations in an attempt to resolve these differences in professional opinion. We look forward to continued consultation with your office.

Ms. Nancy A. McMahon
Page 5
June 22, 2009

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

cc: The Honorable Laura H. Thielen, SHPO and
Chairperson, State Department of Land and
Natural Resources
U.S. Department of the Interior, National Park Service
Mr. Frank Hays
Dr. Elaine Jackson-Retondo
National Trust for Historic Preservation
Mr. Brian R. Turner
Ms. Elizabeth S. Merritt
Historic Hawaii Foundation
Advisory Council on Historic Preservation
Ms. Blythe Semmer
Office of Hawaiian Affairs

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322913

The Honorable Laura Thielen
State Historic Preservation Officer
Historic Preservation Division
Department of Land & Natural Resources
State of Hawaii
601 Kamokila Boulevard, Suite 555
Kakuhihewa Building
Kapolei, Hawaii 96707

Attention: Dr. Pua Aiu, SHPD Administrator

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

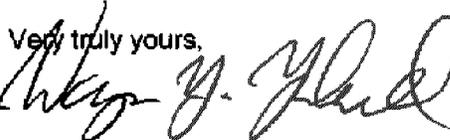
We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

The Honorable Laura Thielen
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Attachment

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 22, 2009

Mr. Wayne Yoshioka
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2009.1900
and 2009.2785
DOC NO: 0905ST08
and 0907ST09
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor Project
Historic Effects Determination Report
Island of O'ahu
TMK: (1) (various)**

This is in regards to your transmittal, dated June 22, 2009 which responds to SHPD's letter (Log No 2009.1900, Doc No 0905ST08). As discussed with your staff, we requested and received an extension of our 30-day comment period.

We acknowledge that the following do not require additional consultation:

- Boulevard Saimin – the building does not retain historic integrity;
- Solmirin House – already demolished; and
- Radford High School – part of the Moanalua Alternative that was not chosen.
- Aiea (Honolulu Plantation) Cemetary

We request further consultation for the following regarding an “adverse effect” determination, including an assessment of cumulative effects:

- Pearl Harbor National Historic Landmark (NHL) and World War II Valor in the Pacific National Monument;
- CINCPAC Headquarters NHL;
- Tong Fat Wood Tenement Buildings;
- Aloha Tower;
- Walker Park;
- Irwin Park;
- Pier 10/11;
- DOT Harbors Division Building;
- Merchant Street Historic District ;
- HECO Downtown Plant and Leslie A. Hicks Building; and
- Six Quonset hut grouping along Dillingham Boulevard.

Mr. Wayne Yoshioka, Director
Page 2

LOG NO: 2009.2785
DOC NO: 0907ST09

We will be providing more specific reasons for our determinations and look forward to continued consultation in the historic preservation review process.

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please call Susan Tasaki at (808) 692-8015.

Sincerely,



Nancy A. McMahon
Deputy State Historic Preservation Officer

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]

U.S. Department of the Interior, National Park Service

Frank Hays, Director, Pacific West Region-Honolulu [email]

Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]

National Trust for Historic Preservation

Brian R. Turner, Law Fellow, Western Office [email]

Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]

Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]

Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,

Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004

Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813

Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]

Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]



U.S. Department
of Transportation
**Federal Transit
Administration**

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415-744-2726 (fax)

DEC 15 2009

Mr. John M. Fowler, Executive Director
Attention: Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Ms. Laura H. Thielen, State Historic Preservation Officer
Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit
Corridor Project - Section 4(f)
de minimis Determination

Dear Mr. Fowler and Ms. Thielen:

Pursuant to 23 U.S.C. 138 and 49 U.S.C. 303 (hereinafter, "Section 4(f)") and its implementing regulations codified at 23 C.F.R. part 774, the Federal Transit Administration ("FTA") is transmitting this letter to notify your agency of its intent to make the Section 4(f) *de minimis* impact determinations identified below.

Section 4(f) implementing regulations are codified at 23 C.F.R. part 774. Implementing regulations for Section 106 of the National Historic Preservation Act of 1966 are codified at 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(i), if the FTA intends to make a *de minimis* impact determination, the FTA must consult with consulting parties identified in accordance with 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(ii), the FTA must obtain written concurrence from the State Historic Preservation Officer ("SHPO") and the Advisory Council on Historic Preservation ("ACHP") in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 C.F.R. part 800. The FTA must inform SHPO and ACHP of its intent to make a *de minimis* impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected." According to 23 C.F.R. § 774.5(b)(1)(iii), "public notice and comment, beyond that required by 36 C.F.R. part 800, is not required."

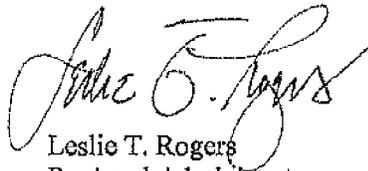
SHPO's finding of "no adverse effect" or "no historic properties affected" was memorialized in its correspondence to the City and County of Honolulu Department of Transportation Services on July 22, 2009 (hereinafter, "SHPO's Letter").

The FTA hereby notifies SHPO and ACHP of its intent to make Section 4(f) de minimis impact determinations on the following two historic properties that were determined by SHPO's Letter to have a no adverse effect under Section 106:

- Boulevard Saimin
- O'ahu Railway & Land Co. Basalt Paving Blocks and Former Filling Station

Please contact Mr. Ted Matley at (415) 744-2590 should you have any questions.

Sincerely,



Leslie T. Rogers
Regional Administrator

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MAYOR

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WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR



December 31, 2009

RT12/09-347327

The Honorable Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project

Recently, during the process of completing the Section 106 Programmatic Agreement for the subject project, questions have arisen regarding the procedure that was followed. This letter explains the following steps that the Federal Transit Administration (FTA) and City and County of Honolulu have taken for the Honolulu High-Capacity Transit Corridor Project to complete the process set forth in Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470f), and its implementing regulation at 36 CFR 800.

- In accordance with §800.16(d), the Area of Potential Effects (APE) was established in consultation with the Hawaii State Historic Preservation Division (SHPD). The SHPD concurred with the APE delineation in a letter dated February 4, 2008.
- Consulting parties were identified and invited to participate through a letter dated December 5, 2007, in accordance with §800.3(f).
- Determinations of eligibility were completed according to §800.4; determination of eligibility forms and the *Historic Resources Technical Report* were submitted to the SHPD in August 2008; all consulting parties received copies of the *Historic Resources Technical Report*. The SHPD responded by concurring with the determinations of eligibility for all eligible properties, but requested that a small subset of properties that were determined to be not eligible be researched to confirm

this status. Upon more intensive research, the FTA concluded that a few of these properties were eligible. The SHPD concurred with these determinations in a letter dated October 3, 2008, as modified by a follow-up e-mail from Astrid Liverman dated November 14, 2008. Please note that Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated and submitted separately at that time, and the The Honorable Laura Thielen proposed boundary for each was the one reflected in the maps that were distributed during consultation on the Programmatic Agreement (PA). The SHPD, upon reviewing these separate determinations, did not indicate that the historic districts should be combined, nor did the SHPD convey information that the U.S. Navy had combined these two distinct housing areas in its *Integrated Cultural Resources Management Plan* (ICRMP).

- Determinations of effect were completed in April 2009 according to §800.5. These effect determinations are described in detail in the *Historic Effects Report*. In June 2009, the SHPD concurred with all determinations of effect, with the exception of 11 historic properties. FTA had determined that these properties were not adversely affected, but the SHPD believed that the Project would result in adverse effects. FTA accepted the SHPD's effect determinations for these 11 resources. As a result, 33 resources received adverse effect determinations. As part of this process and consistent with the *Historic Resources Technical Report*, Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated separately. FTA determined that there would be an adverse effect to Makalapa Navy Housing and there would be no adverse effect to Little Makalapa Navy Housing. The SHPD concurred with these determinations and did not state that it preferred that these two housing areas be evaluated as a single property, nor did it cite the ICRMP as a source for basing such an opinion.
- All work on the determinations of eligibility and effect were completed by architectural historians who meet or exceed the standards set forth in 36 CFR 61, Appendix A.
- FTA and the consulting parties met 11 times between July 2009 and November 2009 to develop the PA to resolve adverse effects, as set forth in §800.6. At this time, the PA is in a final draft form.

The National Trust for Historic Preservation notified the FTA on November 23, 2009 that the Navy's ICRMP, drafted in 2002 and currently being updated, had presented the Makalapa Navy Housing and Little Makalapa Navy Housing as a single historic property. The Navy commented on December 10, 2009, repeating the National Trust's comment. At no time during the entire consultation process—including eligibility and effects determinations and PA development—did the SHPD or other consulting parties (many of whom were involved in multiple Navy Section 106 consultations) mention that the two individual districts that had been identified as eligible should be a single district as considered in the Navy's ICRMP. One of the

The Honorable Laura Thielen
Page 3
December 31, 2009

most important roles of consulting parties is to convey information in a timely manner about resources with which they are familiar or have specialized knowledge. The National Trust was copied on the submittal of the eligibility determination to the SHPD in August 2008, which depicted the boundaries for the potential Makalapa Navy Housing and Little Makalapa Navy Housing districts.

Discussion with Mason Architects, who prepared both the 2002 ICRMP and eligibility determination forms for the Project, confirmed that the approach taken in their work on the ICRMP emphasized how the Navy would manage its resources. In response to their work on the Section 106 determination they stated that "[T]he housing types are different and they originally housed different populations, with Little Makalapa housing civilians and the Makalapa proper housing Naval officers' families. [Mason Architects] identified Makalapa and Little Makalapa as two separate areas because the two areas are currently distinct."

The contents of the 2002 ICRMP does not constitute a determination of eligibility. The determinations of eligibility set forth in the *Historic Resources Technical Report* were formally submitted to the SHPD. After appropriate consultation, the SHPD concurred with these determinations of eligibility, which included Makalapa Navy Housing and Little Makalapa Navy Housing evaluated as two separate historic properties. The SHPD also concurred with the effects determinations on these two distinct historic districts. Neither the National Trust nor the U.S. Navy commented on the two potential districts during their reviews of the *Historic Resources Technical Report* and the *Historic Effects Report*. Specifically, §800.5(c)(2)(i) states that consulting parties should notify the agency official of any disagreements with findings within a 30-day review period. At no time did the U.S. Navy state that it would prefer that the two properties be evaluated as a single historic property. Under §800.5(c)(1), the agency may proceed if the SHPD has concurred or not provided a response and no consulting parties have objected.

Each consulting party was notified of the PA meetings and had the option to attend or call in to the meetings. The U.S. Navy participated minimally in these meetings, calling in to only one meeting. In an attempt to engage the U.S. Navy, project staff met with U.S. Navy staff at Pearl Harbor on July 22, 2009 to apprise the U.S. Navy of the project status. Again, at no time did the U.S. Navy or the SHPD state that they would prefer that the two properties be evaluated as a single historic property. The FTA has upheld both the letter and spirit of Section 106, following the procedural law carefully.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



Wayne Y. Yoshioka
Director

cc: Mr. Ted Matley, Federal Transit Administration
Ms. Blythe Semmer, Advisory Council on Historic Preservation
Dr. Pua Aiu, State Historic Preservation Division
Mr. John Muraoka, U.S. Navy Region Hawaii
Mr. Lawrence Spurgeon, PB Americas, Inc.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

MUFI HANNEMANN
MAYOR

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR



December 31, 2009

RT12/09-347327

The Honorable Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project

Recently, during the process of completing the Section 106 Programmatic Agreement for the subject project, questions have arisen regarding the procedure that was followed. This letter explains the following steps that the Federal Transit Administration (FTA) and City and County of Honolulu have taken for the Honolulu High-Capacity Transit Corridor Project to complete the process set forth in Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470f), and its implementing regulation at 36 CFR 800.

- In accordance with §800.16(d), the Area of Potential Effects (APE) was established in consultation with the Hawaii State Historic Preservation Division (SHPD). The SHPD concurred with the APE delineation in a letter dated February 4, 2008.
- Consulting parties were identified and invited to participate through a letter dated December 5, 2007, in accordance with §800.3(f).
- Determinations of eligibility were completed according to §800.4; determination of eligibility forms and the *Historic Resources Technical Report* were submitted to the SHPD in August 2008; all consulting parties received copies of the *Historic Resources Technical Report*. The SHPD responded by concurring with the determinations of eligibility for all eligible properties, but requested that a small subset of properties that were determined to be not eligible be researched to confirm

this status. Upon more intensive research, the FTA concluded that a few of these properties were eligible. The SHPD concurred with these determinations in a letter dated October 3, 2008, as modified by a follow-up e-mail from Astrid Liverman dated November 14, 2008. Please note that Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated and submitted separately at that time, and the proposed boundary for each was the one reflected in the maps that were distributed during consultation on the Programmatic Agreement (PA). The SHPD, upon reviewing these separate determinations, did not indicate that the historic districts should be combined, nor did the SHPD convey information that the U.S. Navy had combined these two distinct housing areas in its *Integrated Cultural Resources Management Plan* (ICRMP).

- Determinations of effect were completed in April 2009 according to §800.5. These effect determinations are described in detail in the *Historic Effects Report*. In June 2009, the SHPD concurred with all determinations of effect, with the exception of 11 historic properties. FTA had determined that these properties were not adversely affected, but the SHPD believed that the Project would result in adverse effects. FTA accepted the SHPD's effect determinations for these 11 resources. As a result, 33 resources received adverse effect determinations. As part of this process and consistent with the *Historic Resources Technical Report*, Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated separately. FTA determined that there would be an adverse effect to Makalapa Navy Housing and there would be no adverse effect to Little Makalapa Navy Housing. The SHPD concurred with these determinations and did not state that it preferred that these two housing areas be evaluated as a single property, nor did it cite the ICRMP as a source for basing such an opinion.
- All work on the determinations of eligibility and effect were completed by architectural historians who meet or exceed the standards set forth in 36 CFR 61, Appendix A.
- FTA and the consulting parties met 11 times between July 2009 and November 2009 to develop the PA to resolve adverse effects, as set forth in §800.6. At this time, the PA is in a final draft form.

The National Trust for Historic Preservation notified the FTA on November 23, 2009, that the Navy's ICRMP, drafted in 2002 and currently being updated, had presented the Makalapa Navy Housing and Little Makalapa Navy Housing as a single historic property. The Navy commented on December 10, 2009, repeating the National Trust's comment. At no time during the entire consultation process—including eligibility and effects determinations and PA development—did the SHPD or other consulting parties (many of whom were involved in multiple Navy Section 106 consultations) mention that the two individual districts that had been identified as eligible should be a single district as considered in the Navy's ICRMP. One of the

The Honorable Laura Thielen
Page 3
December 31, 2009

most important roles of consulting parties is to convey information in a timely manner about resources with which they are familiar or have specialized knowledge. The National Trust was copied on the submittal of the eligibility determination to the SHPD in August 2008, which depicted the boundaries for the potential Makalapa Navy Housing and Little Makalapa Navy Housing districts.

Discussion with Mason Architects, who prepared both the 2002 ICRMP and eligibility determination forms for the Project, confirmed that the approach taken in their work on the ICRMP emphasized how the Navy would manage its resources. In response to their work on the Section 106 determination they stated that "[T]he housing types are different and they originally housed different populations, with Little Makalapa housing civilians and the Makalapa proper housing Naval officers' families. [Mason Architects] identified Makalapa and Little Makalapa as two separate areas because the two areas are currently distinct."

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Each consulting party was notified of the PA meetings and had the option to attend or call in to the meetings. The U.S. Navy participated minimally in these meetings, calling in to only one meeting. In an attempt to engage the U.S. Navy, project staff met with U.S. Navy staff at Pearl Harbor on July 22, 2009 to apprise the U.S. Navy of the project status. Again, at no time did the U.S. Navy or the SHPD state that they would prefer that the two properties be evaluated as a single historic property. The FTA has upheld both the letter and spirit of Section 106, following the procedural law carefully.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



Wayne Y. Yoshioka
Director

cc: Mr. Ted Matley, Federal Transit Administration
Ms. Blythe Semmer, Advisory Council on Historic Preservation
Dr. Pua Aiu, State Historic Preservation Division
Mr. John Muraoka, U.S. Navy Region Hawaii
Mr. Lawrence Spurgeon, PB Americas, Inc.



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

APR 28 2010

Ms. Laura Thielen, State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Blvd.
Kapolei, Hawaii 96707

Attention: Ms. Nancy McMahon,
Deputy State Historic Preservation Officer

RE: Refinement of Proposed Alignment for the
Honolulu High Capacity Transit Corridor
Project --

Dear Ms. Thielen:

The Federal Transit Administration (FTA), and City and County of Honolulu Department of Transportation Services (DTS) have modified the Honolulu High-Capacity Transit Corridor Project (the "project") in the vicinity of Honolulu International Airport to avoid encroachment into the center portion of the runway protection zone of Runways 22L/4R and 4L/22R. The alignment will now transition from Aolele Street to Ualena Street between Ohohia Street and Keahi Lagoon Beach Park.

The FTA has amended the Area of Potential Effects (APE) to reflect this design refinement. The revised APE follows the approach that FTA established with the Hawaii State Historic Preservation Officer (SHPO) in December 2007. The revised APE in this area is included as an attachment to this letter.

The FTA has surveyed all built resources constructed prior to 1969 within the revised APE. In addition, architectural historians who meet the Secretary of the Interior's Standards for Professional Qualifications assessed each property for National Register of Historic Places eligibility. The FTA has determined that there are no historic resources eligible for listing on the National Register of Historic Places within the revised APE. Eligibility forms for each pre-1969 property within the revised APE are attached to this letter.

Because no new eligible resources are present within the revised APE, the project would have no effect on historic properties within this new area, and the refinement of the proposed alignment would not change the adverse effect determination for the overall project.

On July 22, 2009, the SHPO concurred with FTA's adverse effect determination for the proposed project regarding the Hawaii Employers Council Building's (HECB) setting, feel, and association. With the design refinement, the proposed rail alignment would be closer to the National Register eligible HECB. Ground vibration from construction activities does not often reach levels that can damage structures. The new proximity of the rail alignment to the HECB is within a range such that, as a precautionary measure, FTA would require further study on construction-related vibration during final design. This evaluation would be included in the Noise and Vibration Mitigation Plan already specified in Stipulation X of the current Programmatic Agreement. The Noise and Vibration Mitigation plan would contain numeric limits, monitoring measures, and mitigation based on FTA's 2006 *Transit Noise and Vibration Guidance*. This letter requests SHPO concurrence with the FTA's eligibility determinations for the properties within the revised APE.

This determination does not change any of the resources addressed in or commitments made in the Section 106 Programmatic Agreement; therefore, the FTA intends to proceed with the execution of the current Programmatic Agreement.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures:

Maps of APE for Ualena Design Option

Eligibility forms for properties within the revised APE area

cc: Ms. Blythe Semmer, Advisory Council on Historic Preservation
Dr. Pua Aiu, State Historic Preservation Division
Ms. Faith Miyamoto, City and County of Honolulu

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUMI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 7, 2010

Mr. Matt McDermott
Cultural Surveys Hawai'i
P. O. Box 1114
Kailua, Hawai'i 96736

LOG NO: 2010.1748
DOC NO: 1005NM14
Archaeology

Dear Mr. McDermott:

**SUBJECT: Section 106 National Historic Preservation Act (NHPA) Review
Archaeological Inventory Survey Plan--
For Construction Phase II of the Honolulu High-Capacity Transit Corridor Project,
Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, 'Aiea and Halawa
Ahupua'a, 'Ewa District, O'ahu, Hawai'i
TMK: (1) 9-7, 9-8, 9-9 (Various Plats and Parcels)**

Thank you for providing us the opportunity to review this Archaeological Inventory Survey Plan (AISP), (*Archaeological Inventory Survey Plan For Construction Phase II of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, 'Aiea and Halawa Ahupua'a, 'Ewa District, O'ahu, Hawai'i TMK: (1) 9-7, 9-8, 9-9 (Various Plats and Parcels)[Hammatt and Shideler MA, March 2009]*) which we received on April 7, 2010.

The transit corridor is a very complex project which includes stations, park-and-ride facilities, and piers and requires flexibility on the part of archaeological contractors in inventorying historic properties. Due to geography, urban settlement, previous archaeological work, or the lack thereof, and the non-sensitive and sensitive archaeological areas, the approach was to split the project area in construction phases. All aspects of the archaeological inventory survey were developed around these distinct loci.

Archaeological survey techniques to be employed are driven by the necessity to determine historic properties subsurface in areas of sensitivity. Additionally, these techniques will also confirm the lack of properties in areas not sensitive. These techniques include test trenching, Ground Penetrating Radar (GPR) and limited areal excavations. We agree that these methods will adequately document historic properties that, if significant and with further consultation with this office, be investigated in a mitigation phase.

At the Oahu Island Burial Council Meeting on May 13, 2010, the AISP was presented and no specific comments or revisions were made. The OIBC did suggest that some literature on the chants be included in the background section of the final report.

This AISP is accepted and meets the minimum standards for compliance under Hawai'i administrative Rules.

We are in receipt of a hardcopy of this document, which we will mark as FINAL. Please send text-searchable PDF version on CD along with a copy of this review letter to the attention of Wendy Tolleson and "SHPD Library" at the Kapolei SHPD office.

Please contact me at (808) 692-8015 if you have any questions or concerns regarding this letter.

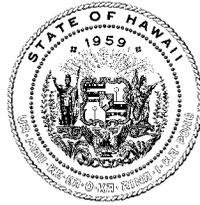
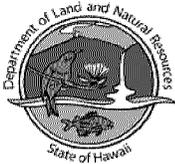
Matt McDermott
Page 2

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon". The signature is written in black ink and is positioned above the typed name.

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 27, 2010

Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105

LOG NO: 2010.1865
DOC NO: 1005MA10

Architecture

Dear Leslie Rogers:

SUBJECT: NHPA Section 106 Review
Refinement of Proposed Alignment for the Honolulu High Capacity Transit
Corridor Project
Multiple parcels in TMK plat 1-10-40 and 1-1-16

Thank you for the opportunity to comment on the architectural inventory sheets and maps for the aforementioned proposed project, which we received on April 28, 2010. The FTA has decided to move the transit corridor project from Aolele Street to Ualena Street between Ohohia Street and Keehi Lagoon Beach Park, and has asked SHPD for concurrence on its determination of "no effect to historic properties" along the Ualena Street corridor between Ohohia Street and Keehi Lagoon Beach Park.

We have reviewed the April 28, 2010 materials you submitted to our office (Prepared by PB, as well as such previously submitted materials, as a "Historic Effects Report Honolulu High-Capacity Transit Corridor Project" report dated April 14, 2009, and a set of inventory forms entitled, "Historic Resources Eligibility Forms Honolulu High-Capacity Transit Corridor Project," dated August 15, 2008. It appears the area covered by the materials included in your office's April 28, 2010 e-mail was not covered in the initial rapid transit historic sites inventory.

The inventory of August 15, 2008, by Mason architects had evaluated buildings along Ualena and Koapaka Streets. Only one building in the former APE was determined eligible for the National Register. This was the Hawaii Employer's Council Building, eligible under Criteria A and C. Although built in 1961, it will attain 50 years before project construction. It has already been determined that the project will have an adverse effect on this property, and therefore, mitigation measures are already addressed in the Programmatic Agreement. SHPD agreed with this determination and with the other "not eligible" determinations for other properties along Ualena and Kaoapaka Streets (LOG 2008.3917, DOC 0810L02). We note that SHPD disagreed with determinations made for other sectors of the project.

The additional significance sheets provided to our office by e-mail on April 28, 2010, and dated November 2009, by PB, evaluated 15 additional historic buildings potentially affected by the revised route. None of the buildings were evaluated as eligible for the National Registers. Therefore FTA determined that the revised project route would have no additional effect to historic properties from

Ms. Rogers
Page 2

Aolele Street to Ualena Street between Ohohia Street and Keehi Lagoon Beach Park. SHPD concurs with this determination.

Should you have any questions regarding architectural concerns, please contact Nancy A. McMahon at (808) 692-8015.

Aloha,

A handwritten signature in black ink that reads "Nancy A. McMahon". The signature is written in a cursive, flowing style.

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

- cc. Ms. Blythe Semmer, Advisory Council on Historic Preservation
- Ms. Faith Miyamoto, City and County of Honolulu
- Ms. Pua Aiu, Historic Preservation Division



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

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Governor

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Daniel Dinell
Executive Director

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Web site
www.hcdaweb.org

Ref No.: PL TRANS 7.18

January 12, 2006

Mr. Kenneth Hamayasu
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Hamayasu:

Re: The Honolulu High-Capacity Transit Corridor Project
Environmental Impact Statement ("EIS") Preparation Notice

Thank you for the opportunity to comment on the EIS Preparation Notice. The Hawaii Community Development Authority ("HCDA") is the redevelopment agency for the Kakaako and Kalaeloa Community Development Districts as authorized under Chapter 206E, Hawaii Revised Statutes. Our comments specifically pertain to the portions of the various fixed-guideway alignments that impact the Kalaeloa and Kakaako districts. We offer the following comments for your consideration.

Kakaako. The EIS Preparation Notice indicates that the Draft EIS will assess impacts of the alternative alignments with respect to social, environmental and financial resources. However, in addition, please include detailed information on the various alignments through Kakaako, including sections of the tunnels, the system's transition into an above-grade alignment as well as the above-grade alignment through the district. We are especially concerned with the project's impact on properties and infrastructure along the proposed alignment. Please identify any required relocation and/or land acquisitions along the alignment route.

The proposed action may require HCDA's Development Permit approval for any construction-related activities along the alignment route within the Kakaako District.

Kalaeloa. We find that Alternative 4d will better serve future residents and business in the area for the following reasons:

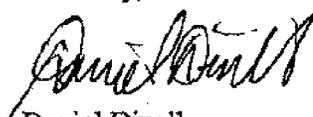
- Alternative 4d is more centrally located within the Kapolei/Kalaeloa district and will serve a greater number of people who live and work in Kalaeloa.

Mr. Kenneth Hamayasu
Page Two
January 12, 2006

- Alternative 4d most closely resembles the transit alignment proposed in the Kalaeloa Master Plan ("Master Plan"). The Master Plan incorporates transit oriented development ("TOD") along the realigned Saratoga Road, which is compatible with Alternative 4d. TOD would provide a new opportunity for the residents of Kapolei and Ewa to take full advantage of the transit system. Such a housing type would provide an alternative to the single family and townhouses that dominate Ewa today.
- There is ample land in Kalaeloa to accommodate a park and ride type facility for commuters from Ewa. Residents from Ewa and Ocean Pointe could enter and egress Kalaeloa from Geiger Road and the planned extension of North South Road.
- Use of land in Kalaeloa for a transit/rail base yard was specified in our Kalaeloa Master Plan and was favorably received by the community as an opportunity to create jobs and further transit oriented development.

We appreciate the opportunity to comment on the subject EIS Preparation Notice and look forward to additional information on the Alternative Analysis. We are generally supportive of the proposed high-capacity transit system and anticipate that the project will enhance the livability of the Kalaeloa and Kakaako districts. Should you have any questions with regard to Kakaako, please call Teney Takahashi and with regard to Kalaeloa, Stanton Enomoto. Both can be reached at 587-2870.

Sincerely,



Daniel Dinell
Executive Director

DD/ST:ll

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00456

Mr. Teney K. Takahashi, Interim Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard
Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Teney K. Takahashi, Interim Executive Director
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,


WAYNE D. YOSHITAKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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Phone: (808) 798-6305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276161

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Attention: Mr. Deepak Neupane, P.E. AR

Dear Mr. Ching:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, DTS would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed is one (1) printed copy of the Historical Resources Technical Report along with one (1) CD containing the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

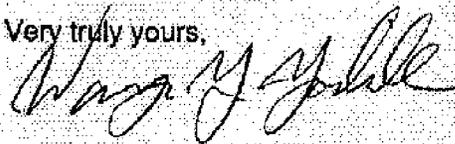
Mr. Anthony Ching, Executive Director
Page 2
August 25, 2008

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,



Wayne Y. Yoshioka
Director

Enclosures:

Historical Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKA'AKO
KALAELOA

Linda Lingle
Governor

Jonathan W. Y. Lai
Chairperson

Anthony J. H. Ching
Executive Director

677 Ala Moana Boulevard
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96813

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Ref. No.: PLTRANS 7.18

September 16, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Re: Section 106 – Coordination for the Honolulu
High-Capacity Transit Corridor Project

Thank you for the opportunity to review the documents relating to the Honolulu High-Capacity Transit Corridor Project. In particular, we have reviewed the proposal with respect to effects on historic, cultural, and archaeological resources.

We have the following comments to offer:

1. On page 5-21 of the Cultural Technical Report, reference was made to the "Queen Street Burial Mound" and the "Halekauwila Street Burial Mound." The location of these burial mounds within a Kakaako Community Development District ("KCDD") reference map would greatly enhance public and agency review.
2. Based on the potential of the project to impact pre-contact and post-contact archaeology and burials in the Kakaako District, we recommend:
 - (a) an Archaeological Inventory Survey is conducted along the proposed area of the Transit Corridor;
 - (b) a preservation plan for known historical and cultural resources is articulated; and
 - (c) a strategy is defined for coordinating the development of the Transit Corridor with the likely discoveries of iwi or other finds in the Transit Corridor Project area.

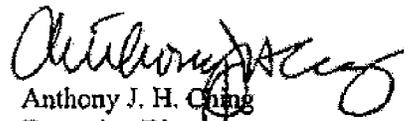
Mr. Wayne Yoshioka
Page Two
September 16, 2008

The City and County should work closely with the State Historic Preservation Division, the Office of Hawaiian Affairs, and Native Hawaiian community in developing and implementing these strategies, protocols and programs.

3. The Hawaii Community Development Authority ("HCDA") should be notified in writing of any burials or archaeological finds that may be unearthed due to the project.
4. We recommend that your department work with area landowners (General Growth Properties, Inc. and Kamehameha Schools) and the HCDA in finalizing the alignment of the Transit Corridor and station locations within the KCDD.

If there are any questions, please feel free to call me at 587-2870.

Sincerely,


Anthony J. H. Chung
Executive Director

AJHC/DN/TM:II



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAAKO
KALAELOA

Linda Lingle
Governor

Jonathan W. Y. Lai
Chairperson

Anthony J. H. Ching
Executive Director

Ref. No.: ~~PL-TRANS-7.18~~

January 29, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Re: Honolulu High-Capacity Transit Corridor Project Draft
Environmental Impact Statement/Section 4(f) Evaluation

Thank you for the opportunity to review the Draft Environmental Impact Statement ("DEIS"), Section 4(f) Evaluation, relating to the Honolulu High-Capacity Transit Corridor Project. Please include our comments and your responses in the Final Environmental Impact Statement ("FEIS").

We have the following general comments to offer:

1. Due to the high level of Archaeological Resources Occurrence identified in Chapter 4, Figure 4-50 of the DEIS, we recommend that an Archeological Inventory Survey Plan and Survey be conducted for the proposed route of the Honolulu High-Capacity Transit Corridor Project within the Kakaako and Kalaeloa Community Development Districts. All study and documentation should be coordinated with the State Historic Preservation Office, Department of Land and Natural Resources, State of Hawaii.
2. We are concerned about the impact of the Project to the Queen Street Park as noted on page 5-15 of the DEIS. It appears that the straddle-bent columns would be located within the Mauka portion of the park. Public parks within the Kakaako Community Development District represent an important and scarce resource. We recommend alignment of the Honolulu High-Capacity Transit Corridor in this area

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Mr. Wayne Yoshioka
Page Two
January 29, 2009

to lie entirely within the roadway right-of-way to avoid any loss of park space to straddle-bent columns.

3. Native Hawaiian re-internment burial sites are located within the Ewa portion of the Queen Street Park and within the Mauka Diamond Head corner of Mother Waldron Park. The City and County of Honolulu should coordinate with the State Historic Preservation Office and Oahu Burial Council in identifying and monitoring native Hawaiian burial sites during construction.
4. The Hawaii Community Development Authority ("HCDA") has planning and zoning jurisdiction within Kakaako and Kalaeloa Community Development Districts and a development permit from HCDA is a requirement for any development within these Districts. Development permits from the HCDA shall be required for construction of the transit guideway, transit stations and any other accessory structures associated with the Honolulu High-Capacity Transit Corridor Project within the Kakaako and Kalaeloa Community Development Districts.
5. Small businesses in Central Kakaako are a vital part of the State's economy and include nearly 200 businesses employing close to 1,000 people and generating approximately \$60 million in annual sales. Any impact to these businesses due to construction and operation of the transit project needs to be discussed in the FEIS.
6. Halekauwila Street is identified as the alignment for the Locally Preferred Alternative. It appears that the elevated guideway support columns will encroach into the traffic lanes on Halekauwila Street. If there will be a loss of a travel lane on Halekauwila Street, regional traffic impact due to the loss of travel lane needs to be addressed in the FEIS.

Mr. Wayne Yoshioka
Page Three
January 29, 2009

7. It appears that portions of the Locally Preferred Alignment and transit stations are located within lands owned by General Growth Properties, Inc. (“GGP”) and Kamehameha Schools (“KS”). The HCDA is currently reviewing master plan applications submitted by both GGP and KS for the development of lands within the Kakaako Community Development District. We request that your department coordinate the alignment as well as the location and detailed design of the stations with the HCDA, GGP, and KS and report its findings and recommendations in the FEIS.
8. The issue of “elevated” or “at-grade” track for the Kakaako and Kalaeloa Districts does not appear to be fully explored. This issue needs to be analyzed in depth and (at a minimum) the Kakaako and Kalaeloa communities need to be engaged. Though the DEIS refers to the possibility of building sections of the transit corridor in Kapolei “at-grade”, stakeholder discussions conducted in the Kalaeloa Community Development District have produced support for a grade-separated system. We request that the FEIS include community feedback and analysis of the costs and benefits of constructing “elevated” and “at-grade” tracks for this project.
9. The alignment of the Project within the Kalaeloa Community Development District will impact multiple landowners and created a level of confusion as to the timing, requirements and impacts to future program activities and plans. The FEIS should document any comments received from and response given to the Hawaii Army National Guard, Ford Island Properties, Department of Hawaiian Homes Land, Carmel Partners, Hawaii Public Housing Authority and the Veteran Administration with respect to alignment and other expected impacts of the project upon their land use and programs.
10. The Kalaeloa, Kapolei and Ewa Beach communities currently suffer from the lack of a multi-modal transportation system and the distance to employment centers. The DEIS does not discuss how the Honolulu High-Capacity Transit

Mr. Wayne Yoshioka
Page Four
January 29, 2009

Corridor Project will be integrated into a transit-bus-shuttle system and will meet the needs of these communities.

Along with the general comments listed above, specific comments include the following:

- Provide the extent of acquisition of additional right-of-way along alignment including size, location and dimension of anticipated right-of-way acquisition. Page 3-39, Table 3-21.
- Provide more detailed information on neighborhood parking programs. Page 3-44, Section 3.4.5.
- Industrial uses should also be included in the description of Kakaako. Existing Land Use Overview by Planning Area (last paragraph) Page 4-11, Table 4-2.
- Include Kalaeloa Master Plan and Kakaako Community Development District Mauka Area Plans in Future Land Use Plans and Policies, Page 4-13.
- Identify Symbol "H" on Page 4-32, Figure 4-12, as the John A. Burns School of Medicine.
- The Kakaako Community Development District is comprised of 614 acres, including the Makai Area. Page 4-42, Ala Moana-Kakaako. Please note that the Ala Moana Boulevard is not a part of Kakaako Mauka Area.
- Chapter 1, P. g. 1-7, Figure 1-4, Major Activity Centers in the Study Corridor refer to the Kalaeloa Industrial Park near Fort Barrette and Roosevelt Roads. The reference to the Kalaeloa Industrial Park is incorrect as this facility does not exist. The reference should instead refer to the Kalaeloa Community Development District.

Mr. Wayne Yoshioka
Page Five
January 29, 2009

If there are any questions, please feel free to call me at 587-2870.

Sincerely,


Anthony J. H. Chung
Executive Director

AJHC/DN:ak

c: ✓ Mr. Ted Matley, FTA Region IX

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305846

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

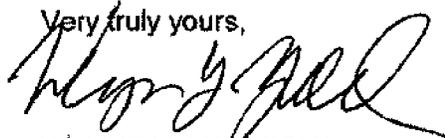
Mr. Anthony Ching, Executive Director
Page 2
March 31, 2009

Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322908

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

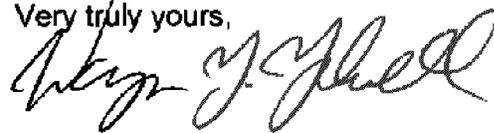
Mr. Anthony Ching, Executive Director
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00457

Mr. Clyde Namuo, Administrator
Office of Hawaiian Affairs
711 Kapi'olani Boulevard
Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Clyde Namuo, Administrator
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

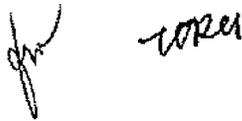
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)





STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

December 26, 2007

HRD 107/2156E

Wayne Y. Yoshioka, Acting Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 5, 2007 submission concerning Section 106 coordination for the Honolulu High-Capacity Transit Corridor Project and offers the following comments:

Our office appreciates the offer to be a consulting party as part of the Section 106 process. OHA recognizes that this will be an important process in order to preserve and protect any known and unknown historic properties that may coincide with the proposed rail alignment. We accept this invitation as a consulting party and look forward to any future consultations.

In regards to your request for other consulting parties in the Section 106 process, we recommend that you consult with Hui Mālama o Nā Kūpuna o Hawai'i Nei and the O'ahu Island Burial Council.

Thank you for the invitation to be a consulting party. If you have further questions or concerns, please contact Jason Jeremiah, Policy Advocate-Preservation, Native Rights, Land and Culture, at (808) 594-1816 or jasonj@oha.org.

Aloha,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Administrator

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274143

Mr. Clyde Nāmu`o
Office of Hawaiian Affairs
711 Kapi`olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Nāmu`o:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also pertinent Technical Reports for your review and comment. These Technical Reports include those regarding Historic Resources, Archaeological Resources, and Cultural Resources.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

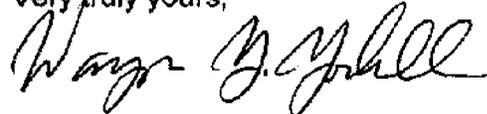
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Clyde Nāmu`o
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

CD containing the following:

- Purpose and Need for the Project
- Alternatives
- Historic Resources Technical Memorandum
- Archaeological Resources Technical Memorandum
- Cultural Resources Technical Memorandum



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

RECEIVED
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HRD0872156
ENGINEER'S OFFICE
DEPT. OF
TRANSPORTATION SERVICES

September 23, 2008

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

RE: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated August 18, 2008. The Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS) is seeking to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High Capacity Transit Corridor Project (Project). OHA has reviewed the project and offers the following comments.

The Project extends from Kapolei to UH Mānoa with future planned spurs in Waikiki, UH Mānoa, and the Airport areas. In addition to the fixed guideway, the project will also include the construction of transit stations and supporting facilities. The supporting facilities include a vehicle maintenance facility, transit centers, park-and-ride lots, and traction power substations.

The mayor of the City and County of Honolulu has expressed a highly ambitious construction timetable for the Project. We realize that if environmental compliance takes a little longer than expected, the start of project construction must be pushed back until all necessary approvals are met. The proposed timetable of the Project is of great concern to our office. We request assurances that all environmental compliance requirements will be fulfilled before the start of construction.

Our office is also concerned about the level of anticipated archeological, cultural, and historic investigations that are planned to be conducted for the Project. After a review of Chapters 1 and 2 of the Draft Environmental Impact Statement (DEIS), the documentation states that the project study area will extend from Kapolei to UH Mānoa. The survey area of the archeological, cultural, and historic reports will only include the currently funded project area which stretches from East Kapolei to Ala Moana. This would not include the Airport, UH Mānoa and Waikīki routes and spurs, which would therefore require additional environmental compliance to comply with Hawaii Revised Statutes (HRS) Chapter 343 and the National Historic Preservation Act of 1966 and its implementing regulations.

The Area of Potential Effect (APE) includes an approximate 300-foot-wide corridor centered on the project alignment. Included within the APE are the footprint of potential locations of project-related park-and-ride lots, maintenance facilities, and construction staging areas. According to the submission, confining the archeological resources within the APE to the limits of ground disturbance is warranted, because the surrounding built environment is largely developed and becoming progressively more urban as the Project progresses Koko Head.

As a result of the surrounding built environment of the Project, the submission states that the archeological resource identification efforts may include a phased identification process, which would be detailed in a Memorandum of Agreement (MOA). The approval of the Archeological Inventory Survey Plan (AIS), Archeological Monitoring Plan (AMP), and Burial Treatment Plan (BTP) should also be submitted to review by the SHPD before the commencement of each planned phase of the Project. The BTP should also be submitted to the O'ahu Island Burial Council (OIBC) for their approval.

Furthermore, the archeological technical report states that consultation with Native Hawaiian groups and organizations, including Hui Mālama, OHA, and the OIBC will be particularly important. OHA stresses that our office should not be the end-all for consultation with Native Hawaiian Organizations (NHOs). Consultation efforts must be conducted with each individual NHO that may have a special connection, expertise, or desire to provide input during the consultation process. OHA also stresses the importance of consulting with Native Hawaiian individuals and families that may have particular ties to areas within the APE of the project.

The OIBC has been actively involved in consultation with the DTS and its contractor Parsons Brinkerhoff (PB) concerning the Project. As early as October 2007, the DTS has discussed the project methodology with the OIBC. During recent OIBC meetings, the OIBC has expressed grave concerns with the methodology of the project and have actively asked for the exact details on how an MOA would be drafted for the Project. These concerns should be addressed by the DTS and its contractors of the Project.

OHA would defer to the OIBC on all decision-making authority that an MOA would entail. The OIBC has statutory obligations to protect iwi kūpuna and burial sites, pursuant to HRS Chapter 6E. OHA strongly advocates that the OIBC and OHA be included as invited

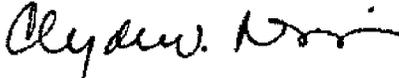
Wayne Y. Yoshioka, Director
September 23, 2008
Page 3

signatories to the MOA by the Federal Highways Administration, the lead federal agency on the project.

Finally, we request the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'ōia'i'ō,



Clyde W. Nāmu'ō
Administrator

C: Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, Hawai'i 96707



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
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HRD08/2156 K

February 2, 2009

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

RE: Honolulu High-Capacity Transit Corridor Project, Draft Environmental Impact Statement/Section 4(f) Evaluation, Island of O'ahu, Honolulu and 'Ewa Districts

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated November 12, 2008. The Department of Transportation Services – City and County of Honolulu (DTS) has submitted a copy of the Draft Environmental Impact Statement/Section 4(f) Evaluation (Draft EIS) for the Honolulu High-Capacity Transit Corridor Project (Project) to our office for review and comment. OHA has reviewed the project and offers the following comments.

The Draft EIS was prepared pursuant to the National Environmental Policy Act (NEPA), Section 4(f) of the U.S. Department of Transportation Act of 1966, Hawaii Revised Statutes (HRS) Chapter 343 and the Hawaii Administrative Rules, Title 11, Chapter 200. The review of this Draft EIS was triggered by both state and federal environmental and transportation policy laws and thus our comments on this document will reflect these laws and policies. OHA would also like to note that Section 106 consultation, pursuant to the National Historic Preservation Act of 1966 (NHPA), has also been triggered by this proposed action and is being conducted concurrent to the Draft EIS/Section 4(f) Evaluation.

The Role of OHA

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. The HRS mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and

coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians.” (HRS § 10-3)

By direction of the statutory mandates, OHA continues to conduct advocacy efforts to protect the traditional cultural landscapes of Hawai‘i. This includes the protection of archeological and historic resources, the perpetuation of traditional and cultural practices, and the continued health of our terrestrial and marine ecosystems. The dialogue that has played out in the decision on whether the City should pursue the largest public works project in the history of the State of Hawai‘i has been controversial and widely publicized. OHA seeks not to weigh in on the controversial merits of development but seeks to assess the potential impacts that the Project will have on the landscape of the transit corridor.

Public Hearings for the Draft EIS

OHA is deeply concerned with format of the public hearings during the Draft EIS process. The public meetings were scheduled for 2 hours, but the local media reported that the first meeting on December 6, 2008 ended after thirty-one minutes. It was also reported that only ten residents offered testimony during the first meeting on December 6, 2008. OHA staff was able to attend the December 11, 2008 public hearing for the Draft EIS at Bishop Museum at 6:00pm. The meeting started shortly after 6:00pm with public comments being accepted at 6:05pm after a brief introduction by the project staff. After three members of the public offered testimony, the public hearing was officially closed at 6:12pm.

Our staff is concerned that members of the public who were not able to make it to the meetings on time may not have been afforded the opportunity to comment during these public meetings. Residents are often faced with many hardships, have many responsibilities and time commitments, may go to great lengths in order to attend public meetings, and are not always able to make the meetings precisely on time. The public should have been allowed to offer comments on the proposed project during the full two hours that was allotted and advertised for public comment.

Archeological, Cultural, and Historic Resources

Archeological, cultural, and historic preservation laws and regulations provide a regulatory context from which these resources will be identified, evaluated, and treated. As the Project is federally regulated by the NHPA, and its implementing regulation 36 CFR 800, an early determination of “adverse effects toward historic properties” was determined by the DTS and the Federal Transit Authority.

As a result of the determination of “adverse effects toward historic properties”, a Memorandum of Agreement (MOA) is being developed to address the adverse effects toward historic properties. According to the consultation process described in the EIS, the process would involve the State Historic Preservation Division (SHPD) and other consulting parties in discussions regarding adverse effects on historic properties resulting in an MOA.

To our knowledge, consultation with the SHPD and the O'ahu Island Burial Council (OIBC) has been taking place in recent months and the development of an MOA has been progressing. OHA asks that our office be included as a consulting party to the MOA, as OHA is a specifically named Native Hawaiian Organization in the NHPA. As Section 106 consultation has commenced with our office, we further request that consultation continue with our agency. Early and continued consultation with all parties of the MOA shows a proactive effort is being made by the lead agencies responsible for consultation under Section 106 regulations.

According to the Draft EIS, a phased approach to identify archeological resources, including burials will be used in the Project. As a phased archeological inventory survey will be completed as the project commences, the extent of archeological resources that may be present is yet to be seen. Therefore, a Programmatic Agreement (PA) is being developed by the leads of the Project which will stipulate the full extent of responsibilities prior to each construction phase, identify invited concurring signatories, and provide direction on mitigation of adverse effects. OHA would like to be offered an opportunity to review and provide comment on the PA upon its completion.

Mitigation measures for any potential archeological resources that may be affected during construction include archeological monitoring, preserving archeological resources, and burial treatment. Subsurface archeological resources including burials could be impacted by construction. OHA advocates for archeological monitoring in any ground disturbing activities associated with the project. At the very least, archaeological monitoring should be performed in areas identified with a "Moderate" and "High" rating. Because an archeological monitoring plan is yet to be drafted and released we request to be provided this plan for review and comment upon completion. An approved archeological monitoring plan pursuant to the MOA should be enacted to set up a process to handle any archeological resources or iwi kūpuna that may be unearthed during construction.

OHA request DTS's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law. OHA would also like to be notified at that time.

Natural Resources

During early consultation for this project, concerns were expressed about the ko'oloa'ula (*Abutilon menziesii*), commonly known as the red 'ilima. The ko'oloa'ula is an endangered plant which is known to inhabit areas of Kapolei. The federal government is currently implementing a conservation plan for this endangered plant. OHA notes that the proposed project would encroach into within 200 feet of an established contingency reserve contained within a habitat conservation plan of these endangered plants. (DEIS, page 4-119) OHA realizes that mitigation measures have been specified for this habitat conservation plan that include future developments; however, we recommend that the incidental take license be reviewed to ensure that this particularly large and unique proposal will comply with specified measures previously determined. Therefore, we urge that the DTS reconsider their assertion of a finding of no effect

on any threatened, endangered or protected species (DEIS, page 4-125) until this is done. Also, has the DTS consulted with the U.S. Fish and Wildlife Service regarding seabird attraction preventative measures and incorporated them into their design plans? We would like to see a copy of DTS's Section 7 consultation.

Contaminated Sites

As the DEIS states on page 4-113, there are a number of properties proposed to be used that are contaminated. DTS should assess whether chemicals of potential concern are present in shallow soil or groundwater at these sites. If allowed to go forward, remediation of the contaminated areas before deconstruction will likely be necessary. Additionally, long-term biological and chemical monitoring should be established to measure any change in contaminant levels over time and the associated biological response.

OHA does appreciate that DTS proposes permanent best management practices (BMPs) to address water quality that include an inspection and maintenance plan to ensure that they are attaining their objectives. (DEIS, page 4-132)

Stormwater

Generally, OHA wishes to see stormwater as a resource to be captured and conserved rather than a nuisance to be channeled and drained away. The use of permeable paving materials can be used to retain some of the rain that falls, and catch basins can capture and help to slow the runoff thereby reducing turbidity. We hope that DTS can incorporate these ideas into their water management system, which already includes some of these concepts.

Pearl Harbor National Wildlife Refuge and Wetlands

OHA notes that the Pearl Harbor National Wildlife Refuge is listed habitat for endangered fauna and it exists within the project corridor. (DEIS, pages 4-123) In fact, DTS proposes to put a possible "maintenance and storage facility" (DEIS, page 4-132) a mere 1,000 feet from this protected habitat. OHA appreciates that the wetlands are to remain intact (DEIS, page 4-126); however, this in no way ensures that there will be no adverse effects to them.

For example, OHA sees that DTS proposes to fill in some wetlands. (DEIS, page 4-128) We also point out that the Draft EIS plainly states that this "maintenance and storage facility will include an increased level of BMPs because it would be the system's most industrial facility." (DEIS, page 4-132, emphasis added) OHA urges that strict BMPs should apply to this type of facility no matter where it is located and that since this is a "possible" location, placing it next to endangered species habitat is not the best citing for it. We recommend that alternative locations be analyzed in the EIS.

OHA seeks clarification that the classification of the receiving state waters for this estuary is Class 2. As such, we point out that DTS must be aware of the obligations to protect these waters for recreation, aquatic life (and wildlife), water supplies, and that any discharge must receive the best degree of treatment compatible with this class. Further, no new treated sewage discharges shall be permitted within estuaries. OHA notes that the Pearl Harbor estuary

will be impacted by this proposal and regardless of the current state of the water quality of any of the receiving waters; it is not to serve as an excuse for DTS to shirk their obligations. We also ask about compatibility with section 320 of the Clean Water Act and its associated National Estuary Program.

Energy

OHA would also like to point out that Hawai'i is re-inventing its energy portfolio. As such, DTS should consider that by 2020, 20% of Hawai'i's electricity is to be from renewable sources. Further, on January 28, 2008, Assistant Secretary of the Department of Energy and Governor Linda Lingie signed a groundbreaking Memorandum of Understanding (MOU) between the state government and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. The MOU estimates that Hawai'i can potentially meet between 60 and 70 percent of its future energy needs from clean, renewable energy sources.

As such, the legislature has recommended applicants consider the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. OHA recommends the use of photovoltaic and small wind harvesting electrical generation for peripheral uses such as parking lot lighting. Solar energy should also be incorporated into the building plans. During construction, OHA urges the use of recyclable materials: steel studs and structural members, and wood products from certified sustainable sources. Landscaping should include native species and large trees to provide shade and cooling to buildings as well as parking lots. Additionally, state agencies are regulated by HRS §196-9 dealing with energy efficiency and environmental standards for state facilities, motor vehicles, and transportation fuel. Although the DTS is not obligated to adhere to this statute, as it is not a state agency, any efforts by your agency to comply with the standards set forth in the statute would show a good faith effort to minimize the impact that the Project will have on energy consumption.

Environmental Justice Concerns

OHA expresses some concern over the situation with the 100 percent minority Banana Patch community that will be dramatically affected by this proposal. OHA agrees that this community is unique and we recognize that this tight-knit community has been living there for generations. Displacement of this entire community is something that will have to be adequately addressed. We also point out that the residents of this area (who do not have access to basic infrastructure services such as water and sewage) are living in multi-generational housing, mainly as a result of economic circumstance, not so much as a result of cultural influences. (DEIS, page 4-55)

Signage as a Tool for Preservation

When cultural resources are affected, effective documentation of the resources and the cultural landscape in which it is located in should be considered as a mitigation measure. Signage related to the preservation of resources or the location of a relocated or displaced resource should be considered in order to preserve the history and culture of a landscape. This

Wayne Y. Yoshioka, Director
February 2, 2009
Page 6

mitigation measure could also have the potential to develop economic or community-based activities which would benefit the local communities that will be affected by the Project. Consultation regarding this matter could be conducted with local community organizations and local Hawaiian Civic Clubs.

Visual and Aesthetics Concerns

There is no doubt that the Project will create and produce visual and aesthetic effects on the landscapes within the transit corridor. Mitigation measures discussed in the DEIS focus on preserving visual resources and enhancing the project design to comply with applicable policies. The DEIS includes measures to consult with the communities surrounding each station for input on station design elements. OHA supports this measure and recommends consultation with each respective community's Neighborhood Board and Hawaiian Civic Club.

Many residents have expressed concerns over the visual and aesthetic impacts that the proposed project will have on the landscape. As a form of mitigating the effects the proposed project will have on the cultural landscape, we advocate that native plants should be incorporated into the landscaping and vegetation plans around the rail transit corridor including the transit stations when at all possible. Landscaping with native plants furthers the traditional Hawaiian concept of mālama 'āina and creates a more Hawaiian sense of place. This concept is one small way the cultural landscape can be preserved in an urban setting.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator

C: Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Katherine Puana Kealoha, Director
Office of Environmental Quality Control
Hawai'i State Department of Health
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUF! HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305888

Mr. Clyde Namuo, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Mr. Clyde Namuo, Administrator
Page 2
March 31, 2009

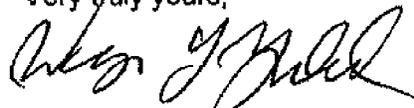
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/2156 M

April 28, 2009

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

RE: Section 106 Historic Resources Effects Determination for the Honolulu High-Capacity Transit Corridor Project

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated April 15, 2008. The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) has sent the effects determination on historic resources under Section 106 of the National Historic Preservation Act for eligible resources located within the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project (Project) for review. OHA has reviewed the submission to our office and offers the following comments.

The FTA in coordination with DTS has evaluated eligible historic properties within the Project's APE using the criteria of adverse effects outlined in 36 CFR 800.5. As a result of this evaluation 81 identified National Register Historic Places-listed and eligible properties were evaluated. Of the 81 identified historic resources, 22 properties were determined to be adversely affected by the Project. 51 remaining properties would have no adverse effect and 8 remaining properties would have no effect as a result of the Project.

According to the submission, the planners and design staff were notified of the presence of historic resources within the APE and considered these resources during the Alternatives Analysis phase of the Project. An adverse impact to historic properties has been made as an overall determination for this Project. It is noted that additional coordination with the State Historic Preservation Division (SHPD) and other consulting parties will be undertaken to

Wayne Y. Yoshioka, Director
April 28, 2009
Page 2

develop appropriate mitigation measures to address these adverse effects to historic properties. OHA requests continued consultation on this and any other matter related to the Project.

According to the Advisory Council on Historic Preservation (ACHP), "public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process." Alongside the ACHP's recommendation for successful consultation, OHA recommends that FTA and DTS engage in meaningful consultation based upon building relationships with individuals, families, and organizations, including Native Hawaiians Organizations (NHOs) representing a wide viewpoint.

NHOs should be afforded equal opportunities to engage with FTA and DTS in the Section 106 process and consultation should be directly initiated with these organizations. Consultation letters addressed to several Hawaiian Civic Clubs were sent to OHA with the expectation that we were going to forward these letters and CDs to the appropriate NHOs. OHA finds this unacceptable and questions the level of consultation that FTA and DTS has engaged in with these NHOs. Furthermore, we request that the FTA and DTS send any future consultation letters directly to these NHOs. If assistance is needed to find correct and current contact information for any NHO, OHA will gladly assist.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'ōia'i'ō,



Clyde W. Nāmu'ō
Administrator

C: Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, Hawai'i 96707

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIKAWA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322922

Mr. Clyde Namuo, Executive Director
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

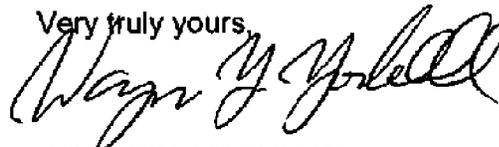
Mr. Clyde Namuo, Executive Director
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPĪOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/21560

October 21, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

**Re: Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement**

Aloha e Leslie Rogers and Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) would like to offer the following comments on the programmatic agreement (PA) being executed pursuant to applicable provisions of the National Historic Preservation Act of 1966, as amended for the Honolulu High-Capacity Transit Corridor Project (project). OHA staff has had the opportunity to attend stakeholder meetings regarding the PA and we have considered the wide range of thoughts which have been expressed on various aspects of the PA.

OHA has substantial obligations to protect the natural and cultural resources of Hawaii'i for our beneficiaries, the people of this land. The decision on whether to move forward with the largest public works project in the history of the State of Hawaii'i has been controversial and widely publicized. At this juncture, OHA seeks to fulfill our statutory mandates by assessing the potential impacts that this project will have on iwi kūpuna (ancestral remains) or other significant sub-surface cultural resources within the project corridor.

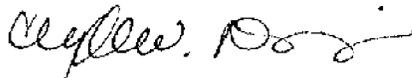
We acknowledge the comments and suggested revisions to the PA that have been offered by the O'ahu Island Burial Council (OIBC) and Hui Mālama I Nā Kūpuna o Hawaii'i Nei (Hui Mālama). These thoughtful and detailed letters from two Native Hawaiian Organizations not only reflect their commitment to the PA consultation process, but also demonstrate their commitment to the protection and proper care of iwi kūpuna, a practice which has been fostered through many generations of Native Hawaiians and is a fundamental value of our culture. OHA strongly advocates that at a minimum, the Federal Transit Administration (FTA) is obligated to respond to the OIBC and Hui Mālama with a level of detail that

and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as "delays" or "inconveniences" in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward.

With this in mind, OHA supports the position that a comprehensive archaeological inventory survey (AIS) which includes a complete subsurface archaeological excavation in all areas which will be subject to ground disturbance related to this project must be completed as soon as possible. Any burials identified during this AIS would be classified as "previously identified" pursuant to the Hawaii Revised Statutes and Hawaii Administrative Rules. The OIBC would then have the statutory authority to render a determination of "preservation in place" or "relocation" for any previously identified Native Hawaiian burials and will provide recommendations on any appropriate mitigation measures. The FTA and City and County of Honolulu will then be able to consider the OIBC's determinations and recommendations before committing to a final alignment and costly engineering and design plans.

Thank you for considering these comments. OHA would also like to express our sincere appreciation to all parties involved in this most important matter and remain committed to continuing our work with you to reach a respectful and appropriate conclusion. Should you have any questions or concerns, please contact Keola Lindsey, Advocate, Native Rights, Land and Culture at 594-1904 or keolal@oha.org.

‘O wau iho nō me ka ‘ōia‘i‘o,



Clyde W. Nāmu‘o
Administrator



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/21560

October 26, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

**Re: Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement**

Aloha e Leslie Rogers and Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) would like to offer the following comments on the programmatic agreement (PA) being executed pursuant to applicable provisions of the National Historic Preservation Act of 1966, as amended for the Honolulu High-Capacity Transit Corridor Project (project). OHA staff has had the opportunity to attend stakeholder meetings regarding the PA and we have considered the wide range of thoughts which have been expressed on various aspects of the PA.

OHA has substantial obligations to protect the natural and cultural resources of Hawai'i for our beneficiaries, the people of this land. The decision on whether to move forward with the largest public works project in the history of the State of Hawai'i has been controversial and widely publicized. At this juncture, OHA seeks to fulfill our statutory mandates by assessing the potential impacts that this project will have on iwi kūpuna (ancestral remains) within the project corridor.

We acknowledge the comments and suggested revisions to the PA that have been offered by the O'ahu Island Burial Council (OIBC) and Hui Mālama I Nā Kūpuna o Hawai'i Nei (Hui Mālama). These thoughtful and detailed letters from two Native Hawaiian Organizations not only reflect their commitment to the PA consultation process, but also demonstrate their commitment to the protection and proper care of iwi kūpuna, a practice which has been fostered through many generations of Native Hawaiians and is a fundamental value of our culture. OHA strongly advocates that at a minimum, the Federal Transit Administration (FTA) is obligated to respond to the OIBC and Hui Mālama with a level of detail that reflects a thorough review and consideration of their comments and suggested revisions. The FTA must

Leslie Rogers and Wayne Yoshioka
October 26, 2009
Page 2

also affirm that the intent and all provisions of applicable Federal regulations such as, but not limited to the National Environmental Policy Act and Section 4(f) of the U.S. Department of Transportation Act of 1966 have been fully considered and applied before allowing this project to move forward.

Of particular concern is Phase 4 of the project which includes the Downtown Honolulu and Kaka'ako corridors. It would be accurate to summarize that all parties involved with this project realize that there is a high probability that Native Hawaiian burials will be identified in this corridor of the project. A detailed listing of the numbers of Native Hawaiian burials which have been impacted over the years by specific projects in this area would offer a brutal reminder of the kaumaha (sadness) those involved with these situations have endured and to certain degree, will always carry. Through these tragic lessons, the Native Hawaiian community has come together to advocate for a paradigm shift in how and when iwi kūpuna are identified during the development process so that they can be afforded appropriate protective measures and care. This new paradigm includes incorporating the most modern and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as "delays" or "inconveniences" in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward.

With this in mind, OHA supports the position that a comprehensive archaeological inventory survey (AIS) which includes a complete subsurface archaeological excavation in all areas which will be subject to ground disturbance related to this project must be completed as soon as possible. Any burials identified during this AIS would be classified as "previously identified" pursuant to the Hawaii Revised Statutes and Hawaii Administrative Rules. The OIBC would then have the statutory authority to render a determination of "preservation in place" or "relocation" for any previously identified Native Hawaiian burials and will provide recommendations on any appropriate mitigation measures. The FTA and City and County of Honolulu will then be able to consider the OIBC's determinations and recommendations before committing to a final alignment and costly engineering and design plans.

Thank you for considering these comments. OHA would also like to express our sincere appreciation to all parties involved in this most important matter and remain committed to continuing our work with you to reach a respectful and appropriate conclusion. Should you have any questions or concerns, please contact Keola Lindsey, Advocate, Native Rights, Land and Culture at 594-1904 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
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415-744-3133
415-744-2726 (fax)

Lieutenant Colonel Charles H. Klinge
US Army Corps of Engineers Honolulu District
Fort Shafter Bldg 230
Ft. Shafter, HI 96858

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Lieutenant Colonel Klinge:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Army Corps of Engineers approval related to streams along the alignment, so we are formally requesting the U.S. Army Corps of Engineers to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the U.S. Army Corps of Engineers' cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the U.S. Army Corps of Engineers statutory

responsibilities and concerns. The environmental documentation will address environmental and programmatic concerns identified by the U.S. Army Corps of Engineers and will be sufficiently detailed to enable the U.S. Army Corps of Engineers to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Mailey at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. A City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,


Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

April 10, 2007

REPLY TO
ATTENTION OF

Office of the Chief
Regulatory Branch

Mr. Kenneth Hamayasu
Chief, Transportation Planning Division
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Hamayasu:

This letter is in response to your March 16, 2007 written invitation requesting our participation in the National Environmental Policy Act (NEPA) public scoping process for the preparation of an Environmental Impact Statement (EIS) for the *Honolulu High-Capacity Transit Corridor Project* ("Project") located on the Island of O'ahu, Hawaii. Based on your correspondence, I understand the Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS) will jointly prepare an EIS for this proposal in accordance with NEPA implementing regulations (40 CFR §1500-1508) and pursuant to the State EIS Law (Chapter 343, Hawaii Revised Statutes). The proposed project would implement a fixed guideway transit system in the east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives to be considered in the draft EIS include the No Action/No Build and two fixed guideway transit alternatives: one via Salt Lake Boulevard and another serving the Honolulu International Airport plus Salt Lake.

As a Federal agency with jurisdiction by law, the U.S. Army Corps of Engineers (Corps) appreciates your efforts to seek our early involvement and obtain our technical input regarding aquatic resources. I want to take this opportunity to advise the FTA and DTS the proposed Project may require a Corps permit. Enclosed you will find a permit application form and a pamphlet that describes our regulatory program (Enclosure 1). In general, a Corps permit is required for:

- a) Structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act (RHA) of 1899. Examples include, but are not limited to: 1) constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water; 2) dredging, dredge disposal, filling and excavation;
- b) The discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act (CWA) of 1972. Examples

include, but are not limited to: 1) creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures; 2) mechanized land clearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States; 3) allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States; 4) placing pilings when such placement has or would have the effect of a discharge of fill material; and

c) Any combination of the above.

In addition, my staff offers the following comments for your consideration as part of the Project's public scoping process. Our comments are provided pursuant to our regulatory authorities promulgated under Section 404 of the CWA and Section 10 of the RHA, and are based on information presented in the *EIS Scoping Information Package for the Honolulu High-Capacity Transit Corridor Project* (dated March 15, 2007), the *Alternatives Analysis Report* (dated November 1, 2006), and the *Notice of Intent to Prepare an EIS for High-Capacity Transit Improvements in the Leeward Corridor of Honolulu* (Federal Register, 72 FR 12254, dated March 2007).

Regulatory Scope

Based on Project maps/figures and our knowledge of existing aquatic resources within the transportation corridor study area, it appears the proposed Project could potentially affect jurisdictional waters of the U.S. As your EIS technical studies and fieldwork progress, we expect that site-specific information regarding the delineation of waters of the U.S. and the characterization of the extent/intensity of potential aquatic resource impacts will assist in defining the scope of the Corps' involvement. Moreover, an estimate of the impacts to waters of the U.S. will help establish the appropriate Department of Army (DA) authorization should the proposed Project, or any of its parts, be regulated under Section 10 of the RHA and/or Section 404 of the CWA. Generally speaking, a discharge of dredged or fill material into waters of the U.S. and/or work in Section 10 navigable waters of the U.S. that complies with the terms and conditions of our nationwide permits, may be authorized in a relatively streamlined timeframe. However, for an activity that does not meet the terms and conditions of our nationwide permits and/or results in more than minimal impacts to the aquatic environment, individually or cumulatively, may instead require review under a more rigorous permitting process (e.g., standard individual permit).

We strongly encourage FTA and DTS integrate all reasonable and practicable measures during the early development of alternatives to avoid and minimize adverse impacts on the aquatic environment to the maximum extent practicable. Ensuring the proposed Project avoids and minimizes impacts to waters of the U.S. will also facilitate future Corps regulatory compliance requirements.

Purpose and Need

Foremost, the transit service should be responsive to the needs of the population it serves. As Federal and State entities charged with transportation planning, funding and implementation, we give substantial deference to the expertise of FTA and DTS in determining the project needs and purpose(s) for this public transit project. We understand the planning level alternative analysis performed in accordance with SAFETEA-LU led to the identification of a Locally Preferred Alternative (LPA), namely a fixed guideway transit. In the *Alternatives Analysis Report*, the fixed guideway transit alternative considered five transit technologies and four different alignments with varying station locations and numbers, as well as distinct characteristics and environmental impacts. In this regard, the purpose and need statement should clearly describe the relevant factors considered in defining the need and what selection criteria were applied to eliminate certain alignments and other modal alternatives from further consideration. These factors and criteria should be substantiated with existing and future traffic/transit data, including but not limited to: ridership projections, including assumptions related to the projections; savings or reduction in vehicle miles traveled (VMT); savings or reduction in vehicle hours traveled (VHT) for a.m. and p.m. peak periods; and improvements to the volume to capacity (VC) ratio and level of service (LOS). In turn, the Project purpose statement must be articulated in such a manner as to ensure a reasonable range of alternatives can be formulated to address the identified transportation problems (needs).

Page 2-1 of the Project Scoping Information Package indicates the purpose of the project is “...to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawaii at Mānoa, as specified in the 2030 O’ahu Regional Transportation Plan (ORTP)”. Since the goal is to provide efficient, reliable and effective movement of people between Kapolei and downtown Honolulu/University of Hawaii at Mānoa the inclusion of “high-speed” may arbitrarily or inappropriately narrow the range of practicable alternatives. We recommend you consider some minor modifications to the purpose statement to ensure the Federal NEPA and CWA processes are structured to evaluate a reasonable range of alternatives, which may include multi-modal solutions. By doing so would not preclude or otherwise affect the 2006 selection of your LPA or the City and County Council’s adopted “Minimum Operable Segment” identified in Resolution 07-039 FD1(C). Rather, inclusion of other non-high-speed transit and modal alternatives may provide a clearer and sharper comparison between alternatives for NEPA purposes.

Existing and modeled traffic data from the 2006 Alternatives Analysis Report suggest the implementation of the LPA will not necessarily improve the LOS on most segments of the Interstate H-1 Freeway, including the high-occupancy vehicle and Zipper lanes, within the corridor study area (Tables 3-12 and 3-13, *Alternatives Analysis Report*). For instance, at screenline locations Kalauao Stream and Kapālama Canal the LOS will remain “F” under both the Future No Action Alternative and the 2030 Fixed Guideway Alternative. That being the case, the stated goal to “improve” existing conditions, or LOS, is somewhat misleading; rather, the peak-hour volumes and LOS for

future with- and without project conditions suggest there is a need to "provide an alternate means of movement" from Kapolei to Downtown Honolulu/UH at Mānoa. To this end, we agree the inclusion of the verbiage "...to provide high-capacity transit..." is appropriate, but again, caution the use of language that is unduly restrictive.

Similar to NEPA, the CWA Section 404 (b)(1) Guidelines (Guidelines) state that a project's purpose and need is a prerequisite to establishing the reasonable range of alternatives to be evaluated. For activities or projects that are subject to a standard individual permit review process, the statement of purpose for compliance with the Guidelines has two elements: the basic and the overall project purpose. The basic project purpose defines the project purpose in its most simplistic terms and is determined to establish whether a proposed action is water dependent. The overall project purpose is the basic project purpose in consideration of the general objectives of the applicant, cost, logistics, and existing technology. It provides for a more specific definition of the purpose and need of an applicant's project. The overall project purpose should be specific enough to define the FTA's and DTS's needs, but not so restrictive as to preclude all discussion of alternatives. As you may know, the overall project purpose is used for evaluating practicable alternatives under the Guidelines, which require that if the overall purpose of a project is practicably met through several alternatives, the Corps can only authorize the least environmentally damaging practicable alternative (LEDPA).

In light of the aforementioned, we strongly encourage adherence to the general principles and guidelines regarding the development of the Project's overall purpose within the regulatory context of Section 404 of the CWA.

Alternatives and NEPA Scope of Analysis

The Council on Environmental Quality (CEQ) regulations requires an EIS objectively and rigorously examine all reasonable alternatives to the proposal. Towards this end, the range of alternatives should include reasonable alternatives that are not within the jurisdiction of FTA and/or DTS, if they exist (40 CFR 1502.14). As a matter of policy, the range of alternatives and rigor of analysis should be proportional to the level of impacts. The NEPA analysis must pursue and disclose feasible and practicable opportunities for the avoidance and minimization of impacts on the aquatic environment. For projects that are individually reviewed by the Corps, this is important in demonstrating compliance with the substantive requirements of the Guidelines, as well as consistency with our public interest review process.

Paramount to our Section 404 permit decision-making process is that proposed transit technologies and alignments which exhibit the least overall adverse environmental harm are appropriately examined in the context of "practicability"¹, especially prior to being eliminated from further consideration. In other words, as alternatives are evaluated for their effectiveness in achieving the project purpose FTA and DTS should give equal consideration to the impacts on the aquatic ecosystem and other environmental concerns, such as Department of Transportation Act Section 4(f) concerns (e.g., public parks,

¹ "Practicability" as defined by 40 C.F.R. § 230.3(q)

recreational sites, wildlife refuges and historic sites), and select the alternative that would result in the least overall environmental harm. An alternative with fewer impacts to aquatic resources than the preferred alternative may only be eliminated by demonstrating it has other overriding significant environmental impacts (40 CFR 230.10(a)).

The nature of funding for this Project and its phased implementation over the planning horizon (i.e., future extensions and station locations), requires the Project alternatives be examined in the context of independent utility and the proper NEPA scope of analysis to avoid "piecemealing" the environmental analysis. Technical data regarding independent utility and the NEPA scope of analysis should be succinctly presented in the early stages of the EIS development. The Corps believes the environmental consequences resulting from construction of the "Minimal Operable Segment" and all planned extensions must be considered in the project-level EIS, particularly if the Project benefits, wholly or partially, are derived from one or more of these future extensions and station locations. More specifically, NEPA requires the Federal lead agency define the scope of analysis for an individual EIS based on consideration of three factors: 1) the *types of actions*, 2) the *types of alternatives*, and 3) the *types of impacts*. The three types of actions include:

- a. Connected actions, which means closely related and are connected if they:
 - i. Trigger other actions,
 - ii. Cannot or will not proceed unless other actions are taken previously or simultaneously, or
 - iii. Are interdependent parts of a larger action and depend on the larger action for their justification.
- b. Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.
- c. Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.

My staff therefore recommends the environmental review process adequately documents how the NEPA scope of analysis is defined and the range of alternatives is formulated.

Identification of Resources & Evaluation of Impacts to the Aquatic Environment

The Council on Environmental Quality (CEQ) requires the data and analyses in an EIS are commensurate with the importance of the impact (40 C.F.R. § 1502.15). Similarly, the Guidelines emphasize the level of documentation should reflect the significance and complexity of the discharge activity (40 C.F.R. § 230.6). In the context of the *Honolulu High-Capacity Transit Corridor Project*, the evaluation of project impacts should include relevant quantitative information pertaining to water resources that is coalesced in the main text of the draft EIS. These data must disclose the projected

direct, indirect and cumulative impacts (beneficial and detrimental) to the aquatic environment associated with each of the proposed alternatives in a comparative format.

An important distinction to keep in mind when evaluating the impacts, or "harm", to non-aquatic resources versus impacts to waters of the U.S., is that, for the former, the alternatives selection process evaluates reasonable and prudent alternatives based on the "net harm" after mitigation of the alternative. Conversely, Section 404 alternatives analyses, the evaluation of practicable alternatives must consider the impacts to waters of the U.S. that would result from the alternative before compensatory mitigation. That is, compensatory mitigation may not be used as a method to reduce environmental impacts in the evaluation of the LEDPA (Corps and U.S. EPA Memorandum of Agreement, 1990). These are important aspects of the environmental process to be cognizant of; specifically should the Project necessitate an individual Section 404 permit.

Direct Effects

The corridor study area is relatively large and encompasses some of the most densely populated areas on the Island of O'ahu. Consequently, many of the streams, wetlands and other aquatic resources occurring within the Project study area have been altered or disturbed by past and on-going urban development. As a consequence, these anthropogenic disturbances have, in many cases, diminished the functions and values of the aquatic resources. However, the study area does support streams and wetlands that remain relatively intact or ecologically sensitive and impacts to these areas could be deleterious.

We request the draft EIS, including any appropriate technical studies, identify the temporary and permanent impacts to waters of the U.S. In determining impacts, consideration should be given to the alignment right-of-way and transit structure, including piers and bridge structures; the location, design and overall footprint of disturbance for each transit station location, including associated parking structures; maintenance or emergency access points; and any other ancillary features that may result in the permanent or temporary loss of waters of the U.S. Temporary stream diversions and cofferdams used or employed during construction are also important to identify and include in the analysis of effects. Streambank protection or bank stabilization that may be necessitated by one or more of the transit alignments at water crossings should be similarly identified in the draft EIS.

Indirect Effects

Indirect impacts, including growth-inducing effects, must also be identified and evaluated in the draft EIS. The acknowledgment in the NOI and Scoping Information Package that Kapolei is fast becoming a "second city" and the that the Ewa Development Plan area is [unlikely] to "...develop as planned unless it is accessible to Downtown and other parts of O'ahu...to support its future growth..." reveals the importance for the EIS to evaluate the potential indirect and growth-inducing impacts on the natural environment as a result of the proposed Project. While it is likely that development in this area will

occur with or without the proposed Project, land use patterns, scheduling or timing of future development, and the nature and juxtaposition of such development may be influenced or caused by the proposed Project. In fact, national data and studies suggest VMT growth is often substantially affected by development patterns. As jobs and housing become increasingly segregated, there tends to be a corresponding increase in driving time and hence VMT. For this reason, it seems prudent to disclose how the *Honolulu High-Capacity Transit Corridor Project* may help to ameliorate this "urban sprawl" effect vis-à-vis its support of high density development. In the end, all reasonably identifiable indirect impacts, detrimental or beneficial, on the biological and physical environments should be disclosed in the EIS.

In some cases, permanent structures, such as bridges, over surface water resources have been found to negatively impact water quality and aquatic species by altering water temperatures and the type or presence of in-stream and streambank vegetation. Therefore, we recommend FTA and DTS identify any indirect and incremental shading effects that could be expected from new or expanded bridge structures associated with the proposed alternatives.

The overall health and integrity of the aquatic ecosystem depends largely on water quality, habitat vitality and diversity, and hydrologic processes. Therefore, the loss or degradation of waters of the U.S. must meaningfully consider these factors. Based on our regulations and policies, we place a high degree of importance on quantifying and characterizing the functional losses resulting from the discharge of dredged or fill material into waters of the U.S. Functions are the physical, chemical and biological attributes of a wetland/waters without regard to its importance to society. Examples of functions include flood storage, wildlife habitat, and groundwater recharge. Values are those wetlands/waters functions that generally are regarded as beneficial to society, such as recreation, aesthetics, and wildlife viewing. A functional assessment (FA) should determine which functions are performed by the wetlands/waters, the value of those functions, and how the Project will affect the continued performance of the identified functions. If a FA is deemed appropriate, the precise assessment methodology and rigor for characterizing the functions and values of aquatic resources should be determined in close consultation with the Corps. We suggest the EIS quantitatively and/or qualitatively address the anticipated functional losses to aquatic ecosystems to the extent appropriate and practicable. Factors to consider include changes to sedimentation (e.g., sediment transport, in-stream aggradation and degradation), erosion, turbidity, hydrologic regime, water quality, floodplain encroachment, invasive species, and other native habitat perturbations.

Cumulative Effects

The Council on Environmental Quality (CEQ) regulations define cumulative effect as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR 1508.7). A critical principle is the consideration of past and present

projects as they relate to establishing the environmental baseline and disturbance thresholds for each relevant resource. That is, the cumulative effects analysis should be conducted within the context of resource, ecosystem, and human community thresholds—levels of stress beyond which the desired condition degrades. The magnitude and extent of the effect on a resource depends on whether the cumulative effects exceed the capacity of the resource to sustain itself and remain productive. Similarly, the natural aquatic ecosystem and the human community have maximum levels of cumulative effects that they can withstand before the desired conditions of ecological functioning and human quality of life deteriorate (CEQ, 1997).

To facilitate future decision-making, all reasonably foreseeable projects, private or public that are identified, programmed, funded or approved in regional planning documents should be carefully and fully considered as part of the cumulative impact analysis. Aside from the proposed Project, all connected and similar actions that could contribute to cumulative effects (beneficial or detrimental) must be appropriately considered in the draft EIS. The cumulative impacts analysis should evaluate both the temporal (time) and spatial (geographic) effects associated with each significant environmental resource category.

Mitigation and Sequencing

The NEPA requires a discussion of mitigation for adverse environmental impacts of alternatives, where mitigation is defined to include avoidance, minimization, restoration and creation of habitats. Section 404 of the CWA also requires consideration of practicable alternatives to avoid and minimize adverse environmental impacts, and further requires that these measures be exhausted before turning to restoration and creation of habitats. Since the proposed Project alternatives are likely to cross a number of streams, channels, and other aquatic resources, we advocate design features that would likely avoid or reduce the direct impacts to surface water resources. Both on-site (e.g., design features) and off-site (e.g., different alignments) options to avoid and minimize impacts to waters of the U.S. is important in terms of demonstrating that the Project has taken appropriate and practicable steps to minimize potential adverse impacts of the discharge on the aquatic ecosystem (40 C.F.R. 230.10(d)).

Mitigation is an important aspect of the review and balancing process on many DA permit applications. Consideration of mitigation should occur throughout the permit application review process. Mitigation generally falls into three categories:

- 1) Project modifications to minimize adverse impacts;
- 2) Further mitigation measures to satisfy legal requirements; and
- 3) Mitigation measures that result from the public interest review process.

For unavoidable adverse impacts, compensatory mitigation must be for significant resource losses that are specifically identifiable, reasonably likely to occur, and of importance to the human or aquatic environment. Further, all mitigation must be directly related to the impacts of the proposed Project, appropriate to the scope and degree of

those impacts, and reasonably enforceable. The Corps recommends FTA and DTS incorporate the general tenets of our Honolulu District Mitigation Guidelines (dated February 14, 2005), Regulatory Guidance Letter (RGL) 02-02, *Guidance on Compensatory Mitigation Projects for Aquatic Resource Impacts Under the Corps Regulatory Program Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899*, and RGL 03-06 *Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Aquatic Resources* in your conceptual mitigation planning. These RGLs can be found at www.usace.army.mil/cw/cecwo/reg/rxlsindx.htm. We also strongly encourage FTA and DTS give appropriate credence to the Corps and U.S. Environmental Protection Agency's joint proposed rule for "Compensatory Mitigation for Losses of Aquatic Resources" (March 28, 2006, Federal Register 15520), which we anticipate could be finalized prior to completion of the *Honolulu High-Capacity Transit Corridor Project* EIS.

The Corps also encourages the FTA and DTS to pursue any and all mitigation planning opportunities afforded at this early stage of the environmental process by leveraging the resources of Federal, State, local and non-profit entities to help with watershed-wide identification of areas suitable for wetlands enhancement, restoration and/or in-perpetuity preservation, as deemed appropriate by the Project's preliminary impact analyses. The draft EIS should propose a meaningful suite of conceptual mitigation strategies that would avoid and minimize impacts and compensate for any unavoidable adverse impacts to aquatic resources. Possible compensatory mitigation strategies could include establishment of a mitigation bank or an in lieu fee agreement; on- and/or off-site land acquisition and restoration; and control or eradication of invasive species that would enable native species to re-colonize.

Data Needs

Disclosure of the degree and magnitude of impacts is necessary for soliciting meaningful public input as well as for making informed decisions. As a matter of efficacy, the *Honolulu High-Capacity Transit Corridor Project* draft EIS should include a summary of the major impacts to water resources with accompanying aerial or topographic maps of sufficient scale that geo-spatially illustrate the potential direct and indirect effects associated with the discharge of dredged or fill material into waters of the U.S.

Although not all-inclusive, the following list comprises a general overview of the potential data needs and analyses for identifying and assessing waters of the U.S. during the Project's environmental evaluation and EIS review process.

- A delineation of all wetlands, which could be affected by the proposed Project. The delineation must follow the procedures set forth in the 1987 Wetlands Delineation Manual and include the data support forms.
- A delineation of other waters of the U.S. as follows:
 - For tidal waters, the high tide line shall be determined as described at 33 C.F.R. § 328.3(d);

- For non-tidal waters, the ordinary high water mark shall be determined as described at 33 C.F.R § 328.3(e).
- All plant and animal taxa encountered during site visits;
- A detailed assessment of the functions and values of wetlands and other waters of the U.S.
- A detailed assessment of project impacts on special aquatic sites and other waters as follows:
 - A detailed description of the project impacts, including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species) and its magnitude. These effects must be evaluated in the appropriate local or regional context.
- A detailed purpose and need statement, coordinated with the appropriate agencies. It is noteworthy to mention the Corps is solely responsible for the final approval of the overall project purpose used to conduct the 404(b)(1) alternatives analysis.
- A feasibility study of candidate mitigation sites
- Maps showing the occurrences of all associated sensitive species that have been identified within the survey area in relation to project features, including federally listed endangered and threatened species and designated critical habitat.
 - The size of the population(s) in terms of numbers of individuals and habitat occupied
 - The portion of the population(s) to be directly affected by each project alternative
 - The portion of the population to be indirectly affected by each alternative
 - The amount of suitable habitat to be directly or indirectly affected under each alternative

Inter-agency Coordination

I commend your efforts to engage our agency early in your environmental process. At this stage, our primary regulatory responsibilities associated with the *Honolulu High-Capacity Transit Corridor Project* NEPA document are to provide guidance on CWA and RHA procedures, disclose substantive issues relating to the direct, indirect and/or cumulative effects on the aquatic environment, and identify data gaps or other informational needs for our regulatory process requirements. Depending on our scope of analysis, we would also expect to provide feedback at key milestones to ensure the decisions made around Section 404 of the CWA are adequately substantiated and documented.

The 1995 *NEPA/404 Integration Process Memorandum of Understanding (MOU)* for *Surface Transportation Projects in the State of Hawaii* may have utility with this proposed FTA/DTS transit project. The MOU establishes formal procedures for Federal regulatory and resource agencies to work collaboratively with the transportation lead agencies to streamline the environmental review process. Implementation of the MOU merger procedures have been found particularly helpful for large-scale surface transportation projects that are expected to adversely affect waters of the U.S. and other environmentally sensitive resources.

I recognize the importance this transit project has to the City and County of Honolulu and in particular, to the quality of life for the commuting public. Conceptually, the implementation of a fixed guideway transit system could result in substantial transportation benefits to the leeward communities and a net overall environmental benefit in terms of air quality, noise and socioeconomics when compared to other transportation improvement or modal options. For these reasons, I look forward to my staff working collaboratively with FTA, DTS, and other Federal, State and local agencies to ensure the purpose and needs of this project are met while avoiding and minimizing the adverse impacts to the aquatic environment to the maximum extent practicable. If you have any questions or need clarification on our comments, please feel free to contact Ms. Susan A. Meyer of my staff at (808) 438-2137 or susan.a.meyer@usace.army.mil.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch

Enclosure

Copies Furnished (w/o encl):

Ms. Connell Dunning and Dr. Wendy Wiltse, U.S. Environmental Protection Agency

Mr. Michael Molina, U.S. Fish and Wildlife Service

Mr. John Naughton, NOAA, Fisheries

CEPOH-PP-C (Mr. Paul Mizue)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 786-6305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274365

Lieutenant Colonel Charles H. Klinge
U. S. Army Corps Of Engineers
Pacific Ocean Division
Building 230
Fort Shafter, Hawaii 96858-5440

Attention: Regulatory Branch, Engineering and Construction

Dear Lieutenant Colonel Klinge:

Subject: Honolulu High-Capacity Transit Corridor Project
Cooperating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Cooperating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, Chapter 343 of the Hawaii Revised Statutes, and your participation as a Cooperating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing an internal and confidential intergovernmental copy of the Administrative Draft Environmental Impact Statement (EIS) for your review and comment.

DTS also requests to formally present an update on the project to answer any questions that your agency may have regarding the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

Any formal comment regarding this intergovernmental review of the Administrative Draft EIS is requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Lieutenant Colonel Charles H. Klinge
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact
Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to
updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure: 1 copy of Administrative Draft EIS



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96858-5440

September 16, 2008

Regulatory Branch

File Number POH-2007-127

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

This letter is in response to your August 18, 2008, letter requesting comments and review of the Administrative Draft Environmental Impact Statement (DEIS) *Honolulu High-Capacity Transit Corridor Project* ("Project") located on the Island of O'ahu, Hawaii. The Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS) jointly prepared the DEIS for this proposal in accordance with National Environmental Policy Act (NEPA) implementing regulations (40 CFR §1500-1508) and pursuant to the State Environmental Impact Statement (EIS) Law (Chapter 343, Hawaii Revised Statutes). The proposed project would implement a fixed guideway transit system in the east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives considered in the DEIS include the No Action/No Build alternative and three fixed guideway transit alternatives: 1) via Salt Lake Boulevard, 2) via the Honolulu International Airport, and 3) via the Honolulu International Airport and Salt Lake Boulevard.

As a Federal agency with jurisdiction by law, the U.S. Army Corps of Engineers (Corps) comments are based on information presented in the *Administrative DEIS Honolulu High-Capacity Transit Corridor Project* (dated August 1, 2008) and are provided pursuant to our regulatory authorities promulgated under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA).

Regulatory Scope

Our letter, dated April 10, 2007 ("letter"), stated "... we expect that site-specific information regarding the delineation of waters of the U.S. and the characterization of the extent/intensity of potential aquatic resource impacts will assist in defining the scope of the Corps' involvement [in the review process]." In Chapter 4.13-Water, Tables 4-25 (Stream in the Study Corridor), 4-26 (Marine Water in the Study Corridor), 4-27 (Floodplains), and 4-28 (Wetlands) identify and list waters found to be located within or in the vicinity of the project corridor; however, these tables lack detailed information. Section 4.13.1 Methodology states that "field investigations for wetlands were conducted along the project alignment ... to identify areas with wetland characteristics, including the presence of water (hydrology), hydrophytic vegetation, and hydric soils." The availability of the information collected during these field investigations including

information regarding the functions and values, as well as, an estimate of the impacts to waters of the U.S. for each alternative will help the Corps establish the appropriate Department of Army (DA) authorization require should the proposed Project, or any of its parts, be regulated under Section 10 of the RHA and/or Section 404 of the CWA.

Purpose and Need

Our letter indicated that the inclusion of the term "high-speed" within the project purpose and need statement may arbitrarily or inappropriately narrow the range of practicable alternatives. We note that within the purpose and need statement of the DEIS, the term "high-speed" has been replaced by the term "rapid" which by definition is highly similar. The Corps maintains if the goal of the proposal is to provide efficient, reliable and effective movement of the public, inclusion of other "non-high-speed" transit and modal alternatives may provide a clearer and sharper comparison between alternatives for NEPA purposes. Again, we recommend you consider modifications to the purpose statement to ensure the Federal NEPA and CWA processes are structured to evaluate a full range of reasonable alternatives.

Project Impacts

Chapter 4.13-Water, Section 4.13.3 Environmental Consequences and Mitigation contains information that appears to be contradicting. Regarding surface and marine waters, within the Mitigation paragraph it states that "since no impacts to surface and marine waters are expected, no mitigation is required"; however, above this in the Environmental Consequences paragraph above, it states that "surface and marine waters within the study corridor are not expected to be adversely affected by the project." The Corps interprets the latter to indicate that impacts to surface and marine waters will in fact occur as a result of the proposal.

Mitigation and Sequencing

Our letter referenced the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*. As of April 10, 2008, the Final Rule is in effect. The guidelines set forth in the Final Rule should be referenced to assist in developing any required mitigation plans. A copy of the rule can be access at <http://fwwebgate4.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=672942522028+18+1+0&WASAction=retrieve> or, at your request, a copy of the Final Rule will be provided.

Data Needs

Although not all-inclusive, the following list comprises a general overview of the potential data needs and analyses essential for identifying and assessing waters of the U.S. This list was provided in our letter; however, we are including the information again to reiterate the Corps data requirements for completion of our environmental evaluation and review of the Project:

- A delineation of all wetlands, which could be affected by the proposed Project. The delineation must follow the procedures set forth in the 1987 Wetlands Delineation Manual and include the data support forms.
- A delineation of other waters of the U.S. as follows:

- For tidal waters, the high tide line shall be determined as described at 33 C.F.R. § 328.3(d);
- For non-tidal waters, the ordinary high water mark shall be determined as described at 33 C.F.R. § 328.3(e).
- All plant and animal taxa encountered during site visits;
- A detailed assessment of the functions and values of wetlands and other waters of the U.S.
- A detailed assessment of project impacts on special aquatic sites and other waters as follows:
 - A detailed description of the project impacts, including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species) and its magnitude. These effects must be evaluated in the appropriate local or regional context.
- A detailed purpose and need statement, coordinated with the appropriate agencies. It is noteworthy to mention the Corps is solely responsible for the final approval of the overall project purpose used to conduct the 404(b)(1) alternatives analysis.
- A feasibility study of candidate mitigation sites
- Maps showing the occurrences of all associated sensitive species that have been identified within the survey area in relation to project features, including federally listed endangered and threatened species and designated critical habitat.
 - The size of the population(s) in terms of numbers of individuals and habitat occupied
 - The portion of the population(s) to be directly affected by each project alternative
 - The portion of the population to be indirectly affected by each alternative
 - The amount of suitable habitat to be directly or indirectly affected under each alternative

Should you have any questions regarding this jurisdictional determination, please contact Ms. Serena Sweet of my staff at (808) 438-2039 or by e-mail at serena.e.sweet@usace.army.mil and reference the Corps File No. **POH-2007-127** in all future correspondence and inquiries related to this project.

Sincerely,



fw
George P. Young, P.E.
Chief, Regulatory Branch

Copies Furnished:

Ms. Connell Dunning, U.S. Environmental Protection Agency
Dr. Wendy Wiltse, U.S. Environmental Protection Agency
Mr. Michael Molina, U.S. Fish and Wildlife Service
Mr. Bill Robinson, NOAA, Fisheries
Mr. Derek Chow, CEPOH-PP-C



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96858-5440

February 6, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch
Engineering and Construction Division

Corps File No.: POH-2007-127

Mr. Ted Matley
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Wayne Y. Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Matley and Mr. Yoshioka:

This letter transmits our comments on the **Honolulu High-Capacity Transit Corridor Project** (Project) **Draft Environmental Impact Statement (DEIS)**, dated November 2008. The document was jointly prepared by the U.S. Department of Transportation, Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS) to evaluate the environmental consequences of the proposed 23-mile rapid transit project located between Kapolei and University of Hawaii Mānoa on the Island of Oahu, Hawaii. Our comments are provided pursuant to the U.S. Army Corps of Engineers (Corps) regulatory authorities promulgated under Section 404 of the Clean Water Act (CWA) of 1972 and Section 10 of the Rivers and Harbors Act (RHA) of 1899. Our feedback is also guided by the Project's *Draft Coordination Plan* that was developed for this project pursuant to Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU) and our independent statutory responsibilities under the National Environmental Policy Act (NEPA) of 1969.

As a way of background, our role as an official cooperating agency is to ensure appropriate consideration of the aquatic ecosystem throughout the environmental review process. In doing so, we expect the Final EIS to be substantively sufficient for purposes of our agency's adoption in accordance with the Council on Environmental Quality's (CEQ) NEPA implementing regulations. Furthermore, our early involvement in the Project is intended to assist FTA and DTS in complying with all applicable federal laws that fall under our regulatory jurisdiction. Towards this end, my office has submitted comments on the Project in letters dated February 13, 2006¹; April 10, 2007²; May 8, 2007³ and September 16, 2008⁴. Our most recent review of the

¹ Letter from George P. Young, U.S. Army Corps of Engineers to Kenneth Hamayasu, DTS, regarding scoping and EIS Preparation Notice.

public DEIS encompassed all pertinent documents provided to our agency, including, but not limited to:

- DEIS, Chapters 1 through 8 (FTA and DTS, November 2008);
- Appendix A of the DEIS: Conceptual Alignment Plans and Profiles (DTS, September 2008);
- Appendix C of the DEIS: Construction Approach (DTS, November 2008);
- Water Resources Technical Report (DTS, August 2008);
- Alternatives Analysis Report (DTS, November 2006); and
- Draft Coordination Plan (FTA and DTS, March 2007)

Based on our review, we found that a number of our agency's previous comments and concerns relating to the identification/delineation of waters of the United States, project impact assessment, the 404(b)(1) alternatives analysis, and proposed compensatory mitigation were not adequately addressed or incorporated into the DEIS. In the absence of this key information, we are unable to provide meaningful comments on the subject draft NEPA document as it relates to our statutory responsibilities. Moreover, these data and assessment deficiencies could adversely affect the timeliness and streamlining of our Department of the Army (DA) permit decision. Therefore, as a cooperating agency, we suggest the following comments be vetted and resolved, as appropriate, by the Federal lead and cooperating agencies prior to the next formal step in the NEPA process.

Aquatic Resources Data Gaps

According to the President's CEQ, an EIS must rigorously explore and objectively evaluate a reasonable range of alternatives, including the proposed action. One of the cornerstones of the NEPA process is the disclosure of the environmental consequences of the proposed action and its alternatives. An analytical evaluation of project impacts is necessary in order for a reviewer to sharply compare and contrast alternatives. While there is no mandate for a particular outcome or that the lead agency achieves particular substantive environmental results, a rigorous evaluation of alternatives is required to inform decision-makers of the likely environmental consequences, both detrimental and beneficial, of the alternatives. The preface of the Project's DEIS acknowledges the purpose of the document is to "...provide...[a] full and open analysis of costs, benefits, and environmental impacts of alternatives considered...", yet based on our review of the document, we do not concur that some of these basic NEPA tenets have been adequately fulfilled.

Irrespective of the NEPA precept of a concise environmental document, at the project-specific DEIS stage we require greater specificity and disclosure of quantitative data regarding the aquatic environment. We note neither the Water Resources Technical Report (WRTR) nor Chapter 4 of the DEIS (*Environmental Analysis, Consequences and Mitigation*) contains

² Letter from George P. Young, U.S. Army Corps of Engineers to Kenneth Hamayasu, DTS, regarding NEPA scoping comments in response to FTA's NOI

³ Letter from LTC Charles H. Klinge, U.S. Army Corps of Engineers to Leslie T. Rogers, FTA, regarding cooperating agency status and SAFETEA-LU coordination plan

⁴ Letter from George P. Young, U.S. Army Corps of Engineers to Wayne Yoshioka, DTS, regarding comments on

information on: 1) the geographic boundaries of waters of the U.S., including wetlands; 2) quantitative data documenting the areal extent of direct and indirect impacts for each of the proposed build alternatives (e.g., footprint of disturbance); and 3) specific documentation of how the Project will avoid and minimize impacts to aquatic resources to the maximum extent practicable. In previous correspondence, the Corps requested the DEIS include these standard analytical and procedural requirements in order to document our geographic scope of jurisdiction and to characterize the functional losses to the aquatic ecosystem, if any, as a result of project implementation. Both aspects are fundamental to our regulatory program and DA permit decisions.

Notwithstanding the aforementioned data omissions, we offer the following specific comments on the presence/absence of aquatic resources, the analysis of impacts on the aquatic environment and proposed mitigation.

- Table 4-1 in the WRTR identifies 18 streams/waterways that occur within the study area, whereas Table 4-25 in the DEIS depicts 17 streams; the Ala Wai Canal is excluded in the latter. A third matrix, entitled "Streams in the Study Corridor" was distributed for discussion purposes during our December 2008 agency coordination meeting. This table lists 20 streams occurring in the study area that could be affected by the Project. The Corps recommends any discrepancies with the various tables be reconciled and a clear, comprehensive accounting of the existing aquatic resources within the study area be presented.
- Page 4-130 of the DEIS indicates "...wetland areas are listed in Table 4-28..." However, the aquatic resources called out in Table 4-28 do not appear to be classified or delineated based on the Corps' 1987 Wetlands Delineation Manual (manual) and other current Corps policy. For example, nine of these water resources listed in Table 4-28 are described as concrete channels or concrete culverts, which generally are not known to support hydric soils (unless they maintain a natural channel invert), and therefore would not be considered wetlands. The Corps suggests this table be reviewed and modified, as appropriate, to categorize or otherwise identify water resources that constitute a "wetland" based on the Corps methodology.
- We noted inconsistencies with respect to the conclusions made in the DEIS regarding environmental consequences. For instance, page 4-135 of the DEIS states that mitigation is not required because no impacts to wetlands are expected, although page 4-159, Section 4.17.7 (*Natural Resources*), indicates "...[C]onstruction activities could affect wildlife, vegetation, wetlands and streams near the Project." [Emphasis added]. The Corps recommends clarification on the conclusions of the water resources impact analysis. We also suggest a reference or citation be provided in the DEIS that directs the reader to the actual field data and detailed analysis that substantiate the findings.
- While Section 4.13.3 of the DEIS (page 4-131) asserts: "...the project would not adversely affect water resources...", page S-1 of the WRTR states: "Piers to support the guideway may have to be located in some streams." Similar statements on page 6-1 of the WRTR and page 4-132 of the DEIS indicate: "[A]ny piers in streams would be

placed to line up with existing bridge structures when feasible...[a]reas where elevated structures would cross navigable waterways have been identified and consultation with the Coast Guard in underway to address effects” We infer from these statements that there would be direct impacts to [potential] waters of the U.S., likely requiring review and authorization under Section 404 of the CWA and/or Section 10 of the RHA. The Corps suggests this section of the DEIS be clarified.

- Subsequent to the release of the DEIS, the Corps was informed that there may be construction methodologies that could result in direct impacts to waters of the U.S., such as the use of coffer dams (pers. comm., Amy Zaref et al., December 16, 2008). Therefore, we recommend the Final EIS identify all project features and construction methodologies that may affect waters of the U.S. FTA and DTS should provide an explicit accounting of what waterways and wetlands will be impacted, including an estimate of the footprint of disturbance (e.g., acres) and the type of impact (e.g., direct, indirect, permanent, temporary, and so forth). In order to accomplish this, a formal JD must be undertaken by a qualified consultant and verified by the Corps. Information contained in the JD, in conjunction with detailed engineering plans, should then be used to substantiate the presence/absence of jurisdictional waters of the U.S. and whether impacts would result from implementation of the proposed build alternatives.
- Section 4.13.1 of the DEIS (*Regulatory Context*) indicates the Corps regulates activities in jurisdictional waters pursuant to Section 10 of the RHA and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, however, omits the fact we also regulate activities that involve the discharge of dredged or fill material in jurisdictional waters of the U.S. under Section 404 of the CWA. Although a separate subheading entitled “Wetlands” (page 4-128) correctly explains the Corps regulates wetlands under Section 404 of the CWA, it does not explicitly acknowledge that we regulate activities that discharge fill material into other types of waters of the U.S., such as non-wetland tributaries. Therefore, the text of the DEIS should be modified to clarify the scope of our jurisdiction under Section 404 of the CWA. Unless FTA and DTS intend to transport dredged or fill material for ocean disposal, the Corps does not anticipate our authorities under Section 103 of the MPRA will be relevant to this Project.
- Page 4-134 of the DEIS indicates verbatim: “...[A] letter has been sent to the Army Corps of Engineers asking for their jurisdictional determination concurring that the Project will not have a direct impact on wetlands.” We are concerned with the accuracy of this statement, as the Corps has not received a letter from the Project proponent or its designated agent requesting our jurisdictional determination (JD). Further, we have not received a draft JD report prepared in accordance with the 1987 Wetlands Delineation Manual, 33 C.F.R. § 328.3(d) and 33 C.F.R. § 328(e) to review and approve. For this reason, we request this statement be stricken from the DEIS or substantially modified to accurately portray the status of coordination with our office on the Project’s JD.

Based on recent coordination with your consultant team, we understand the aforementioned data gaps are under development and that site-specific information will be forthcoming. It is not clear, however, how this yet-to-be obtained information will be incorporated into the DEIS and

considered by the public and agency decision-makers prior to the final determination of a federally preferred alternative. Again, due to the absence of a geographic JD, we are unable to determine the extent, intensity and permanence of impacts to the aquatic ecosystem. At this time, we are also precluded from weighing in on the adequacy of a 404(b)(1) alternatives analysis, appropriate mitigation, and the possible identification of the least environmentally damaging practicable alternative (LEDPA).

Alternatives Analysis

The purpose of the Project is to: "...[p]rovide high capacity rapid transit in the highly congested east-west transportation corridor, between Kapolei in the west and University of Hawaii, Mānoa in the east, as specified in the *Oahu Regional Transportation Plan 2030*" (page 1-19). A number of alternatives were initially examined, but rejected as part of the Alternative Analysis process conducted by DTS in 2006. The Alternative Analysis Report evaluated four alternatives, including the No Build, Transportation System Management, Express Buses Operating in Managed Lanes, and Fixed Guideway Transit System. The latter was selected by the City Council as the locally preferred alternative. According to the DEIS, the NEPA scoping process confirmed that there were no other available alternatives that would satisfy the project purpose at less cost, with greater effectiveness or less environmental or community impact.

The 404(b)(1) Guidelines⁵ impose substantive requirements on the applicant with respect to the alternatives analysis and the sequenced search for the LEDPA. These guidelines are heavily weighted towards preventing environmental degradation of waters of the U.S. The regulation specifically requires that no discharge of dredged or fill material shall be permitted if there is a practicable⁶ alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences [40 C.F.R. § 230.10(a)]. Section 4.13.1 of the DEIS (*Background and Methodology*) appropriately acknowledges the applicant must conduct a 404(b)(1) alternatives analysis, however, we were unable to locate this analysis within the DEIS, its appendices or technical studies. Presuming this analysis has not yet been prepared, there is no reference in the DEIS as to when it might be performed.

Generally, if the NEPA alternatives analysis is adequately robust with respect to the aquatic ecosystem impacts such that it demonstrates that the proposed activity is the LEDPA, then it can duly serve to fulfill the 404(b)(1) alternatives analysis requirement. Otherwise, a separate alternatives analysis must be conducted to provide greater specificity and/or a modified range of alternatives in order to satisfy the substantive criteria of the Guidelines (i.e., the identification of the LEDPA). It is germane to note that if it is otherwise a practicable alternative, an area not presently owned by the applicant which could be reasonably obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed project may be considered under the Guidelines. NEPA has similar language in which it requires that even if an alternative is not

the administrative draft EIS

⁵ U.S. Environmental Protection Agency, 404(b)(1) Guidelines, 40 C.F.R. § 230 (45 FR 85336 – 85357, dated December 24, 1980)

⁶ "Practicable" is defined in regulation as being available and capable of being done after taking into consideration cost, existing technology and logistics in light of the overall project purpose.

within the lead agency's jurisdiction it should be rigorously analyzed in the EIS if it is reasonable and achieves the project purpose [40 C.F.R. 1506.2(d)]. Despite some alternatives being outside the control or legal jurisdiction of the lead agency, their inclusion in the EIS helps to provide a sharper contrast among alternatives and informs the public as well as decision-makers of the environmental consequences (beneficial or detrimental) of alternative actions.

For the Honolulu High-Capacity Transit Corridor project, the range of alternatives includes the No Action alternative plus one build alternative with two alignment variations. The alignments considered in the DEIS are: 1) the Honolulu International Airport variation, 2) the Salt Lake Boulevard variation, and 3) implementation of both the Airport and Salt Lake Boulevard variations. Aside from the area between Aloha Stadium and Kalihi where the alignment varies, the alternatives traverse the same footprint for the majority of the 19-mile length. In fact, the DEIS states: "...the guideway would follow the same alignment for all Build Alternatives through most of the study corridor, except between Aloha Stadium and Kalihi." (pages S-4, 2-9). In consideration of the requirements of the 404(b)(1) Guidelines, the Corps recommends FTA and DTS carefully examine and clearly document the environmental differences between the build alternatives/alignments and provide documentation that there is no other practicable alternative—other than the locally preferred alternative—that would have less adverse impact on the aquatic ecosystem.

Cumulative Effects

According to the DEIS, the proposed transportation corridor is approximately 23 miles in length, of which a detailed environmental evaluation was conducted for a core 19 miles located between East Kapolei and Ala Moana Center. Future transit extensions to West Kapolei and UH Mānoa and Waikiki may occur, but are only considered in the DEIS in the context of cumulative effects. We agree this is an appropriate approach for potential future Project extensions that currently have not been approved, designed or funded. The NEPA requires that the lead agency take a hard look at alternatives and the resultant environmental consequences to enable informed agency decisions. Environmental consequences may be beneficial or adverse, but in all cases, the direct, indirect and cumulative impacts must be assessed and disclosed within the NEPA document. We found the Project's cumulative impact analysis for waters of the U.S. to lack sufficient analytical detail and robustness for purposes of public disclosure and agency decision-making. A meaningful cumulative impact assessment includes an evaluation of the historic and current conditions of the environmental resource of interest, a thorough accounting of past, present and reasonably foreseeable future projects and how such projects affect a given environmental resource when assessed in the aggregate.

The cumulative impacts to waters of the U.S. must be considered in the context of the pre-established geographic boundaries for the wetlands/waters cumulative effects analysis. The impacts that would result from the Project's build alternatives must be evaluated in comparison to the quantity and quality of aquatic resources occurring within the geographic study area and in consideration of other stressors or impacts resulting from past, present and reasonably foreseeable projects. That is, it may be that the resulting impacts from the Honolulu High-Capacity Transit Corridor project alternatives are, individually, deemed minimal when compared to the overall Project footprint of disturbance, but when the project impacts are compared to the

already diminished extent and health of wetlands existing within the study area, such impacts could be considerably more substantial. The discussion of the water resources cumulative effects offered in Section 4.18.3 (page 4-174) is inadequate to enable a fair and objective evaluation of cumulative impacts. Therefore, the Corps recommends the text be expanded to better address the suggestions outlined above.

Compensatory Mitigation

For projects evaluated under Section 404 of the CWA, no discharge of dredged or fill material into waters of the U.S. can be approved that does not meet the requirements of the 404(b)(1) Guidelines. Guidance for implementing the 404(b)(1) Guidelines is provided through the joint Corps-EPA 1990 Mitigation Memorandum of Agreement (MOA) and the new Compensatory Mitigation Rule⁷, which supersedes certain provisions of the 1990 MOA. Among other things, the MOA states that compensatory mitigation may not be used as a method to reduce environmental impacts in the evaluation of the alternatives for the purposes of requirements under 40 C.F.R. Section 230.10(a).

The Corps anticipates providing feedback on the draft 404(b)(1) alternatives analysis as the environmental process moves forward. In general, however, the following sequence of determinations will be used in evaluating the Project:

- A determination that potential impacts have been avoided to the maximum extent practicable;
- A determination that remaining unavoidable impacts will be mitigated to the extent appropriate and practicable by requiring measures to minimize impacts through project modifications and permit conditions; and
- A determination that appropriate and practicable compensatory mitigation has been provided for unavoidable adverse impacts.

The DEIS should document an explicit and transparent link between project impacts and proposed mitigation. Under the new Compensatory Mitigation Rule, greater flexibility exists for permittee-responsible mitigation through on-site and off-site mitigation. The same holds true for out-of-kind mitigation. In general, however, implementation of compensatory mitigation should occur on-site unless it is demonstrated there is no practicable opportunity for on-site mitigation or if off-site mitigation provides greater ecological benefits. Compensatory mitigation should also occur within the same watershed of impact whenever possible. If compensatory mitigation is recommended to occur outside the watershed of impact, a sound ecological rationale must be presented as to why it is the most practicable choice.

In our previous comment letters, we cautioned DTS about deferring specific mitigation planning to the permitting stage of this project. In our view, it is important that discussions with

⁷ Final Rule, Compensatory Mitigation for Losses of Aquatic Resources (Corps and EPA, April 10, 2008; 73 FR 19594 - 19705).

key regulatory and resource agencies related to compensatory mitigation begin at this phase of the NEPA process and continue throughout the permit process. Also, it is noteworthy to point out that the new Compensatory Mitigation Rule requires our Public Notice (PN) for the preferred alternative contain a statement explaining how impacts associated with the proposed action are to be avoided, minimized and compensated for and that a final mitigation plan be approved by our district engineer prior to issuance of an individual permit. Therefore, it is important that at the time of issuance of our PN the mitigation proposal is specific enough for the public to offer meaningful comments on its appropriateness and effectiveness.

Should your augmented impact analysis for aquatic resources determine there are unavoidable adverse impacts to waters of the U.S., we expect a draft compensatory mitigation plan to be prepared in accordance with Honolulu District's Mitigation and Monitoring Guidelines and the Final Compensatory Mitigation Rule. At a minimum, this plan should include the following: 1) a direct correlation between project impacts and proposed mitigation to offset the loss in functional value; 2) the specific functions and values expected to be gained through the proposed establishment, restoration, enhancement and preservation efforts; 3) a schedule for implementation; and 4) an evaluation and monitoring plan.

In addition, it may be prudent to consider implementation of certain components of the compensatory mitigation plan in advance of the impacts occurring, which may then reduce the temporal losses associated with project construction.

NEPA Procedural Requirements

As a cooperating agency with both special expertise and jurisdiction by law, we intend to adopt FTA's Final EIS for compliance with the Corps' independent NEPA responsibilities for our federal action (i.e., DA permit decision). In doing so, we will be required to issue a Notice of Intent in the Federal Register and prepare our own Record of Decision (ROD). The Corps' ROD will constitute our agency's decision document and will be relied upon for the final DA permit decision. As part of agency decision-making, the Corps will need written evidence from FTA that compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act has been achieved. Similarly, prior to a DA permit decision, the Corps must have evidence that the Project has obtained Section 401 of the CWA certification (or waiver thereof) and Section 307(c) of the Coastal Zone Management Act consistency (or exemption).

Public Interest Review

Lastly, our project evaluation process requires we balance the project purpose against the public interest. The public benefits and detriments of all factors relevant to this transportation project will be carefully reviewed and considered. Relevant factors may include, but are not limited to, conservation, economics, aesthetics, wetlands, cultural values, fish and wildlife values, water quality, and any other factors judged important to the needs and welfare of the people. The following general criteria will be considered in evaluating the Honolulu High-Capacity Transit Corridor project application:

- The relevant extent of public and private needs
- Where unresolved conflicts of resource use exist, the practicability of using reasonable alternative locations and methods to accomplish project purposes; and
- The extent and permanence of the beneficial and/or detrimental effects the proposed project may have on public and private uses to which the area is suited.

No DA permit can be granted if the project is found to be contrary to the public interest. We anticipate working with FTA, DTS, other key agencies and interested parties in the documentation of our public interest review.

We appreciate the opportunity to comment on the Project's DEIS. Our goal is to ensure the environmental review process is appropriately comprehensive, technically sound and transparent to enable meaningful public participation and informed agency decision-making. We look forward to continuing our dialogue with your respective offices as well as your consultant team. If you have any questions or concerns, please contact Ms. Susan A. Meyer of my staff at (808) 438-2137 or by electronic mail at susan.a.meyer@usace.army.mil. Please refer to the Corps File No. POH-2007-127 in any future correspondence or communications related to this project.

Sincerely,



for George P. Young, P.E.
Chief, Regulatory Branch

Copies Furnished:

Mr. Alec Wong, Chief, Clean Water Branch, State Dept of Health
Mr. John Nakagawa, Office of Planning, State Coastal Zone Management Program
Mr. Michael Molina, U.S. Fish and Wildlife Service, Honolulu
Dr. Lance Smith, Protected Resources Division, NOAA Fisheries
Mr. Gerry Davis, Habitat Conservation Division, NOAA Fisheries
Dr. Wendy Wiltse, U.S. Environmental Protection Agency, Honolulu

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

May 12, 2009

RT5/09-313637

Mr. George P. Young, P.E.
Chief, Regulatory Branch
U.S. Army Engineer District Honolulu
Fort Shafter, Hawaii 96858-5440

Dear Mr. Young:

Subject: Jurisdictional Determinations – Wetlands and Waters of the U.S.
Honolulu High-Capacity Transit Corridor Project
Oahu, Hawaii
Corps File No. POH-2007-127

This is to transmit one copy of the report, "Wetlands and Waters of the U.S. Study" that was prepared for the Honolulu High-Capacity Transit Corridor Project.

In response to coordination with your agency, the Waters of the U.S. present in the project area were identified and delineated in April and May of 2009. Survey data for ordinary high water elevation are still being collected for some sites and will be made available to you as soon as they are available.

We are requesting that your agency render jurisdictional determinations for these sites. Due to time constraints related to Federal funding for the project, we kindly request your determinations as soon as possible. Once you have had a chance to review the enclosed report, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350 to arrange a field visit to any of the sites.

Your expeditious response to this request will be greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka".

WAYNE Y. YOSHIOKA
Director

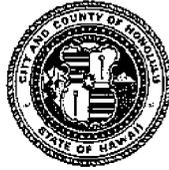
Enclosure

cc: Mr. Lawrence Spurgeon, PB

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

May 22, 2009

RT5/09-315292

Mr. George P. Young, P.E.
Chief, Regulatory Branch
U.S. Army Engineer District Honolulu
Ft. Shafter, Hawaii 96858-5440

Dear Mr. Young:

Subject: Jurisdictional Determinations – Wetlands and Waters of the U.S.
Honolulu High-Capacity Transit Corridor Project
Oahu, Hawaii
Corps File No. POH-2007-127

This letter is a follow-up to the submission of the *Wetlands and Waters of the U.S. Study* for the Honolulu High-Capacity Transit Corridor Project and the meeting with your staff on May 13, 2009. As indicated in the May 13, 2009 transmittal, ordinary high water elevations are now being submitted. Also, several small errors were identified in the May 12, 2009 submittal. An errata for those errors and a corrected file that also incorporates the ordinary high water elevations has been included with this letter.

As you requested, we also are supplying a copy of the current Preliminary Engineering plans, which are in draft format, and stream crossings alignment plan and profile sheets for the following water resources:

Honouliuli Stream
Hoaeae Stream
Waikele Stream
Kapakahi Stream
Waipahu Canal Stream
Maintenance and Storage Facility near Leeward Community College
Outfall
Waiawa Stream
Pearl City Stream

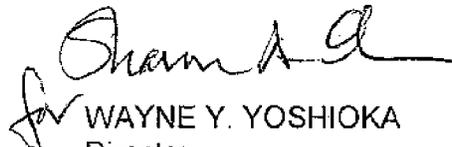
Mr. George P. Young, P.E.
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Waiau Spring
Waimalu Stream
Kalauao Springs
Kalauao Stream
Aiea Stream
Halawa Stream
Aolele Ditch
Aiea Bay State Recreation Area
Moanalua Stream
Kalihi Stream
Kapalama Canal Stream
Nuuanu Stream
Panakauahi Gulch

Other water resources were evaluated in the *Wetlands and Waters of the U.S. Study*, but plan sheets are not provided for the reasons described. The sites at Lower Kalo Gulch, Upper Kalo Gulch, Honouliuli-Aloun Farms, Upper West Loch Golf Course, Kalapawai Junction with Waikele, Waiawa Springs, and North of Aloha Stadium Hydric Soils were not included because there appear to be no regulated hydrologic features in these locations. The sites at Halawa Stream (Mauka-Salt Lake), Moanalua Stream (Mauka-Salt Lake), and Kahauiki Stream (Salt Lake) were not included because these sites would have only been affected by the Salt Lake Alternative, which has been eliminated and for which no preliminary engineering has been undertaken.

Should you have any questions, please contact Faith Miyamoto at 768-8350 or by e-mail at fmiyamoto@co.honolulu.hi.us.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures:

Ordinary High Water Elevations for Project Stream Crossings
Errata to the *Wetlands and Waters of the U.S. Study*, May 12, 2009
Revised *Wetlands and Waters of the U.S. Study* reflecting above two items
Draft Preliminary Engineering Plans
Project Stream Crossings Alignment Plan and Profile Sheets

cc: Mr. Lawrence Spurgeon, PB



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

May 29, 2009

Regulatory Branch

Corps File No. POH-2007-00127

Mr. Wayne Y. Yoshioka
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street; 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

The U.S. Army Corps of Engineers (Corps) received your request dated May 12, 2009 for our jurisdictional determination (JD) on the **Honolulu High-Capacity Transit Corridor Project** (Project) located within an approximate 20-mile corridor between East Kapolei and Ala Moana on the Island of Oahu, Hawaii. As you know, an approved JD is an official Corps determination that jurisdictional "waters of the United States", or "navigable waters of the United States", or both, are either present or absent on a particular site. An approved JD precisely identifies those limits of these waters on the project site or within the study area determined to be jurisdictional under Section 404 of the Clean Water Act (CWA) and/or Section 10 of the Rivers and Harbors Act (RHA) of 1899. An approved JD does not, however, include any determinations that a particular activity requires a Department of the Army (DA) permit.

Your letter was accompanied by a report entitled "*Wetland and Waters of the United States Study, Honolulu High-Capacity Transit Corridor Project*" (herein "Report") that was prepared by Oceanit in collaboration with Parsons Brinckerhoff (PB) for the City and County of Honolulu, Department of Transportation Services (DTS). In your correspondence, you acknowledge field data were still being collected and/or synthesized with respect to the ordinary high water mark (OHWM) for non-tidally influenced (freshwater) water bodies occurring within the Project corridor area. Subsequent to your initial letter, we received a second submittal on May 22nd from PB that contained a summary table of the OHWM data, an updated Report with an errata sheet correcting several errors, a set of preliminary engineering plans, and the plan and profile sheets for the stream crossings.

The Corps has reviewed the Report and supplemental documents furnished to our office, and finds they are sufficient for purposes of determining Corps jurisdiction for non-wetland waters of the United States, but not the precise scope and lateral extent of our geographic jurisdiction in accordance with existing Federal policy and regulation. The attached enclosure addresses our preliminary comments, including a request for the submittal of the wetlands field data sheets. Please note that the wetlands field data sheets are a mandatory element of all wetland delineations performed under the Corps of Engineers' established technical requirements and that we cannot issue any associated JD without those submittals in hand. Upon a more thorough review of the materials, the Corps may require additional and/or clarifying information from your consultant team.

It is the Corps' goal to process a JD request within 60 calendar days. In the interim, we look forward to receipt of the requested information and continued coordination with DTS, PB and Oceanit. Should you have any questions or need additional information, please contact Ms. Susan A. Meyer, Regulatory Project Manager, at (808) 438-2137 or via electronic mail at susan.a.meyer@usacc.army.mil.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch

Enclosure

Copy Furnished (w/encl):
Mr. Ted Matley, Federal Transit Administration

INTRODUCTION:

Based on the project description contained in the May 12, 2009 *Wetland and Waters of the U.S. Study* (herein "Report") submitted to our offices on May 13, 2009, it appears that the Honolulu High Capacity Transit Corridor Project (Project) will likely impact one or more sites that are under the Corps' regulatory jurisdiction. Therefore, we are providing the background discussion to reiterate the Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA) of 1899 limits of jurisdiction with the goal of assisting the applicant and its agent in developing an acceptable jurisdictional delineation report for the Corps' verification, and ultimately, for the issuance of an approved jurisdictional determination. In addition, this enclosure provides detailed comments on the Report itself, although they are in no way exhaustive.

BACKGROUND:

Regulatory Framework

The Corps' geographic jurisdiction under Section 10 of the RHA of 1899 (33 U.S.C. 401 *et seq.*) includes all navigable waters of the United States which are defined in Federal regulation at 33 C.F.R. Part 329 as: "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce." This jurisdiction extends seaward to include all ocean waters within a zone three nautical miles from the coast line. The shoreward limit of jurisdiction for activities that occur within, over, under or affecting tidally influenced Section 10 waters is the mean high water mark¹.

The CWA of 1972 (33 U.S.C. 1344) uses the term "navigable waters", which is defined as "waters of the United States, including the territorial seas." Activities or projects requiring Section 404 of the CWA authorization are limited to discharges of dredged or fill materials into the waters of the United States. For purposes of Section 404 of the CWA, the lateral limits of jurisdiction over non-tidal water bodies extend to the OHWM², in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands. For purposes of Section 10 of the RHA of 1899, the lateral extent of Federal jurisdiction is limited to the traditional navigable waters of the United States, which extends to the OHWM, whether or not adjacent wetlands extend landward of the OHWM.

¹ Where precise determination of the actual location of the "mean high water" line is necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the "apparent shoreline", which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the mean high water line.

² Corps regulations define the term "OHWM" for purposes of the CWA lateral jurisdiction as: "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider characteristics of the surrounding areas." (33 CFR 328.3(e)).

Summary of
 U.S. Army Corps of Engineers Regulatory Jurisdiction

TIDAL WATERS		FRESH WATERS	
Section 404 Jurisdictional Line	Section 10 Jurisdictional Line	Section 404 Jurisdictional Line	Section 10 Jurisdictional Line
High Tide Line	Mean High Water	OHWM	OHWM
<p><u>Section 404 of the CWA:</u> the discharge of dredged or fill material, including but not limited to all filling activities, utility lines, outfall structures, road crossings, beach nourishment, riprap, jetties, etc.</p> <p><u>Section 10 of the RHA:</u> all structures and work within, over, under or affecting the water body, which includes but is not limited to dredging, marinas, piers, wharves, floats/docks, intake/withdrawal pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, submarine dabbles, etc.</p>			

Rapanos Guidance for Non-Relatively Permanent Waters (RPWs)

As a result of the June 2006 Supreme Court decision concerning Section 404 of the CWA jurisdiction (*Rapanos v. United States*) and the subsequent promulgation of joint Corps and U.S. Environmental Protection Agency (EPA) guidance, the Corps asserts jurisdiction over the following categories of water bodies:

- Traditional navigable waters (TNWs);
- All wetlands adjacent to TNWs; and
- Non-navigable tributaries of TNWs that are relatively permanent and wetlands that directly abut such tributaries.

In addition, the Corps asserts jurisdiction over every water body that is not a relatively permanent water body (RPW) if that water body is determined to have a "significant nexus" with a TNW. The latter determination requires a case- or fact-specific analysis by the Corps and coordination with EPA. Non-RPWs include non-navigable tributaries that do not typically flow year-round or have continuous flow at least seasonally, wetlands adjacent to such tributaries, and wetlands adjacent to, but that do not directly abut a relatively permanent, non-navigable tributary. A significant nexus exists if the tributary, in combination with all of its adjacent wetlands, is found to have more than a speculative or an insubstantial effect on the chemical, physical and/or biological integrity of a TNW.

Jurisdictional Delineation/Determination Process

In general, for third-party prepared jurisdictional delineation reports, the Corps reviews and verifies the information submitted by the applicant/agent/consultant to ensure the data adequately characterize the field conditions and that the limits of jurisdiction are appropriately identified and mapped. If the draft report is incomplete, additional information will be requested in order to resume the review process. The Corps may elect to perform an on-site field

verification prior to making a final determination of jurisdiction. A relatively new, but integral part of the JD process is the completion of a JD form for each site or water body encountered. The policy directive to use the JD forms and include case-specific analyses (e.g., contributions of non-RPWs to the downstream biological, chemical and/or physical integrity of TNWs) stems from the Rapanos Supreme Court decision. In some instances, such as when a "significant nexus evaluation" is undertaken for a non-RPW or an isolated wetland determination is made, the JD form and supporting documentation must be furnished by the Corps to the EPA Regional office and/or EPA's Headquarters office for review and concurrence prior to the issuance of a final JD. Because of the increased coordination and sometimes onerous analytical requirements resulting from the Rapanos guidance, a copy of the JD form was furnished to Oceanit and Parsons Brinckerhoff to assist in collecting and synthesizing pertinent field data and studies that could facilitate the Corps' independent significant nexus evaluation(s) for any non-RPWs occurring within the Project study area and/or any isolated wetlands or other waters of the U.S. determinations.

It should be noted that the content and completion of the JD forms, as well as the rationale documented for each jurisdictional determination, is the sole responsibility of the Corps. Once a JD is finalized, the JD forms are posted to the Corps' website for purposes of public disclosure and consistency for the regulated public.

GENERAL COMMENTS:

Existing information, data sources and scientific studies are commonly used to assist a wetlands delineator in determining appropriate field sampling locations for performing an on-site delineation and in helping to demarcate the boundaries of waters of the United States. Examples of such sources include, but are not limited to: U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) maps, U.S. Soil Conservation Service hydric soil maps, U.S. Geological Service (USGS) topographic quadrangle maps, aerial photography or other imagery, watershed studies, hydraulic studies, USGS stream gage data, tidal datum, tide charts, etc. These data sources are intended to facilitate field reconnaissance studies, select appropriate site sampling locations, and generally assist in the field delineations, but individually are not intended to be relied upon to render a final JD—and in the case of wetlands, such sources are not to be used in lieu of a three-parameter delineation.

For non-wetland waters, a discernable OHWM must be present and appropriately documented. The JD must document in writing the physical characteristics used to establish the OHWM for CWA and/or RHA jurisdiction. If physical characteristics are inconclusive, misleading, unreliable or not evident, the written documentation must include information about the physical characteristics (or lack thereof) and other appropriate means that consider the characteristics of the surrounding areas, which was used to determine the OHWM. To complete an approved JD, there must be complete and accurate documentation that substantiates the Corps decision. At a minimum, decisions must be documented using the JD form and the documentation provided must allow for a reasonably accurate replication of the determination at a future date. In this regard, documentation will normally include information such as data

sheets, site visit memoranda, maps, sketches, and in some cases, surveys and photographs documenting the OHWM.

For wetlands, a boundary must be determined based on the methodology outlined in the Corps 1987 *Wetlands Delineation Manual*. All wetlands delineation reports submitted to the Corps for review and approval must include the Corps-approved Routine Wetland Determination data forms that are part of the Corps 1987 *Wetlands Delineation Manual*. For each wetland sample site, a data sheet must be completed, which documents the location of the site, general field conditions, presence/absence of hydrophytic vegetation, presence/absence of hydrology and presence/absence of hydric soils. No wetlands delineation will be accepted without these data sheets. That is, it does not suffice to conclude in the text of the report that no hydric soils were present, therefore no wetlands are present. Rather, data sheets must be completed to document the findings of each soil pit dug, and what was observed by the delineator, including site-specific information such as the soil profile description (e.g., depth, matix color, texture, redox features, etc.). Each soil pit dug at a site should be geo-referenced or otherwise marked/flagged to allow for follow-up field examination/verification, if needed. Similar data must be collected and documented in the approved forms for vegetation and hydrology.

All waters of the U.S. must be depicted on a map or series of maps at an appropriate scale to illustrate their geographic or spatial boundaries. Accurate mapping is needed for field verification purposes and documentation for the Corps administrative record (note: a geographic JD is valid for five years unless new information warrants revision of the determination prior to the expiration date). Detailed mapping is also needed to assist the applicant in designing or modifying alternatives to avoid and/or minimize impacts to aquatic resources, as well as to facilitate the calculation or quantification of unavoidable project impacts. The latter, of course, is a prerequisite to determining the appropriate type of DA permit and associated pre-construction notification requirements. Accordingly, whenever possible, visual representation of the jurisdictional aquatic features should be provided to identify the lateral extent or limit of jurisdiction (e.g., color coded, hatching, shading, etc. on a topographic map or aerial photograph). In addition, the text should include a discussion of the tributary or water body connections to traditionally navigable waters (TNWs), which in this case is the Pacific Ocean. We noted a number of the discussions in Section 5.0 include a description of the hydrologic connections, however, a description for every water body should discuss the flow characteristics, wetland adjacency (if applicable) and hydrologic connections (e.g., Wetland A is adjacent to unnamed tributary #5, which flows into a perennial stream that flows through a box culvert at Main Street bridge before its confluence with the Pacific Ocean).

SPECIFIC COMMENTS:

Section 1.0 Executive Summary

Page 1; paragraph 2: The last two sentences of this paragraph should be stricken, as follows: "~~Judging where a stream ends and where land begins is not, however, a simple matter. One of the more important limitations in the context of this report is that jurisdiction does not extend to prior converted cropland nor to any stream that does not have an outlet to the ocean.~~"

Page 1; paragraph 3: Revise the first two sentences as follows: "...Waiiau Springs (Site 15) ~~could be defined as a traditional~~ meets the definition of a wetland, however tThe Project right-of-way, including all construction-related activities, will avoid direct impacts to this site. The elevated guideway ~~passes this wetland in an alignment~~ will be located down the middle of Kamehameha Highway over an existing culvert crossing and therefore will not encroach into the Waiiau Springs."

Page 1; paragraph 4: Delete the entire paragraph.

Page 1; paragraph 5: Insert the words "Section 10 of" prior to "the Rivers and Harbors Act...". In addition, modify the last sentence accordingly: "The shoreline margins of several of these sites ~~are also near to being defined as wetlands due to the overgrowth of mangroves causing the accumulation of soils with wetland potential along the banks~~ support dense stands of mangrove. Field observations and examinations further indicate the accumulation of sediments within the mangrove, which were determined to be hydric soils (or not?) based on _____ (insert what hydric soil indicators were present—or not)."

Page 2; paragraph 1: Delete the entire paragraph.

Page 2; paragraph 2: Correct the citation for the "...Clean Water Act (USC 1948)". In addition, correct all legal citations with respect to the Clean Water Act of 1972 and Rivers and Harbors Act of 1899 throughout the Report. If need be, reference our citations herein.

Page 2; paragraph 3: Delete the entire paragraph.

Page 3; Table 1 (Sites Examined for Study): While it is helpful to include a table that lists and organizes all the sites (water bodies) encountered within the study area, the information contained in this table is not particularly useful nor accurate for establishing Corps jurisdiction and/or quantifying impacts to waters of the U.S. Instead, more helpful information would include the following:

- Coordinate data (e.g., lat/long) for each site;
- Type of flow (e.g., perennial, seasonal, non-RPWs, such as ephemeral);
- Whether the stream/channel invert is natural or concrete-lined;
- Whether the site is tidally influenced; and
- The type of impact expected (e.g., Section 404--discharge of dredged or fill material v. Section 10—work in, over or affecting tidally influenced water bodies).

Section 3.0 Introduction

Page 9; paragraph 3: Delete the entire paragraph, as portions are incorrect and the discussion is not germane to the JD.

Page 10; paragraph 1: The statement made about establishing the OHWM using "...the 'bank full' flow line attained by streams on the average of every 2 out of 3 years" fails to present a hydrologically defensible basis for establishing an OHWM in addition to being unsubstantiated in the follow-on statement: "...[t]his study follows the procedures outlined in the USACE *Jurisdictional Determination Form Instructional Guidebook* (USACE 2007)." Please clarify or else delete.

Page 10; paragraph 3: Delete all but the last sentence.

Section 4.0 Methodology

Page 13; paragraph 1: We request the Methodology (Section 4.0) discussion clarify and expand upon the field methodology utilized for this project study area. For example, it appears that the *Hawaii Wetland Field Guide* (Erickson and Puttock 2006) was used to classify wetland plants. If so, this is not an acceptable source; the Corps officially uses and accepts only the U.S. Fish and Wildlife Service National Lists of plant species to classify wetland plants (and the associated Regional updates). The scientific names and indicator status may differ if using another source. Similarly, the discussion on page 13 references the Corps 2007 *Jurisdictional Determination Form Instructional Guidebook*, which provides guidance on completing the Corps internal JD form and for conducting an approved JD, but it does not prescribe field methodology for delineations. The Guidebook is applied by the Corps to make and document approved jurisdictional determinations based on the case-specific information gathered from the field delineations that are performed by either a third-party delineator (consultant) or Corps staff.

Please explain how disturbed sites were considered with respect to determining the presence/absence of wetlands and whether the procedures outlined in the 1987 *Wetlands Delineation Manual* for atypical or problem areas were applied. Also, elaborate on the procedures that were used for characterizing and delineating the potential wetlands occurring within or adjacent to the proposed Project maintenance facility near Leeward Community College. Sites that are greater than five (5) acres in size require the application of a different field methodology. Based on our review of the Report, it was not apparent whether the appropriate methodology was used for the larger (> 5 acres) sites.

Page 13; paragraph 1: Clarify whether the buffer is 250 feet from the centerline of the crossing or 250 feet from either edge of the right-of-way. How wide will the crossing (i.e., guideway right-of-way) typically be?

Page 14; paragraph 1: In this section of the Report, the text indicates: "...preliminary soil pits were dug to make an initial assessment as to the presence or absence of hydric or anaerobic soils." The text further explains that if all three indicators were present (i.e., hydrophytic vegetation, hydrology and hydric soils), then a second site visit was conducted to "...conduct thorough soil testing..." Based on the Corps-approved wetlands delineation methodology, there is no such thing as "preliminary soil pits" versus "thorough soil testing". In any case, field data sheets must be completed by the field delineator(s) and submitted with the Report to document the findings.

Page 14; paragraph 2: The document reports that part of the methodology employed by the delineator(s) to determine hydric soils was "acid reactivity". Is this reference meant to specify that an α dipyrindyl test was used? If so, who prepared the mixture and what was the date the alpha-alpha dipyrindyl dye was mixed?

Section 5.0 Results

The discussions and site photographs provided in Section 5.0 of the Report are generally helpful and in most cases provide relatively thorough descriptions of the field conditions encountered and observations made by the delineator(s). However, as mentioned previously, field data sheets must be submitted to substantiate any claims regarding the presence/absence of hydric soils, hydrophytic vegetation and/or hydrology. Similarly, field data and appropriately labeled maps and photographs should be submitted to document the presence/absence of an OHWM, where applicable, and the high tide line or mean high water mark for tidally influenced waters.

While we found many portions of the "Site Description" and "Regulatory Jurisdiction Conclusions" informative, the discussions also raise a number of questions and concerns regarding the interpretation of field data. Again, the importance of the submittal of field data sheets cannot be understated. Conclusions made with respect to jurisdictional boundaries, including wetlands, are especially important given the current status of the Project's engineering design and uncertainties related to the final size, configuration and siting (placement) of park and ride features and stations. We understand from meeting conversations with Parsons Brinckerhoff that the vast majority of the guideway will be located within existing right-of-way and will span or otherwise avoid most waterways. However, based on the Corps review of the aerial photographs provided within the Report, it appears some of the stations and associated park and ride project features may be located in, over, or immediately adjacent to jurisdictional waters of the U.S. (e.g., Pearl Highlands Station and associated Park & Ride with respect to the Waiawa Stream, stations located at Kalihi Stream, etc.). For this reason, an accurate and appropriately scaled base map illustrating the boundaries of all jurisdictional waters of the U.S. should be included in the Report. Furthermore, such information and mapping should be officially provided by DTS to the selected design-build contractor to ensure the protection of aquatic resources during final project design, construction mobilization, project implementation, demobilization and long-term maintenance and operation.

The detailed comments that follow are offered only to represent the general types of concerns identified during the Corps' review, but are not all-inclusive. Upon receipt of an amended draft JD report, the Corps would expect to provide a more thorough set of review comments.

Page 79 (Site 11): Both the discussion in the text and the associated aerial photograph depict two sample sites: 11a and 11b. However, the accompanying site photographs on pages

80 - 81 label a number of additional sites, specifically 11c – 11g. Please clarify. Moreover, the coastal salt marsh and high tide line should be delineated along the Pearl Harbor (Middle Loch) shoreline, as the Corps understands an outfall structure may be constructed as part of the maintenance and storage facility that could impact jurisdictional waters of the U.S. occurring in this area.

Page 83 (Site #12): The Corps will need to review the field data sheets for this site. Furthermore, it is unclear how the OHWM was established, as the text explains "[A] flood bench indicating the ordinary high water mark is present, typically on both banks...". We are unfamiliar with the term "flood bench", particularly in the context of a primary or secondary field indicator of an OHWM. Perhaps all that is necessary is a brief clarifying statement as to what is meant by "flood bench".

Page 104 (Site 15): The Report indicates the "...[Waiiau] wetland was delineated on April 16, 2009 and a separate report covers that activity." Please designate when this separate report will be submitted to the Corps. Upon submittal, it is imperative that the document include all field data sheets, sample site location information (e.g., flagging, lat/long point data, etc.) to identify boundaries and locations where soil pits were dug, and any other pertinent field information, including site photographs.

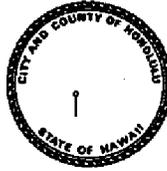
Page 137 (Site 20): We assume the mapped boundary (shown by a red dashed line) represents the high-tide line, but the legend should be clarified to explain what is meant by "shoreline boundary of estuary wetland". The Corps also suggests consideration be given to expanding the field investigations, as the wetland boundary may extend beyond the high tide line. Were any vegetative data collected or soil pits dug beyond the high-tide line to confirm the presence/absence of adjacent wetlands?

In summary, we request you re-submit for our verification a revised jurisdictional delineation report that follows the criteria set forth in the Corps 1987 *Wetlands Delineation Manual* and the criteria for establishing an ordinary high water mark defined at 33 C.F.R. 320.3(e) for non-wetland waters of the U.S. The revised Report must include all wetlands field data sheets that were completed by the delineator(s). In addition, the revised report must address the field indicators observed/used to demarcate the lateral limits of non-wetland waters of the U.S. based on the presence of an ordinary high water mark (OHWM) for non-tidal waters.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 10, 2009

RT7/090-322711

Mr. George P. Young, P.E.
Chief, Regulatory Branch
Department of the Army
U.S. Army Corps of Engineers, Honolulu District
Fort Shafter, Hawaii 96858-5440

Dear Mr. Young:

**Subject: Honolulu High-Capacity Transit Corridor Project
Corps File No. POH-2007-00127
Section 404 of the Clean Water Act of 1972 and
Section 10 of the Rivers and Harbors Act of 1899
Request for Preliminary Jurisdictional Determination**

As you are aware, the U.S. Department of Transportation, Federal Transit Administration (FTA), and the City and County of Honolulu, Department of Transportation Services (DTS) are proposing an approximately 20-mile rapid transit project located between Kapolei and the University of Hawaii Manoa on the Island of Oahu, Hawaii (the Project). In our previous transmittal of the report entitled *Honolulu High-Capacity Transit Corridor Project Wetland and Waters of the U.S. Study*, dated May 12, 2009 (RTD 2009a), and revised submittal of the *Honolulu High-Capacity Transit Corridor Project Wetland and Waters of the U.S. Study*, dated May 21, 2009 (RTD 2009b), we had requested an approved jurisdictional determination for the identified waters of the U.S. within and/or adjacent to the Project. However, based on the following, it was determined that the preliminary jurisdictional determination approach was more appropriate for this Project:

- May 29, 2009, letter from the USACE (Corps File No. POH-2007-00127), regarding complexities of the Project (i.e., portions are design-build)
- July 2, 2009, meeting with the USACE

Therefore, this submittal serves to provide the USACE with the necessary information to process a preliminary jurisdictional determination for the identified waters of the U.S. within and/or adjacent to the Project. We trust that we have provided the

Mr. George P. Young, P.E.
Page 2
July 10, 2009

appropriate material for completion of the "Preliminary Jurisdictional Determination Form." If you have questions or require additional information, please feel free to contact Ms. Susan Robbins of the Rapid Transit Division at (808) 768-6142.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, FTA Region IX (w/o enclosures)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 19, 2009

RT6/09-319394

Mr. George P. Young, P.E.
Chief, Regulatory Branch
U. S. Army Corps of Engineers
Honolulu District
Fort Shafter, Hawaii 96858-5440

Dear Mr. Young:

Subject: Honolulu High-Capacity Transit Corridor Project
Corps File No. POH-2007-00127

We are requesting that all of the cooperating agencies for the project, including the U. S. Army Corps of Engineers, review the preliminary draft of the Administrative Final Environmental Impact Statement (EIS). In order to facilitate this review, we have enclosed two (2) printed copies and five (5) CD copies of this internal and confidential document. Any comments on the document are requested by July 20, 2009.

We would appreciate your review of the document focusing on your area of jurisdictional responsibility, Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. You will note that the document does not reflect the information requested in your letter of May 29, 2009, which the City is in the process of completing. We also request that you review this document with the intent that you will be adopting this as your Final EIS. At this time, we ask that you review the document as a work in progress. Continued coordination and additional opportunities to complete the evaluation of waters of the U. S. are envisioned in order to produce a Final EIS that meets your requirements.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over a faint, larger version of the same signature.

WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Ted Matley, FTA-Region IX (w/o enclosures)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

August 4, 2009

Regulatory Branch
Engineering and Construction Division

Corps File No. POH-2007-00127

Mr. Ted Matley
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Wayne Y. Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Matley and Mr. Yoshioka:

This correspondence responds to your request for the U.S. Army Corps of Engineers (Corps) comments on the Administrative Final Environmental Impact Statement (AFEIS) for the **Honolulu High-Capacity Transit Corridor Project** (Project) located on the Island of Oahu, Hawaii. As a cooperating agency pursuant to 40 C.F.R. 1501.6, it is the Corps' goal to offer Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS) feedback relevant to National Environmental Policy Act (NEPA) procedures, including the sufficiency of aquatic resources data and analyses to enable the Corps adoption of the FEIS. Our comments also are intended to help facilitate a streamlined Department of the Army (DA) permit decision under our Section 404 of the Clean Water Act (CWA) of 1972 and Section 10 of the Rivers and Harbors Act (RHA) of 1899 statutory authorities.

Our review focused on Chapter 2 (Alternatives Considered), Chapter 4 (Environmental Analysis, Consequences and Mitigation; Section 4.14 Water), and Chapter 7 (Evaluation of the Project) of the AFEIS¹. We also examined several of the technical appendices, including Appendix A (Comments Received on the DEIS and Responses) and Appendix E (Construction Approach). According to the AFEIS, the implementation of a fixed guideway transit system appears to yield measurable transportation benefits and added choices for the commuting public. We also note the environmental analysis suggests a net overall environmental benefit in terms of air quality, energy consumption, water quality and socioeconomics when compared to other transportation improvements or modal options.

¹ *Administrative Final Environmental Impact Statement, Honolulu High-Capacity Transit Corridor Project*, prepared by Parsons Brinckerhoff for the U.S. Department of Transportation, Federal Transit Administration and the City and County of Honolulu (dated June 18, 2009)

404(b)(1) Alternatives Analysis

EPA's 404(b)(1) Guidelines (Guidelines) contained in 40 CFR Part 230 establish four substantive, or binding requisites, that must be fulfilled prior to issuance of a Section 404 of the Clean Water Act (CWA) permit. One of these requirements is the applicant's demonstration that its preferred alternative is the least environmentally damaging practicable alternative (LEDPA). The basic premise behind the LEDPA is to avoid environmental impacts upfront, rather than automatically defaulting to mitigating for adverse impacts.

In carrying out the 404(b)(1) alternatives analysis, it is the applicant's responsibility to demonstrate to the Corps that there is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.¹ (emphasis added). The Guidelines require that this analysis must include the consideration of activities that do not involve the discharge of dredged or fill material into waters of the United States (i.e., the No Federal Action alternative or permit denial), discharges at alternative locations, and where possible and appropriate, other geographic project locations. In the case of the Honolulu High-Capacity Transit Corridor Project (Project), the proposed modal options, transit technologies and alignments that exhibit the least overall adverse environmental harm must be examined in the context of "practicability"² prior to being eliminated from further consideration. Under the Guidelines, an alternative with fewer impacts to aquatic resources than the preferred alternative may only be eliminated by demonstrating it has other overriding significant environmental impacts [40 CFR 230.10(a)] or that it is not practicable. In other words, the LEDPA should represent the alternative that meets the project purpose and which results in the least overall net environmental harm.

- The analysis of alternatives required for National Environmental Policy Act (NEPA) documents will in most cases provide the information for the evaluation of alternatives under the Guidelines. On occasion, however, the NEPA document may not have considered the alternatives in sufficient detail to respond to the substantive requirements of the Guidelines, making it necessary to supplement the NEPA document with additional information. The latter was the case with the Draft Environmental Impact Statement (DEIS) prepared for the Project. Based on previous guidance provided to the Project team, the Corps expected the AFEIS to include specificity as to how aquatic resources were assessed and considered during the 2006 alternatives analysis conducted by the City and County of Honolulu. However, contrary to our meeting discussions, data presented in the

¹ 40 C.F.R. 230.10(a)(1)

² Practicable is defined in federal regulation as "available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes" [40 CFR 230.10(a)(2)].

In comparison, page 2-7 of the same sections explains:

"The Managed Lane Alternative was evaluated for its ability to meet project goals and objectives related to mobility and accessibility, supporting planned growth and economic development, constructability and cost, community and environmental quality, and planning consistency. (emphasis added).

Page 2-9 of Section 2.2.2 indicates:

"...each [Fixed Guideway Alternative] alignment was evaluated individually and compared to the other alignments in the respective section in relation to transportation benefits, environmental and social consequences, and costs. (emphasis added).

This applying of inconsistent or different evaluation criteria may have led to potentially erroneous justifications and conclusions and/or may have biased decisions regarding the reasonableness and practicability of other modal alternatives that were then eliminated from further consideration. For instance, the 2006 Alternatives Analysis Report acknowledges the TSM alternative would have generated fewer physical impacts than the Managed Lane or Fixed Guideway alternatives, but does not provide a sound explanation as to why the TSM was deemed impracticable [as defined by federal regulation at 40 C.F.R. 230.10(a)(2)] and therefore, eliminated from detailed study in the DEIS.

Disclosure of Aquatic Resource Impacts

- The AFEIS contains no quantitative data regarding impacts to waters of the U.S. to make a meaningful comparison amongst alternatives, to identify the appropriate DA permit type for each phase of construction or to determine the appropriateness/need for compensatory mitigation. The DEIS essentially evaluated one build alternative with two variations: 1) Salt Lake Boulevard and 2) the Airport (plus a combined third alternative that encompassed both the Salt Lake Blvd and Airport alignments). For the overwhelming majority of the 20-mile alignment the "alternatives" maintain the same footprint (alignment), design features and dimensions except for a discrete section where it splits and one "alternative" deviates along Salt Lake Boulevard while the other traverses a route to the Airport. Since the build alternatives are more or less the same, there is little that distinguishes them in terms of aquatic resource impacts. Accordingly, the 404(b)(1) alternatives analysis should document that the locally preferred alternative (i.e., Airport Alternative) does not result in other significant adverse environmental consequences, thereby validating it is the LEDPA. Case in point, the AFEIS indicates Table 4-30 is intended to provide a comparison of differences between the Project and the Salt Lake Alternative with respect to impacts in water of the U.S. However, the table illustrates there are no discernable differences between the two alternatives using the parameters/variables selected, which

how the Project will affect the continued performance of the identified functions. We suggest the FEIS quantitatively or at least qualitatively address the anticipated functional losses to aquatic ecosystems to the extent appropriate and practicable. Factors to consider include changes to sedimentation (e.g., sediment transport, in-stream aggradation and degradation), erosion, turbidity, hydrologic regime, water quality, floodplain encroachment, invasive species, and other native habitat perturbations. The regulations require that the rigor of a qualitative functional assessment need only be commensurate with the anticipated level of impacts to jurisdictional waters of the U.S.

Appendix A

- Based on the draft responses to comments received on the DEIS (Appendix A), it appears some of the response letters are incomplete in that further coordination and resolution of issues is required on the part of FTA and DTS. When do FTA and DTS anticipate completion of these processes and the inclusion of signed (official) response letters?

Chapter 3 (Transportation) and Appendix E

- Both Chapter 3 and Appendix E discuss the likely need for additional construction staging areas for the temporary storage of construction equipment, stockpiling of materials, and other construction-related activities. According to the documents, it will be the responsibility of the contractor to locate these construction staging areas and obtain any necessary permits. Section 3.5.1 of the AFEIS requires any additional staging areas identified and requested by the contractor will be reviewed and approved by the City [and County]. We reiterate our concern that adequate control measures and/or contractual restrictions within the City and County of Honolulu's purview (e.g., request for proposals) be implemented to ensure the protection of environmentally sensitive areas that DTS and FTA have committed to avoid during this NEPA process. Furthermore, the Corps requests that FTA's record of decision (ROD) incorporate specific mitigation commitments that prohibit construction contractors from encroaching into environmentally sensitive areas, specifically waters of the U.S., unless such areas have been accounted for and addressed in the FEIS and/or authorized by DA permit(s). This is most germane to the first phase of construction which is design-build rather than the traditional design-bid-build approach. Alternatively, if the contractor must obtain additional staging areas or ingress/egress points which would impact waters of the U.S., construction start may be delayed for any ground-disturbing activities occurring in such jurisdictional waters of the U.S. until necessary state and federal permits have been obtained. In all such instances where contractor activities require Department of the Army permits for any elements of the project, we will consider the permit applicant to be the City and County of Honolulu, and not the contractor.

ENCLOSURE
U.S. Army Corps of Engineers Detailed Comments
Honolulu High-Capacity Transit Corridor Project, File No. POH-2007-00127
"Administrative Final Environmental Impact Statement" (June 18, 2009)

- Chapter 2, page 2-3: Reference is made to FTA's New Starts Program and a 2005 FTA policy document that indicates alternatives considered in the NEPA process may be narrowed in those instances when the Alternatives Analysis required by 49 U.S.C. 5309(e) is conducted as a planning study prior to the NEPA review. We did not find this reference cited in the References Chapter and it should be included. More importantly, the Corps remains concerned about the overall rigor of the 2006 Alternatives Analysis in terms of meeting the spirit and intent of NEPA and the extent to which environmental consequences (beneficial and detrimental) were considered in the alternatives selection process. As stated in the Alternatives Analysis Report, the purpose was to select a mode and general alignment for high-capacity transit. According to the report, once a LPA is selected by the City Council, design options within the LPA will be evaluated and an EIS prepared as part of the Preliminary Engineering phase, followed by construction of the LPA. Unless procedurally adequate under NEPA regulations, we question the validity of relying upon the 2006 Alternatives Analysis Report for establishing the Project scope, range of alternatives and potentially significant issues for purposes of federal compliance with NEPA and the Guidelines.
- Chapter 4, page 4-3: The last paragraph of this section asserts "both the No Build Alternative and the Project are considered to be the environmentally preferable alternative, depending on the factors considered." By regulation, in its ROD, FTA must identify its environmentally preferable alternative [40 C.F.R. 1505.2(b)]. In doing so, we recommend consideration be given to the biological and physical consequences, including historical and cultural resources, air quality, water quality, noise, aesthetics and socioeconomics.
- Chapter 4, page 4-10: Please revise the text accordingly: "Water: this section was revised to include U.S. Coast Guard and U.S. Army Corps of Engineers (USACE) input on navigable waters and waters under the jurisdictional determination of the USACE."
- Section 4.14 (Water): This section references a *Stream Assessment Report* (RTD 2009h), although the Corps has not been provided a copy. This technical report may be germane to our regulatory jurisdiction and therefore, we would appreciate a copy of the report or instructions on how to access the study results.
- Page 4-137, Methodology: Please include the citation to the Corps 1987 Wetlands Delineation Manual in the References Chapter.
- Page 4-137, Methodology: The Corps questions the wetlands delineation methodology/approach documented in this section, and will address our concerns and comments under separate cover.

ENCLOSURE
U.S. Army Corps of Engineers Detailed Comments
Honolulu High-Capacity Transit Corridor Project, File No. POH-2007-00127
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obtained at a later date. However, for the Section 404 permit, there is no reference to the first segment of construction, which leads the Corps to infer the DTS is seeking a single DA permit for the entire project (i.e., all four phases at once). If this is not the case, the table should be revised to accurately reflect the Section 404/10 permitting strategy (e.g., standard individual permit v. nationwide permit; permits issued for each phase of construction v. one permit for the entire project).

- Under List of Preparers, please identify those sub-consultants, including their respective professional credentials, who conducted the fieldwork and are responsible for the preparation of the *Wetland Waters of the U.S. Study*.



DEPARTMENT OF THE ARMY
 U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
 FORT SHAFTER, HAWAII 96858-6440

REPLY TO
 ATTENTION OF:

September 11, 2009

Regulatory Branch
 Engineering and Construction Division

Corps File No. POH-2007-00127

Mr. Wayne Yoshioka
 Department of Transportation Services
 City and County of Honolulu
 650 South King Street, 3rd Floor
 Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Reference is made to your request dated July 10, 2009 for a Department of the Army preliminary jurisdictional determination (PJD) for the **Honolulu High-Capacity Transit Corridor Project** site located within the transportation corridor between east Kapolei and downtown Honolulu, on the Island of O'ahu, Hawaii.

Based on available information, including data presented in the *Wetland Waters of the U.S. Study, Honolulu High-Capacity Transit Corridor Project* report, it appears waters of the United States (U.S.) may be present within the transportation corridor/project study area in the approximate locations noted on the maps and drawings contained in the water resources technical report. Specifically, the *Wetlands and Waters of the U.S. Study, Appendix A—Detailed Site Descriptions and Potential Impacts* (dated July 10, 2009) and the engineering drawings contained in *Appendix B: Preliminary Alignment Plans and Profiles Wetlands and Waters of the U.S. Study, Sites 1 – 31* (dated July 2009) illustrate the geographic locations of the aquatic features. All referenced technical documents, maps and photographs are contained in our official administrative record. Twenty-six (26) separate streams, waterbodies and/or wetlands are included in the PJD review area, namely:

- | | |
|--------------------------------------|-----------------------------------|
| Honouliuli-Aloun Farms Wetland | Waiiau Spring Wetland |
| Upper West Loch Wetland | Waimalu Stream |
| Waikele Stream | Kalaual Springs Wetland |
| North Aloha Stadium Cemetery Wetland | Aiea Recreation Area Wetland |
| Hō'ae'ae Stream | Kaloi Gulch |
| Waipahu Canal Stream | Leeward Community College Wetland |
| Pearl City Stream | Waiawa Stream |
| Aiea Stream | Waiawa Springs Wetland |
| Hālawā Stream | Moanalua Stream |
| Honouliuli Stream | Kaplāma Canal Stream |
| Kapakahi Stream | Nu'uanu Stream |
| Kalauao Stream | Kahauiki Stream |
| Aolele "Ditch" and Wetland | Pānakauahi Gulch |

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Since the Honolulu District has previously documented and determined the Kalo'i Gulch is an intrastate isolated feature that does not support interstate or foreign commerce, we have excluded this ephemeral drainage from our PJD determination (reference Corps File No. POH-2005-00089). The geographic jurisdictional determination for Kalo'i Gulch was issued on February 16, 2006 and will expire February 16, 2011, unless new information warrants revision of the determination before the expiration date.

The basis for the PJD can be found on the enclosed "Preliminary Jurisdictional Determination Form" (Enclosure). Please sign and date the enclosed form and return to the Honolulu District Regulatory Branch office within two (2) weeks of receipt. Please note PJDs are non-binding written indications that there may be waters of the United States, including wetlands, on a parcel or indications of the approximate location(s) of waters of the United States or wetlands on a parcel. Preliminary JDs are advisory in nature and may not be appealed (33 C.F.R. 331.2). As the permit applicant who requested this preliminary JD you are hereby advised of your option to request and obtain an approved jurisdictional determination for this site. The option to obtain an approved JD in this instance and at this time has been declined. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S.

Please note that PJDs may not be appealed through the Corps' administrative appeal process set out at 33 C.F.R. Part 331. Further, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether Clean Water Act (CWA) jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This determination has been conducted to identify the extent of the Corps' Section 404 of the CWA jurisdiction on the Honolulu High-Capacity Transit Corridor Project site identified in your request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant(s) are U. S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

If you have any questions, please contact Ms. Susan A. Meyer of my staff at (808) 438-2137 or via e-mail at susan.a.meyer@usace.army.mil. Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch

Enclosure

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): September 11, 2009
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Mr. Wayne Yoshioka, Director, City and County of Honolulu, Department of Transportation Services, 650 S. King Street, 3rd Floor, Honolulu, HI 96813
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Honolulu District POH-2007-00127
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: Refer to table below for project location data.

State: HI County: Honolulu City: Honolulu

Center coordinates of site (lat/long in degree decimal format): Lat. °N, Long. °W

Name of nearest waterbody: Pacific Ocean

Name of any water bodies on the site, in the review area, that have been identified as Section 10 waters:

- Tidal:
Non-Tidal:

Identify (estimate) amount of waters in the review area (if there are multiple sites, use the table instead):

Non-wetland waters (total for site): linear feet and width (ft) or acres.

Stream Flow: Pick List Flow path:

Wetlands: acres (total for site).

Cowardin Class(es): n/a

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
1. Honolulu-Alouin Farms Wetland	21-22-18.504 N	158-2-21.762 W	N/A	Unknown	Section 404 -- wetland
2. Upper West Loch Wetland	21-22-28.120 N	158-1-48.376 W	N/A	1 acre	Section 404 -- wetland
3. Waikale Stream	21-22-59.000 N	158-0-39.000 W	N/A	~ 500 linear feet	Section 404 and Section 10 -- non-wetland
4. Waikale Wetland at Kalapawal	21-22-57.300 N	158-0-36.000 W	N/A	Unknown	Section 404 -- wetland
5. North Aloha Stadium Cemetery Wetland	21-22-31.097 N	157-55-56.112 W	N/A	< 2 acres	Section 404 -- wetland
6. Ho'ae'ae Stream	21-22-45.000 N	158-1-15.000 W	N/A	~ 500 linear feet	Section 404 -- non-wetland
7. Leeward Community College Wetland	21-23-31.472 N	157-59-16.770 W	N/A	Unknown	Section 404 and Section 10 -- tidal wetland
8. Waipahu Canal Stream	21-23-5.400 N	158-0-3.000 W	N/A	~ 300 linear feet	Section 404 and Section 10 -- non-wetland
9. Pearl City Stream	21-23-36.000 N	157-58-7.000 W	N/A	~ 500 linear feet	Section 404 -- non-wetland
10. Aiea Stream	21-22-37.177 N	157-56-3.894 W	N/A	~ 500 linear feet	Section 404 and Section 10 -- non-wetland
11. Halawa Stream (two locations)	21-22-4.000 N 21-21-54.000 N	157-55-48.000 W 157-56-14.000 W	N/A N/A	~ 500 linear feet ~ 500 linear feet	Section 404 -- non-wetland Section 404 and Section 10 -- non-wetland
12. Honolulu Stream	21-22-27.000 N	158-2-0.000 W	N/A	~ 500 linear feet	Section 404 -- non-wetland
13. Kapakahi Stream	21-23-0.600 N	158-0-23.500 W	N/A	~ 500 linear feet	Section 404 -- wetland and non-wetland

14. Kaiuaao Stream (two locations)	21-22-50.600 N 21-22-55.000 N	157-56-25.000 W 157-56-35.000 W	N/A N/A	~ 500 linear feet ~ 500 linear feet	Section 404 - non-wetland Section 404 - non-wetland
15. Aoiiale Ditch and Wetland	21-19-57.146 N	157-54-21.769 W	N/A	~ 500 linear feet (wetland occurs w/in channel)	Section 404 - wetland and non-wetland
16. Kahauliki Stream	21-20-11.226 N	157-53-36.128 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland and possibly tidal wetland
17. Kaihi Stream	21-19-58.384 N	157-53-16.944 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland
18. Panakauahi Gulch	21-24-4.300 N	157-59-18.000 W	N/A	~ 500 linear feet	Section 404 - non-wetland
19. Waiuu Springs Wetland	21-23-22.226 N	157-57-30.757 W	N/A	2.8 acres	Section 404 - wetlands
20. Waimaku Stream	21-23-10.213 N	157-57-8.523 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland
21. Aiea Recreation Area Wetland	21-22-32.434 N	157-56-2.071 W	N/A	Unknown	Section 404 and Section 10 - tidal and non-tidal wetland
22. Waiawa Stream	21-23-48.761 N	157-58-56.918 W	N/A	~ 500 linear feet	Section 404 - non-wetland
23. Waiawa Springs Wetland	21-23-47.697 N	157-58-48.063 W	N/A	Unknown	Section 404 - wetland
24. Kapalama Canal Stream	21-19-19.000 N	157-52-23.000 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland
25. Nu'uuanu Stream	21-18-48.000 N	157-51-54.000 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland
26. Moanalua Stream	21-19-58.467 N	157-53-37.211 W	N/A	~ 500 linear feet	Section 404 and Section 10 - non-wetland

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: July 17, 2009 and September 8, 2009
- Field Determination. Date(s):

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Explain: Several wetlands delineation data sheets are missing key information (e.g., soil pit information) or are not consistent with the text description contained in the accompanying wetlands report.
- Data sheets prepared by the Corps.
- Corps navigable waters' study.
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data. USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: multiple maps.
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Unnamed aerial photographs (dated July 10, 2009)
- Photographs: Other (Name & Date): Various site photographs taken at various times and dates.
- Previous determination(s). File no., date (and findings) of response letter (determination and coordination): POH-2005-00099 Kalo'i Gulch approved JD for isolated, intrastate waterway that does not support interstate or foreign commerce.
- Other information (please specify): Honolulu High-Capacity Transit Corridor pre-Final Environmental Impact Statement, including appendices and technical studies.

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature:

Susan A. Meyer
 Susan A. Meyer
 Regulatory Project Manager

11 Sep 2009
 Date

 Wayne Y. Yoshioka
 Person¹ Requesting Preliminary JD

 Date

¹ Permit applicant, landowner, a lease, easement or option holder, or individual with identifiable and substantial legal interest in the property; this signature is not required for preliminary JDs associated with enforcement actions.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

September 15, 2009

Regulatory Branch
Engineering and Construction Division

Corps File No. POH-2007-00127

Mr. Ted Matley
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Dear Mr. Matley:

The U.S. Army Corps of Engineers (Corps) has reviewed select portions of the pre-Final Environmental Impact Statement (pre-FEIS) for the **Honolulu High-Capacity Transit Corridor Project** (Project) provided to us on August 28, 2009. These select portions of the document represent the chapters for which substantive edits were made to address earlier Corps comments offered on the Administrative pre-FEIS. Based on the revised documents and in-depth discussions with Parsons Brinckerhoff (PB) during our July 2nd and August 10th, 2009 coordination meetings, we believe our substantive concerns relating to Section 404 of the CWA have been addressed. In fact, it appears the scope and intensity of impacts to jurisdictional waters of the United States (U.S.) are now relatively minor due to the extent of avoidance and minimization of the aquatic environment resulting from project site selection and design.

As the project proponent, the City and County of Honolulu, Department of Transportation Services (DTS) is responsible for obtaining all necessary Federal, State and local permits, licenses and other approvals to implement its Preferred Alternative (i.e., the Airport Alternative). The Preferred Alternative entails an approximate 20-mile grade separated guideway dedicated to high-capacity transit using steel-wheel-on-steel-track technology. Prior to project implementation, one of the authorizations DTS will need to obtain is a Department of the Army (DA) permit for regulated activities occurring within the geographic jurisdictional limits of waters of the U.S. pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. We hereby incorporate by reference our preliminary jurisdictional determination (PJD) letter addressed to Mr. Wayne Y. Yoshioka and dated September 11, 2009.

According to your consultant, PB, no project features other than the guideway itself would be located in waters of the U.S. That is, ancillary features such as park-and-ride facilities, parking structures, maintenance/storage yards, stations and associated platforms, traction power substations, temporary staging and stockpile areas and so forth will be sited in uplands or other areas that do not support or contain jurisdictional waters of the U.S., including wetlands. Furthermore, representatives from DTS and its consultant team assure us that special provisions have been incorporated into DTS contract documents which will prohibit future construction contractors from encroaching into or otherwise affecting waters of the U.S. for which such

impacts have not been previously evaluated and authorized. Notwithstanding these assurances, we note that pages 4-138, 4-163 and 4-190 of the pre-FEIS indicate there are "other project features" that will necessitate work in waters of the U.S., specifically, the extension of an existing stormwater culvert at Waiawa Springs. This culvert extension is proposed to improve water quality within the Waiawa Stream and would result in the loss of approximately 0.06-acre of waters of the U.S.

Based on the project features described in the pre-FEIS, estimated impacts to the aquatic environment and the environmental commitments made by DTS and the Federal Transit Administration (FTA) [reference Chapter 4, Section 4.18.10 of the FEIS], we anticipate the phased construction of the initial 20-mile project will comply with the terms and conditions of our nationwide permits (NWP)—assuming the project features for which DTS is seeking DA authorization constitute "single and complete" projects as defined in our regulations at 33 C.F.R. § 330.2(i).

Since issuance of one or more NWPs does not constitute a "major Federal action" as defined by the National Environmental Policy Act (NEPA), the Corps no longer anticipates the need to adopt FTA's FEIS and issue a separate Record of Decision. Our nationwide permit program has undergone NEPA compliance as part of the 2007 national reissuance process and therefore, the verification of project-specific activities under the NWP program does not necessitate additional NEPA compliance on the Corps' behalf. Accordingly, we request our official affiliation with the FEIS as a cooperating agency be relegated to that of a participating agency.

The receipt of a complete DA application for those construction activities that involve the placement of fill material in waters of the U.S. and/or require structures or work in, over or under navigable waters of the U.S. will be key to the Corps' timely issuance of a permit decision. As we have mentioned in previous correspondence and meetings, DA authorization is dependent upon FTA's independent compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. Furthermore, our DA authorization cannot be granted until DTS obtains Section 401 water quality certification (or waiver) and Coastal Zone Management Act consistency approval from the State of Hawai'i, Department of Health (Clean Water Branch) and Office of Planning (CZM Program), respectively. Also, as part of our DA application review, consideration will be given to the project's compensatory mitigation plan for unavoidable impacts to waters of the U.S. Please note you can access our Honolulu District website at <http://www.poh.usace.army.mil/EC-R/EC-R.htm> for detailed information regarding compensatory mitigation, permit application, and project plans/drawings requirements.

Lastly, we want to point out our NWPs expire in March 2012; it is incumbent upon DTS to remain informed of any changes to the NWPs. If you have any questions or wish to discuss these matters further, please feel free to contact Ms. Susan A. Meyer of my staff at (808) 438-2137 or electronically at susan.a.meyer@usace.army.mil and reference Corps File No.

POH-2007-00127. Please be advised you can provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch

Copies Furnished:

Dr. Wendy Wiltse, U.S. Environmental Protection Agency, Region IX, Honolulu Office
Mr. Wayne Y. Yoshioka, City and County of Honolulu, DTS
Ms. Faith Miyamoto, City and County of Honolulu, DTS
Mr. Jim Van Epps, Parsons Brinckerhoff, Honolulu Office



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1850
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Lawrence T. Yamamoto
U.S. Department of Agriculture (Natural Resource Conservation Service)
P.O. Box 50004
Honolulu, HI 96850-0050

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Yamamoto:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5

Your agency does not have to accept this invitation. If, however, you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written response to this invitation are not due until after the interagency scoping meeting scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Your agency will be treated as participating agency unless your written response declining such designation as outlined above is transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 769-8305 • Fax: (808) 623-4730 • Internet: www.honolulu.gov

MUJI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

March 18, 2008

RT3/08-253438

Mr. Lawrence Yamamoto, State Conservationist
Natural Resources Conservation Service
Hawaii State Office
U. S. Department of Agriculture
P. O. Box 50004
300 Ala Moana Boulevard, Room 4-118
Honolulu, Hawaii 96850-0050

Dear Mr. Yamamoto:

Subject: Honolulu High-Capacity Transit Corridor Project
Farmland Protection Policy Act, Form NRCS-CPA-106

Pursuant to the Farmland Protection Policy Act, the City and County of Honolulu Department of Transportation Services (DTS) requests Farmland Conversion Impact Ratings for this project. Three copies of the partially completed Farmland Conversion Impact Rating form (NRCS-CPA-106) are enclosed.

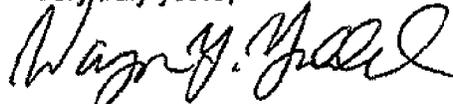
The DTS, in cooperation with the U. S. Department of Transportation Federal Transit Administration (FTA), is evaluating fixed-guideway alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa. The east-west length of the corridor is approximately 23 miles from Kapolei to UH Manoa. Although there are multiple project alternatives, they all have the same alignment in the Ewa Plain area and, therefore, the same effect on farmland. All parts of the system would either be elevated or in an exclusive right-of-way. The guideway itself would be approximately 30 feet wide. The project also includes transit stations spaced approximately one mile apart, power stations, parking lots and maintenance areas.

As shown on the enclosed maps, the fixed guideway would traverse prime and unique soils on Leeward Oahu. Some of these areas are currently cultivated by tenant farmers. Most of these tenant farms are slated for future development. The Ewa Development Plan establishes an Urban Growth Boundary to protect areas of agricultural lands from development. The areas impacted by the Honolulu High-Capacity Transit Corridor Project are within the area designated for development.

Mr. Lawrence Yamamoto
Page 2
March 18, 2008

DTS would appreciate your cooperation in completing Parts II, IV, and V of Form NRCS CPA 106. If you have any questions or need further information, please feel free to contact Ms. Faith Miyamoto at (808) 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosures (3 copies each):
NRCS-CPA-106
Project Alignment (4 sheets)

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request	1/24/08	4. Sheet 1 of 1
1. Name of Project	Honolulu High Capacity Transit Corridor Pro.	5. Federal Agency Involved	FTA	
2. Type of Project	Mass Transit	6. County and State	Honolulu, Hawaii	
PART II (To be completed by NRCS)		3. Date Request Received by NRCS	2. Person Completing Form	
6. Does the Corridor consist primarily of unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of the form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
5. Major Crops	8. Fertile Land in Government Jurisdiction	7. Amount of Farmland As Defined in FPPA		
	Agrees <input type="checkbox"/>	Acres		
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Requested by NRCS		

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	69			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	6			
C. Total Acres in Corridor	300			

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				

PART V (To be completed by NRCS) Land Evaluation Information Criteria or Relative Value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area In Nonurban Use	15				
2. Perimeter In Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS	160				

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 659.5(c))		Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
Relative Value Of Farmland (From Part V)		100				
Total Corridor Assessment (From Part VI above or a local site assessment)		160				
TOTAL POINTS (Total of above 2 lines)		260				

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: _____ DATE _____

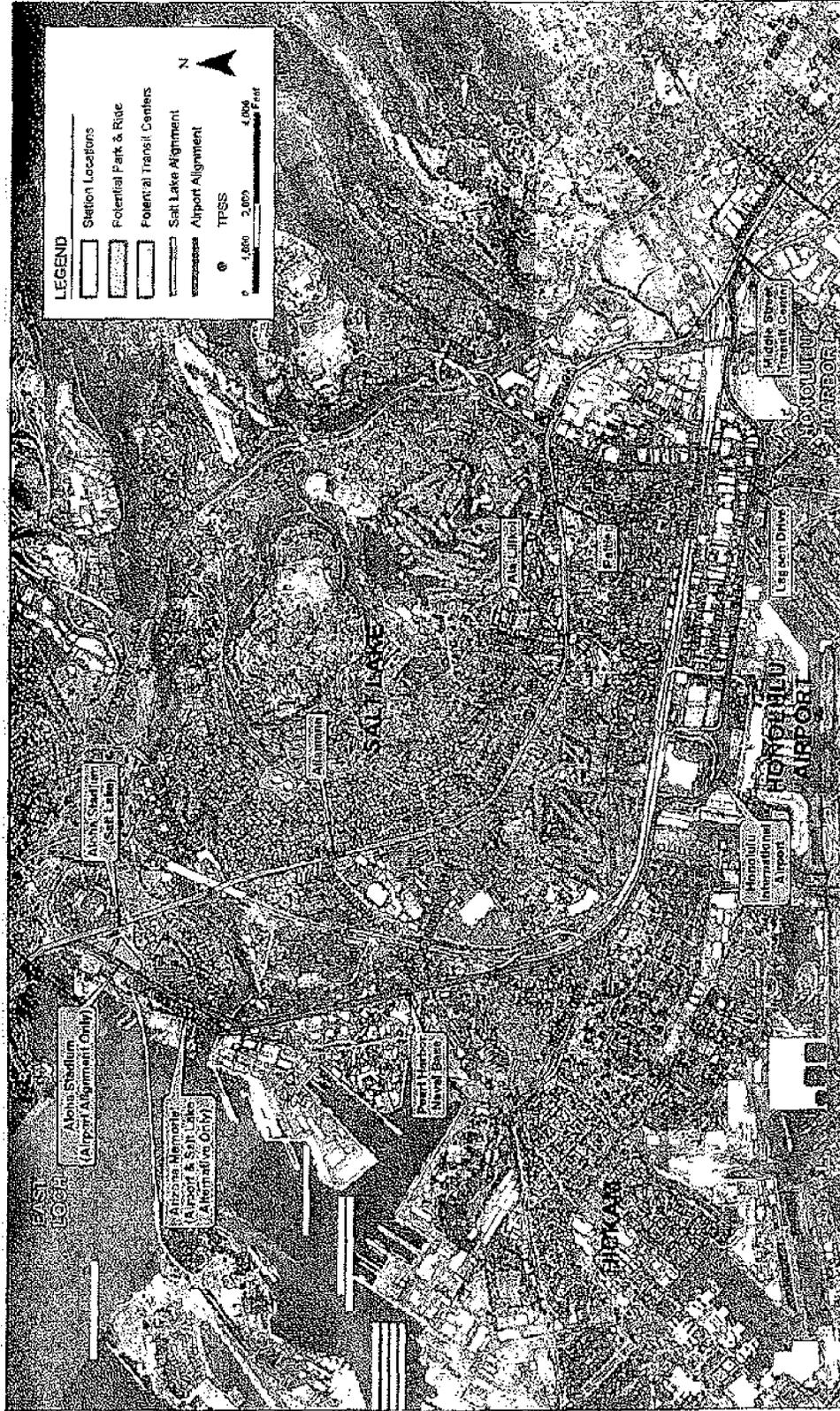
NOTE: Complete a form for each segment with more than one Alternative Corridor

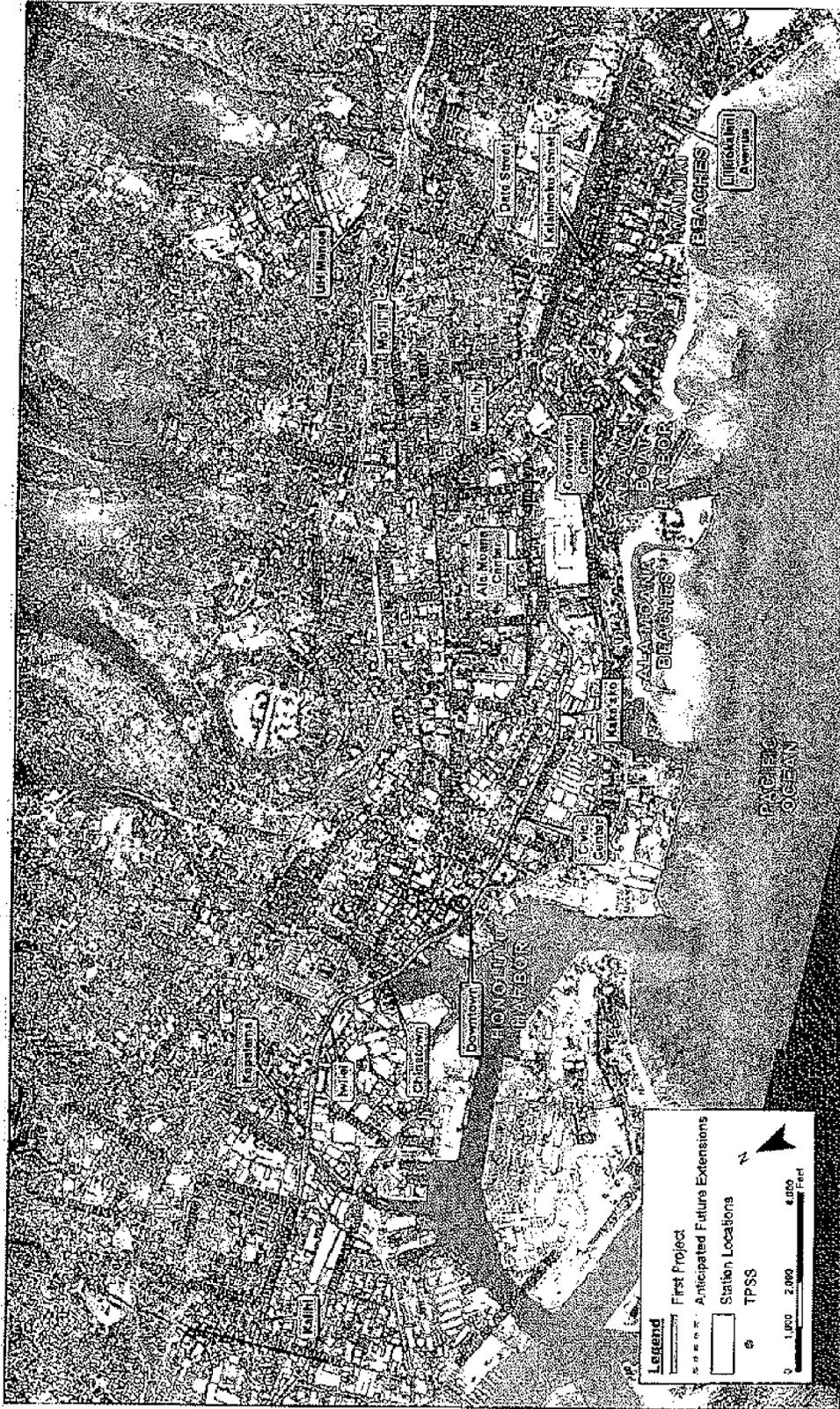
Honolulu High-Capacity Transit Corridor
 Section 1 - Kapolei to Fort Weaver Road



February 28, 2008



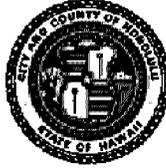




DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
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Phone: (808) 768-8305 - Fax: (808) 523-4730 - Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 28, 2008

RT8/08-276421

Mr. Lawrence Yamamoto
State Conservationalist
NRCS Hawaii State Office
P.O. Box 50004
300 Ala Moana Boulevard, Room 4-118
Honolulu, Hawaii 96850-0050

Dear Mr. Yamamoto:

**Subject: Honolulu High-Capacity Transit Corridor Project
Farmland Protection Policy Act, Form NRCS-CPA-106**

Pursuant to the Farmland Protection Policy Act, the City and County of Honolulu Department of Transportation Services (DTS) requests a revised Farmland Conversion Impact Rating for the subject project. As discussed with your staff member, Mr. Tony Rolfes, the alignment for the project has been modified and the corridor of converted land more clearly defined. All of the alignments that go through farmland are still the same and so only one Corridor column is filled in. The alignment change should not substantially alter the scores on NRCS-CPA-106. However, to be accurate, three (3) copies of a new, partially completed Farmland Conversion Impact Rating form (NRCS-CPA-106) are enclosed. Computer files to delineate the new alignment have already been forwarded to Mr. Rolfes.

DTS would appreciate your cooperation in completing Parts II, IV, and V of Form NRCS-CPA-106. If you have any questions or need further information, please feel free to contact Ms. Jan L. Reichelderfer of PB Americas, Inc. at (808) 566-2204 or reichelderfer@pbworld.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka".

WAYNE Y. YOSHIOKA
Director

Enclosure

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 - Fax: (808) 523-4730 - Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 24, 2009

RT4/09-310526

Mr. Lawrence Yamamoto
State Conservationist
National Resources Conservation Service
Hawaii State Office
U. S. Department of Agriculture
P. O. Box 50004
Honolulu, Hawaii 96850-0050

Dear Mr. Yamamoto:

**Subject: Honolulu High-Capacity Transit Corridor Project
Faermland Protection Policy Act, Form NRCS-CPA-106**

Please find a completed NRCS-CPA-106 form for the Honolulu High Capacity Transit Corridor Project pursuant to the Faermland Protection Policy Act. The City and County of Honolulu Department of Transportation Services (DTS) appreciates the help from your staff member, Mr. Tony Rolfes. Although the total points obtained on the form was 120 and below the established threshold, we will continue to be aware of the importance of faermland during the project.

If you have any questions or need further information, please feel free to contact Ms. Jan L. Reichelderfer of PB Americas, Inc. at (808) 566-2204 or reichelderfer@pbworld.com.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Enclosure

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request	8/28/08	Sheet 1 of 1
1. Name of Project	Honolulu High Capacity Transit Corridor	5. Federal Agency Involved	FTA	
2. Type of Project	mass transit	6. County and State	Honolulu, Hawaii	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form	
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Terry Koster	
4. Acres Irrigated	13,703	Average Farm Size	89	
5. Major Crops	Vegetables & seed corn	6. Farmable Land in Government Jurisdiction	Acres: 151,860 x 89	
7. Name of Land Evaluation System Used	STATE OF HAWAII, LEA	8. Name of Local Site Assessment System	NONE	
9. Amount of Farmland As Defined in FPPA	Acres: 94,500	10. Date Land Evaluation Returned by NRCS	10/1/08	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
	A. Total Acres To Be Converted Directly	147		
	B. Total Acres To Be Converted Indirectly, Or To Receive Services			
C. Total Acres In Corridor	147	0	0	0

PART IV (To be completed by NRCS) Land Evaluation Information	
A. Total Acres Prime And Unique Farmland	78
B. Total Acres Statewide And Local Important Farmland	8
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.1
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	17

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative Value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(a))	Maximum Points				
1. Area In Nonurban Use	15	1			
2. Perimeter In Nonurban Use	10	0			
3. Percent Of Corridor Being Farmed	25	10			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	15	10			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	1			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	27	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	93			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	27	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	120	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used?
Corridor A	147	10/16/08	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

5. Reason For Selection:
Available property, ROW, location of future development, ridership, and other environmental factors contributed to the selection of the corridor. The farmlands to be converted are leased properties slated for development.

Signature of Person Completing this Part: *Terry Koster* DATE: 10/1/08

NOTE: Complete a form for each segment with more than one Alternate Corridor

U.S. Department of Homeland Security



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1639
415-744-3133
415-744-2726 (fax)

Woodrow Goins
Federal Emergency Management Administration
546 Bonney Loop
Fort Schafter, HI 96858

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Goins:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

Your agency does not have to accept this invitation. If, however, you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written response to this invitation are not due until after the interagency scoping meeting scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Your agency will be treated as participating agency unless your written response declining such designation as outlined above is transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUJI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274206

Federal Emergency Management Agency
1111 Broadway Street, Suite 1200
Oakland, California 94607-4052

Dear Sir:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also the Water Resources Technical Report for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

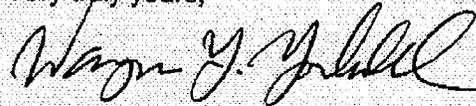
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Federal Emergency Management Agency
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

- 1 CD containing the following:
 - Purpose and Need for the Project
 - Alternatives
 - Water Resources Technical Report

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

December 12, 2008

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

This is in response to your request for comments on the Honolulu High-Capacity Transit Corridor Project Draft Environmental Impact Statement/Section 4(f) Evaluation.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City and County of Honolulu (Community Number 150001), Map revised June 2, 2005. Please note that the City and County of Honolulu, Hawaii are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Wayne Y. Yoshioka, Director

Page 2

December 12, 2008

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Honolulu floodplain manager can be reached by calling Mario Siu Li, at (808) 768-8098.

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Ted Matley, FTA Region IX

Mario Siu Li, NFIP Coordinator, City and County of Honolulu

Carol Tyau-Beam, State of Hawaii, Department of Land and Natural Resources

Cynthia McKenzie, Senior Floodplanner, CFM, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



General Services Administration
Region 9

Mr. Wayne L. Yoshioka
Director
Dept. of Transportation Services
City and County of Honolulu
650 South King Street, third Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

I am writing in response to your letter to Mr. Mike Larson dated September 18, 2009, asking for comments to the Draft Threat and Vulnerability Assessment (TVA) conducted concerning the elevated rail alignment along the Halekawila Street side of the Federal Building and Courthouse located at 300 Ala Moana Boulevard.

I have reviewed the TVA and all available information I could gather on this project and since you have documented that the rail alignment will be a minimum of 50 feet from the closest face of the Federal Building I can only conclude that this project will not add any additional threat or vulnerability to this federal facility. That said, I have noted in the correspondence that you have offered measures to mitigate any uneasiness expressed by the federal tenants due to this project, such as bulletproofing and window tinting as well as others and we would like to maintain those options for possible future inclusion.

We appreciate your willingness to work closely to ensure the security needs of the federal community at this location are met, and we look forward to commenting on the final design phase of this project. If you have any questions, please contact me at (714) 338-4671 or at jiml.mcdonald@gsa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L. McDonald".

Jim L. McDonald, CPP

Public Buildings Service
Facilities Management and Services Programs
Building Security Staff
411 West 4th Street, Suite 6082
Santa Ana, CA 92701



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Lt. Commander Dave Kirkpatrick
USCG, 14th Coast Guard District
300 Ala Moana Blvd, Suite 9-108
Honolulu, HI 96850

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Lt. Commander Kirkpatrick:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Coast Guard (USCG) approval related to crossing streams, so we are formally requesting the USCG to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the USCG's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the USCG statutory responsibilities and concerns. The environmental

documentation will address environmental and programmatic concerns identified by the USCG and will be sufficiently detailed to enable the USCG to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. An City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,


Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services

U.S. Department of
Homeland Security

United States
Coast Guard



Commander,
Fourteenth Coast Guard District

300 Ala Mona Blvd #9-106
Honolulu, HI 96850
Staff Symbol: dpw
Phone: (808) 541-2319
Fax: (808) 541-2309
Email: Douglas.a.jannusch@uscg.mil

16590

U.S. Department of Transportation
Federal Transit Administration, Region IX
Attn: Mr. Leslie Rogers
201 Mission Street, Ste. 1650
San Francisco, CA 94105-1839

Dear Sir,

Thank you for your invitation to become a Cooperating Agency in the Environmental Review Process for the Honolulu High-Capacity Transit corridor Project.

According to the documentation provided in your Scoping Information Packet, the project team appears to be considering a number of alternatives that may involve the construction of structures crossing streams potentially subject to the regulatory jurisdiction of the United States Coast Guard. The Coast Guard will need to evaluate the navigability of each stream, which will then determine any Coast Guard jurisdiction and our subsequent participation in the EIS as a Cooperating Agency. Due to the large scope of this proposed project, the Coast Guard also intends to evaluate whether the proposed project could impact properties or other areas subject to our regulation.

My Waterways Management staff will be in contact with you to obtain necessary information regarding the proposed project, and will be conducting site visits to the streams in the near future. My point of contact on this matter is LT Douglas Jannusch at (808) 541-2319.

Sincerely,

A handwritten signature in black ink, appearing to read "F. W. Tucher".

F. W. TUCHER
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

Copy: State of Hawaii, Department of Transportation

U.S. Department of
Homeland Security

United States
Coast Guard



Commander,
Fourteenth Coast Guard District

300 Ala Moana Blvd #9-106
Honolulu, HI 96850
Staff Symbol: dpw
Phone: (808) 541-2319
Fax: (808) 541-2309
Email: Douglas.a.jannusch@uscg.mil

16590

SEP 28 2007

U.S. Department of Transportation
Federal Transit Administration, Region IX
Attn: Mr. Leslie Rogers
201 Mission Street, Ste. 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers,

We have completed our review of the City of Honolulu, National Environmental Policy Act (NEPA) Scoping Report for the proposed Honolulu High-Capacity Transit Corridor Project dated 30 May 2007. The document and letter inviting the U.S. Coast Guard to be a cooperating agency for environmental review purposes were received in our office on 22 June 2007. We understand that the project includes many proposed new bridges across streams of varying navigability along the Transit Corridor's Locally Preferred Alternative.

The General Bridge Act of 1946 requires that the location and plans for bridges over navigable waters of the United States be approved by the Commandant, USCG prior to commencing construction. Although a complete navigability determination for each impacted waterway is still pending, it tentatively appears that most are what the USCG may classify as Advance Approval waterways; those not actually navigated other than by logs, log rafts, rowboats, canoes, and small motorboats (33 CFR 115.70). In the interim until the study is completed, we agree to serve as a Cooperating Agency for the project and should be listed as such for satisfying NEPA requirements. The impacts of procedures for constructing cofferdams, sand islands, and falsework bents, etc., necessary to build any proposed new bridges should be discussed in the EIS. The EIS should also contain data on the number, size and types of existing waterway traffic. This information should be compared with past and projected future trends on the use of the waterway. If all waterways are ultimately evaluated by us to be Advance Approval or non-navigable, we may at that time withdraw from further participation as a Cooperating Agency.

Applications for any bridge permits are to be addressed to Commander (dpw), Fourteenth Coast Guard District, 300 Ala Moana Blvd, Ste. 9-216, Honolulu, HI 96850-4982. A Coast Guard Bridge Permit Application Guide is available on-line at: <http://www.uscg.mil/hq/g-o/g-opt/g-opt.htm>.

We appreciate the opportunity to comment on the project in this early stage.

Sincerely,

A handwritten signature in black ink, appearing to read "F. W. Tucher", written over a circular scribble.

F. W. TUCHER
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

Copy: SECTOR Honolulu
City and County of Honolulu
USCG Office of Bridge Administration, CG-3PWB

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-6305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUF HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274364

Captain F. W. Tucher, Chief
Prevention Division
U. S. Coast Guard
Commander, Fourteenth Coast Guard District
300 Ala Moana Blvd., #9-106
Honolulu, Hawaii 96850

Attention: Lieutenant Douglas Jannusch

Dear Captain Tucher:

**Subject: Honolulu High-Capacity Transit Corridor Project
Cooperating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Cooperating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, Chapter 343 of the Hawaii Revised Statutes, and your participation as a Cooperating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing an internal and confidential intergovernmental copy of the Administrative Draft Environmental Impact Statement (EIS) for your review and comment.

DTS also requests to formally present an update on the project to answer any questions that your agency may have regarding the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

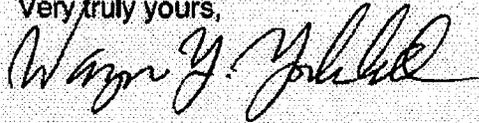
Any formal comment regarding this intergovernmental review of the Administrative Draft EIS is requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Captain F. W. Tucher
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with a large, sweeping flourish at the end.

WAYNE Y. YOSHIOKA
Director

Enclosure: 1 copy of Administrative Draft EIS

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Fourteenth Coast Guard District

300 Ala Moana Blvd, 9-216
Honolulu, HI 96850-4982
Staff Symbol: (dvw)
Phone: (808) 535-3412
Fax: (808) 535-3414
Email: Douglas.a.jannusch@uscg.mil

16590

DEC 23 2008

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka,

As a cooperating agency for the Honolulu High Capacity Transit Corridor project, we appreciate the opportunity to review both the Administrative Draft Environmental Impact Statement (DEIS) dated 1 August 2008 and the November 2008 public copy. Per our letter to Mr. Leslie Rogers at the Federal Transit Administration dated 28 September 2007, the Coast Guard had identified every impacted waterway but was still determining each waterway's navigability.

This review, as well as associated impacts to navigation resulting from the project, has been completed. Table 4-25 of the DEIS identifies 17 streams within the study corridor. During our review, however, we considered not only the currently planned route (including alternatives), but also all future planned extensions. Doing so added Makakilo Gulch near the proposed Fort Barrette Road Station and Ala Wai Canal near the proposed Convention Center Station. Additionally, we added Kalauao Springs Stream, Aolele Street Ditch and Kahauiki Stream, which are all within the study corridor but not included on table 4-25.

Enclosure (1) details the results of our analysis. Out of the 22 streams reviewed, eight are considered navigable and subject to Coast Guard jurisdiction. However, at the elevated guideway's proposed location over each of these eight streams, no vessels other than canoes, rowboats, rafts and small motorboats would be able to transit the waterway. Therefore, pursuant to 33 CFR 115.70, the Coast Guard grants advance approval to the location and plans for the guideway over the eight streams. The clearances provided as part of the elevated guideway system are considered adequate for meeting the reasonable needs of navigation, and, in fact, are greater than those of the bridges already in place over these streams. Accordingly, Coast Guard bridge permits will not be required for the project. Pursuant to 33 CFR 118.40, the project is also exempted from providing bridge lighting on the guideways over each navigable stream.

This authorization is valid for a period of two years to commence construction. With respect to completion of the guideway over each affected navigable stream, the Coast Guard accepts the project timeline as proposed in figure 2-45 of the DEIS. Should you not adhere to this time frame, you must resubmit documents for Coast Guard review to ensure that conditions have not changed that would preclude the project from meeting the criteria for advance approval. This determination does not relieve you of your responsibility to obtain appropriate permits from any other federal, state or local agency having jurisdiction in this matter.

Because identification of a waterway as an Advance Approval Waterway is not a major federal action for purposes of the NEPA, and is in fact a categorical exclusion, the Coast Guard requests to alter its affiliation with this project from a cooperating agency to a participating agency.

If you have any questions or concerns, please do not hesitate to contact my representative in this matter, LT Doug Jannusch, at (808) 535-3412 or Douglas.A.Jannusch@uscg.mil.

Sincerely,

W. R. MARHOFFER
Captain, U. S. Coast Guard
Chief, Prevention Division
By direction

Enclosures: (1) - (25) Coast Guard Waterway Determinations and Photos for Streams Within Study Corridor

Copy: Commandant, Coast Guard Headquarters, Bridge Administration Division (CG-5411)

DIRECTOR'S OFFICE
OPERATIONAL SERVICES
TRANSPORTATION SERVICES

08 DEC 26 P 2 : 23

RECEIVED
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AR00004845

<u>Stream or Waterway</u>	<u>Approximate Location</u>	<u>Estimated Guideway Ht above Strm</u>	<u>Navigability at Guideway Crossing</u>	<u>USCG Determination</u>	<u>Bridge Permit Req'd</u>	<u>Encl. No.</u>
Makakilo Gulch	Fort Barrette Road Station	Unknown	Not Navigable	Not Navigable	No	2
Kalo'i Gulch	Kapolei Parkway & UH West Oahu Stations	Unknown	Not Navigable	Not Navigable	No	3
Honouliuli Stream	Old Fort Weaver Road	52 feet	Not Navigable	Not Navigable	No	4
Ho'ae Stream	West Loch Station	33 feet	Not Navigable	Not Navigable	No	5
Waikale Stream	Waipahu Cultural Gardens	37 feet	Navigable	Advance Approval	No	6
Kapakahi Stream	Waipahu Transit Center	30 feet	Not Navigable	Not Navigable	No	7
Waipahu Canal (Makalena Str)	Waipahu Transit Center	33 feet	Navigable	Advance Approval	No	8
Waiawa Stream	Pearl Highlands Station	82 feet	Not Navigable	Not Navigable	No	9
Pearl City Stream	Waimano Home Road	24 feet	Not Navigable	Not Navigable	No	10
Waiuu Stream	East of Kuleana Rd, West of Waimalu Str.	21 feet	Not Navigable	Not Navigable	No	11
Waimalu Stream	Pearlridge Station	23 feet	Navigable	Advance Approval	No	12
Kalaauo Springs Str	Pearlridge Station	23 feet	Not Navigable	Not Navigable	No	13
Kalaauo Stream	Pearlridge Station	33 feet	Not Navigable	Not Navigable	No	14
Aiea Stream	Aloha Stadium	28 feet	Not Navigable	Not Navigable	No	15
Halawa Stream	Arizona Memorial & Salt Lake	39 & 37 feet	Not Navigable	Not Navigable	No	16 & 17
Aolele Street Ditch	Lagoon Drive Station	28 feet	Not Navigable	Not Navigable	No	18
Moanalua Stream	Nimitz Highway & Pukoloa St.	48 & 27 feet	Navigable	Advance Approval	No	19 & 20
Kahauiki Stream	Pukoloa St.	37 feet	Not Navigable	Not Navigable	No	21
Kahihi Stream	Middle Street Transit Center	43 feet	Navigable	Advance Approval	No	22
Kapalama Canal	Kapalama Station	23 feet	Navigable	Advance Approval	No	23
Nu'uuanu Stream	Chinatown Station	38 feet	Navigable	Advance Approval	No	24
Ala Wai Canal	Convention Center Station	Unknown	Navigable	Advance Approval	No	25

ENCLOSURE (6)



379

ENCLOSURE(2)

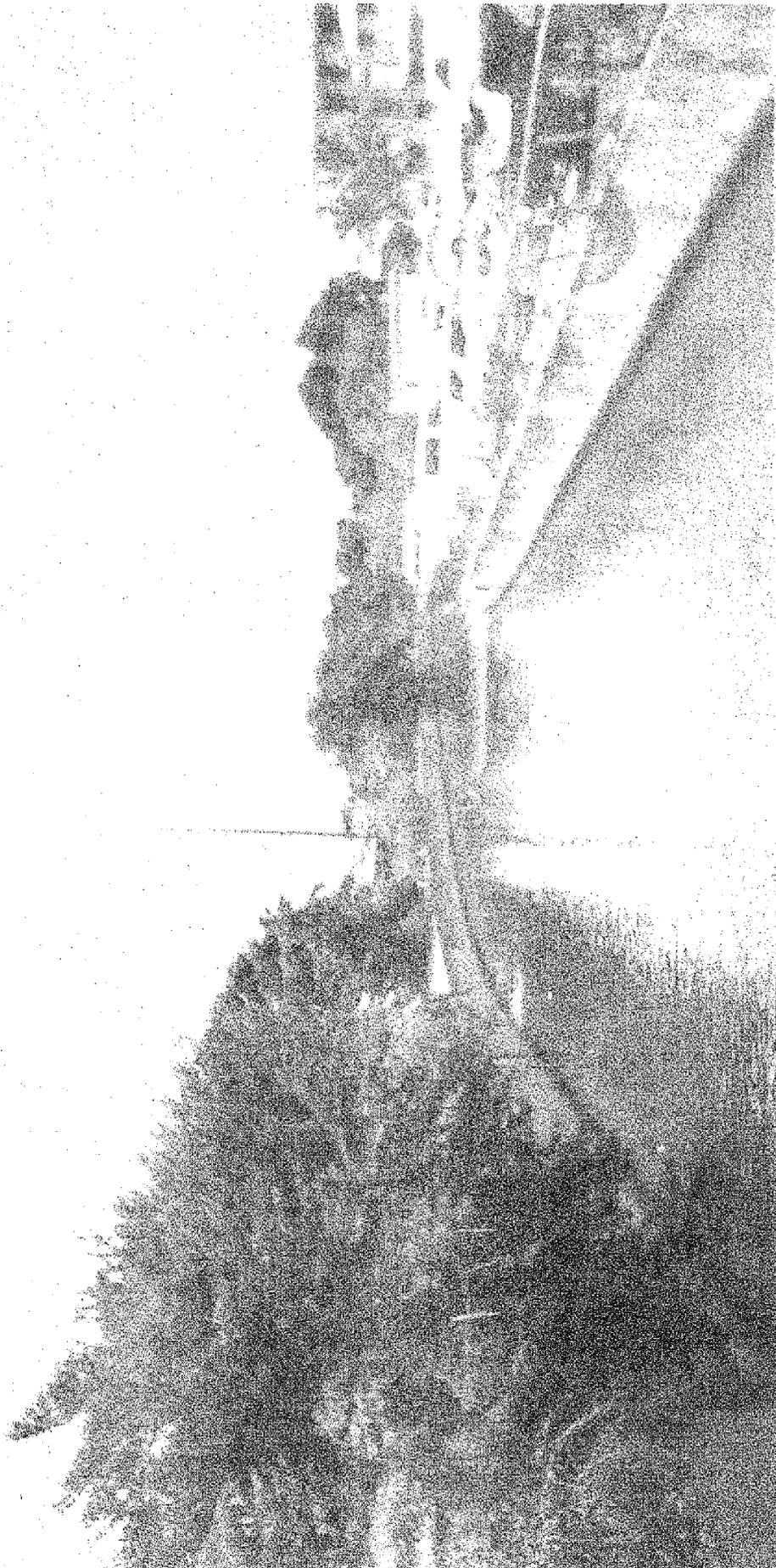


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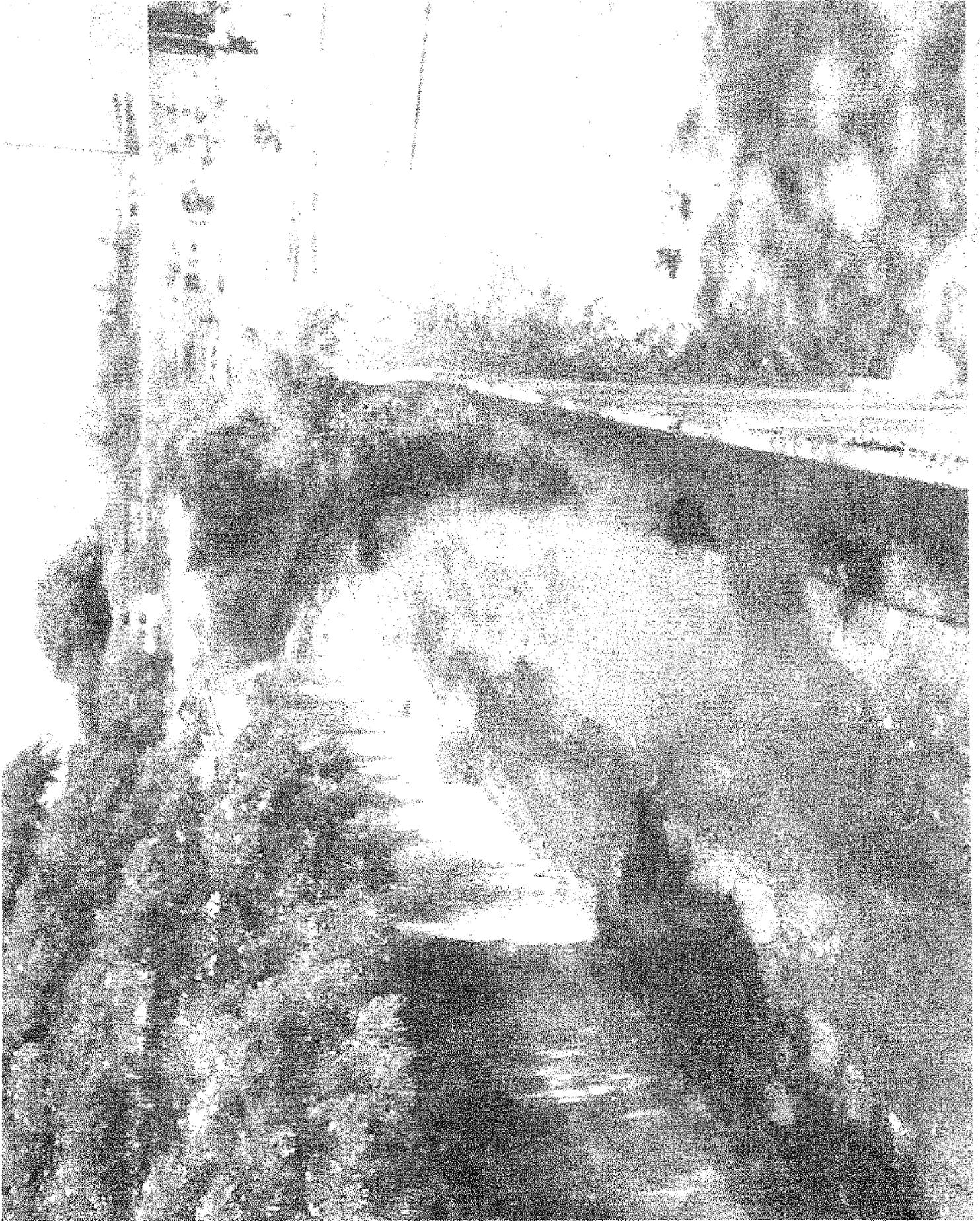
ENCLOSURE(4)



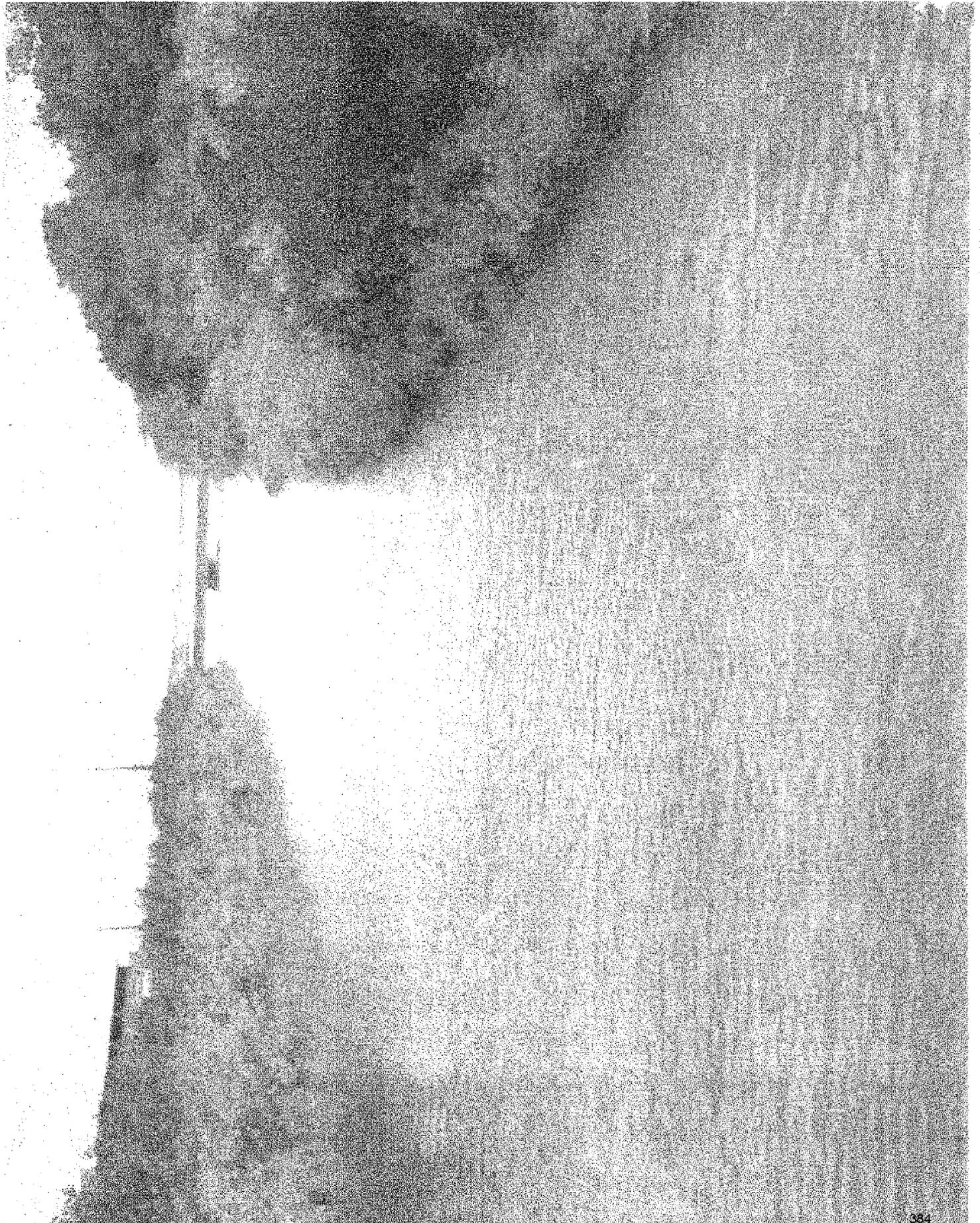
ENCLOSURE(6)³⁸⁴



ENCLOSURE (8)

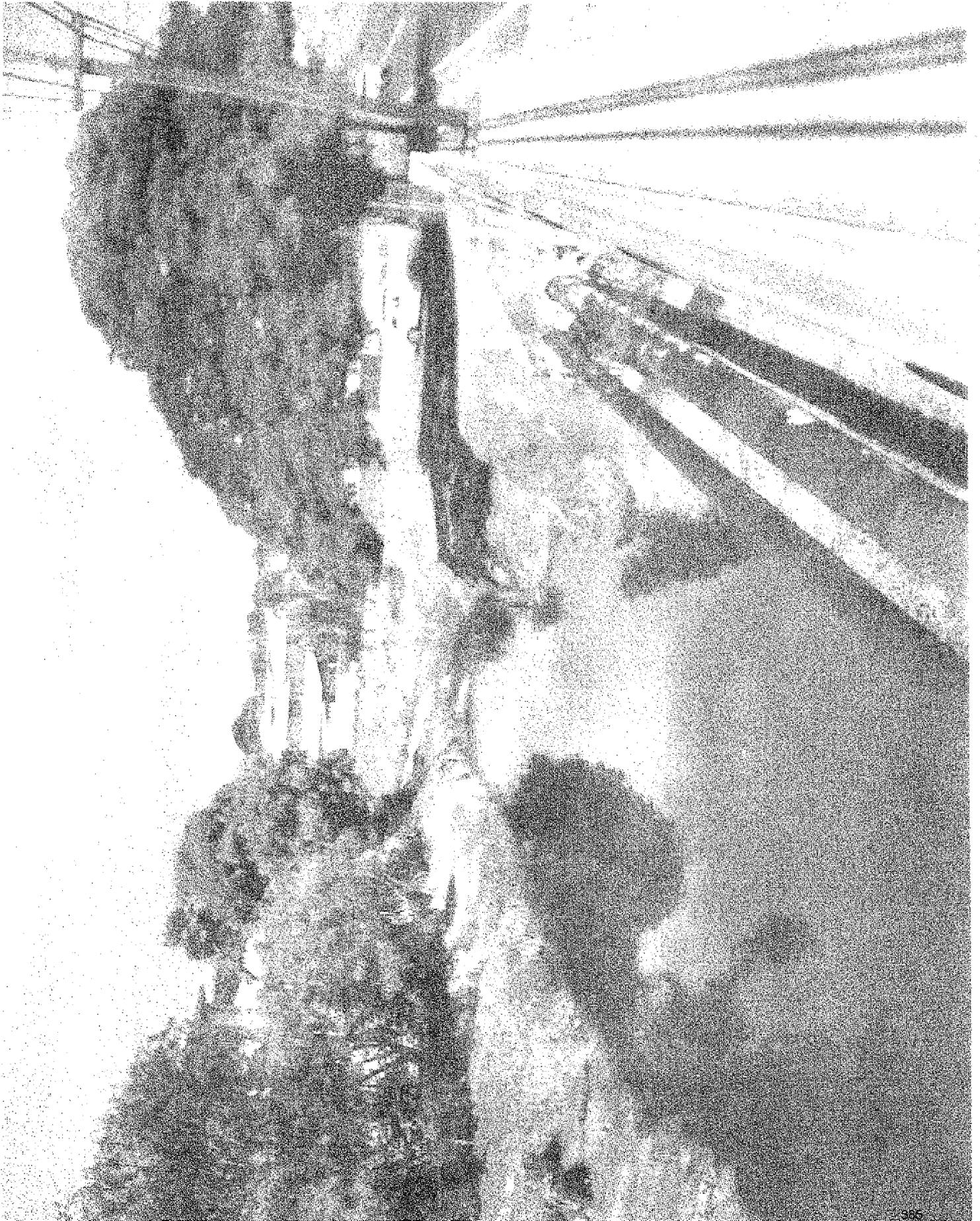


ENCLOSURE (o)

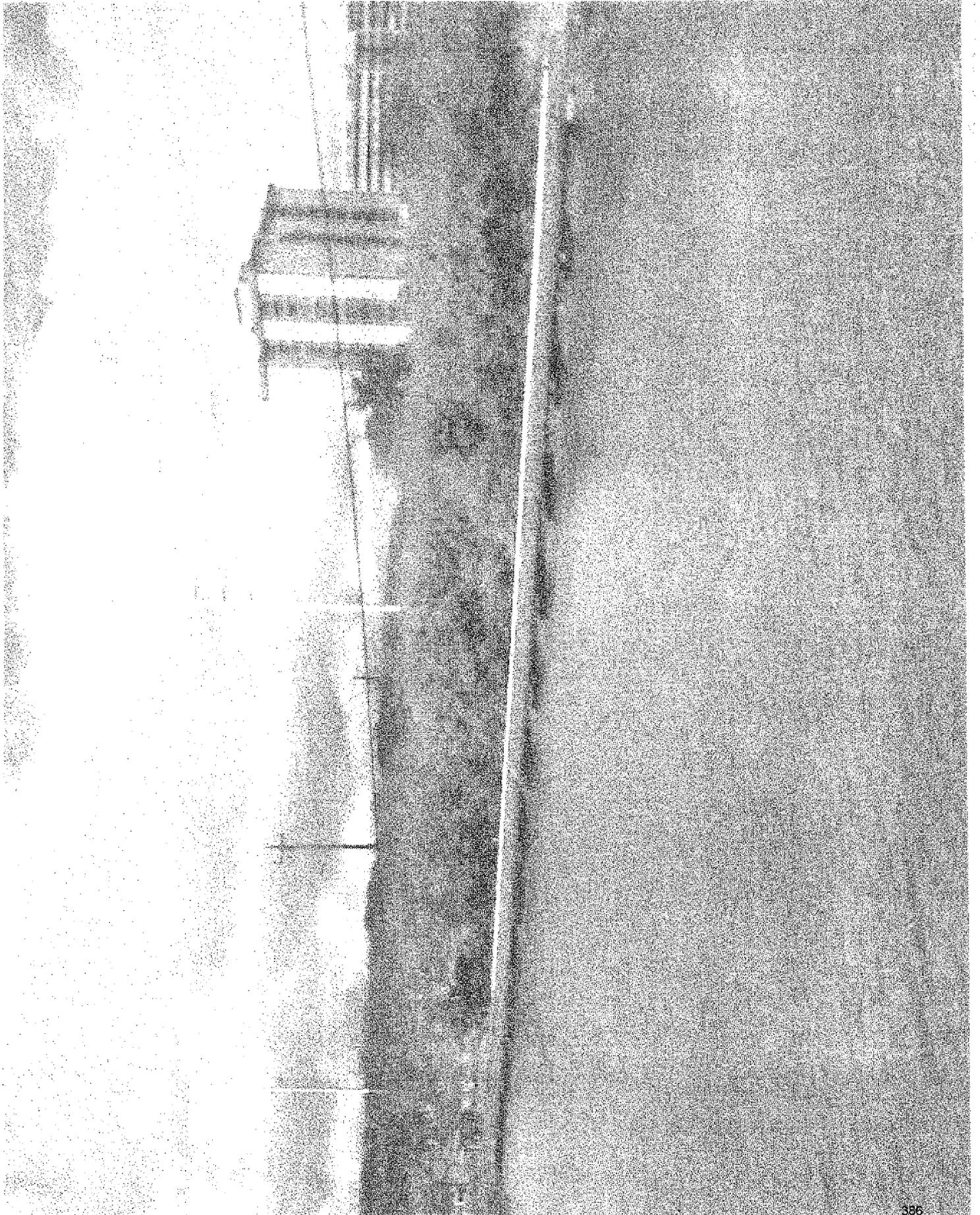


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ENCLOSURE (2)

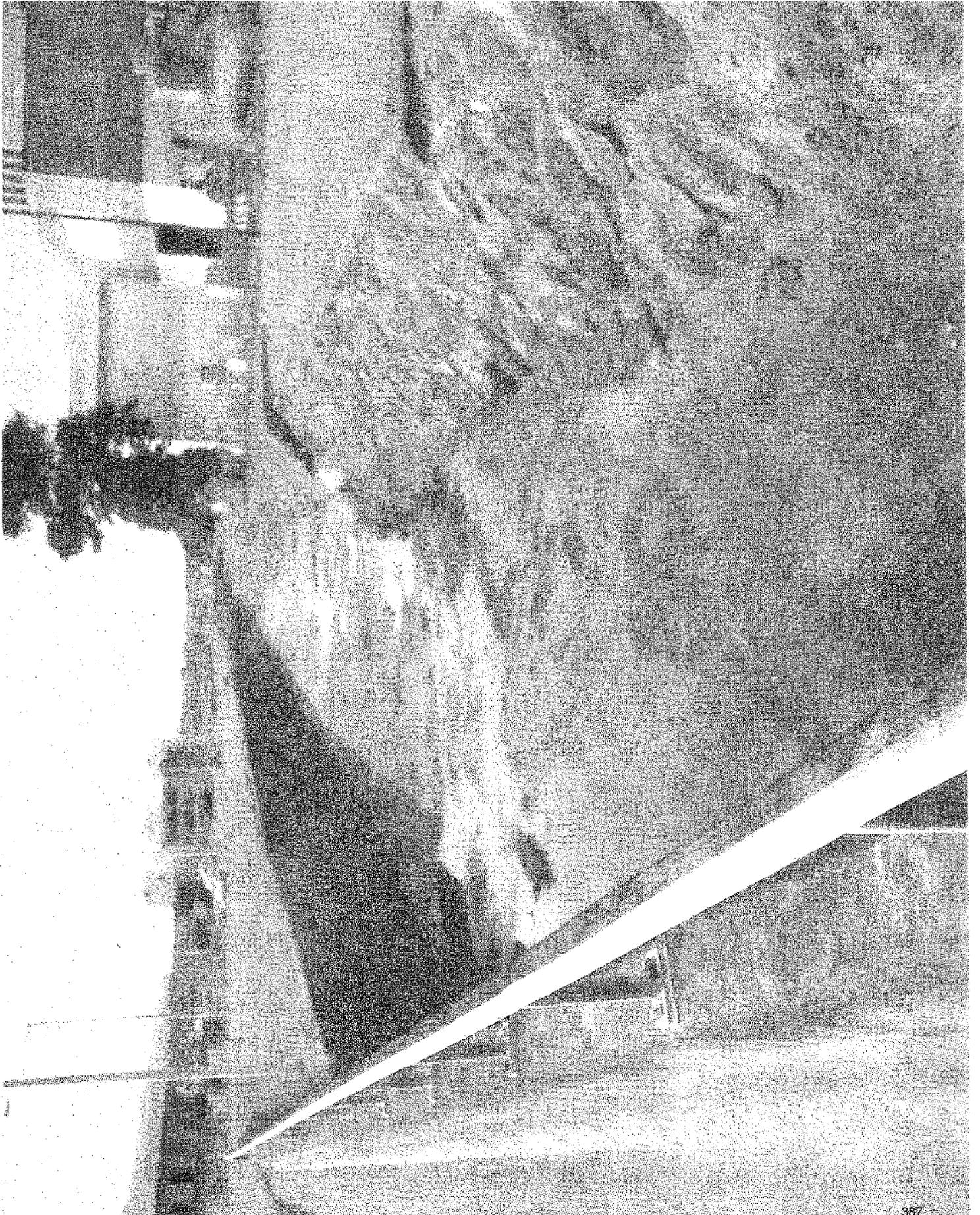


ENCLOSURE(4)



386

ENCLOSURE

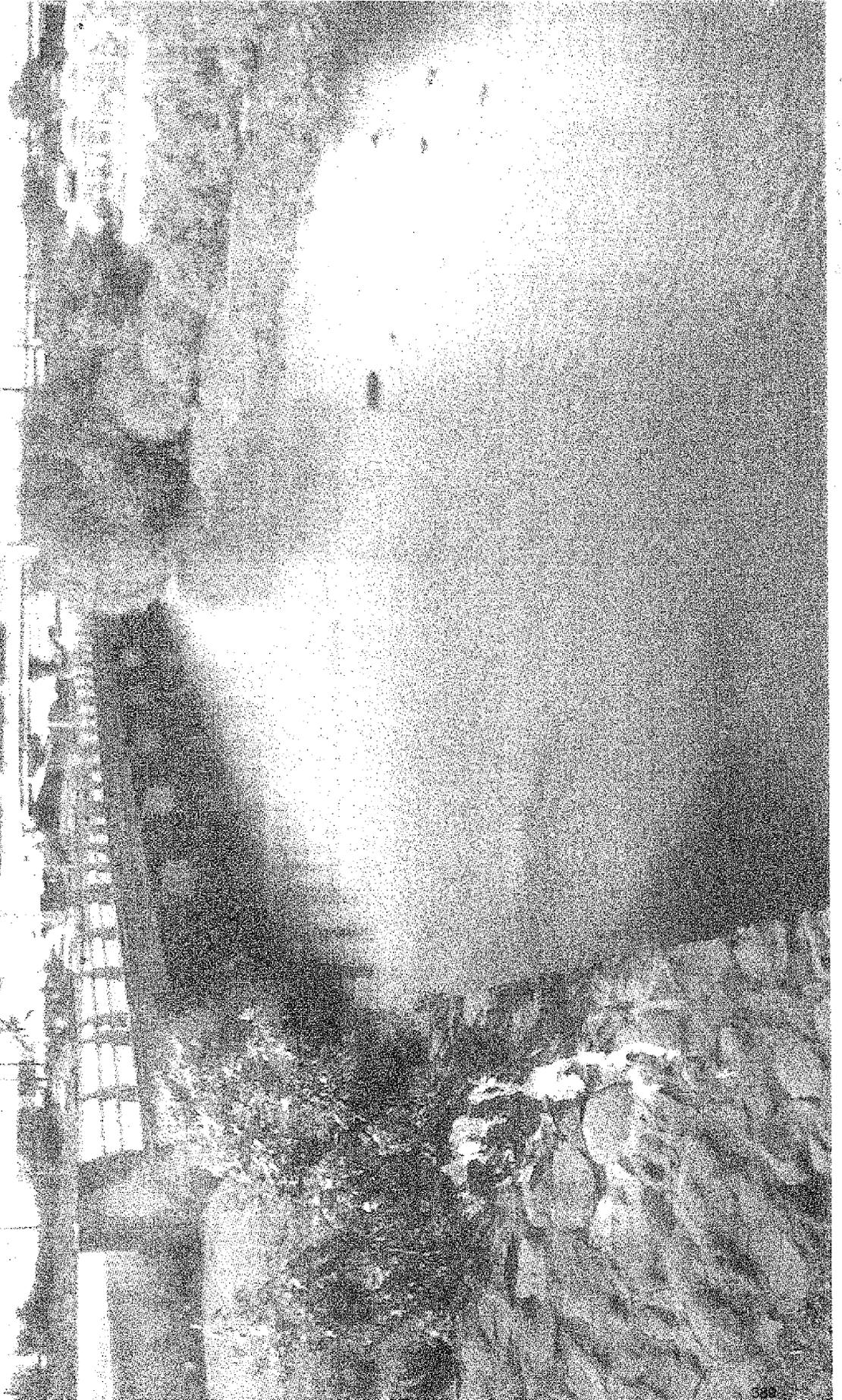


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ENCLOSURE (n)



ENCLOSURE(20)



ENCLOSURE(23)



U.S. Department of the Interior



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Patrick Leonard
US Fish & Wildlife Service, Pacific Island Office
300 Ala Moana Blvd., Box 50088
Honolulu, HI 96850

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Leonard:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

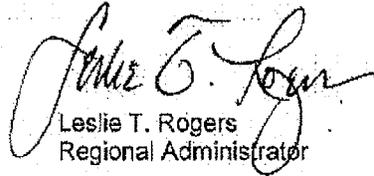
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

Your agency does not have to accept this invitation. If, however, you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written response to this invitation are not due until after the interagency scoping meeting scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Your agency will be treated as participating agency unless your written response declining such designation as outlined above is transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent.

Sincerely,



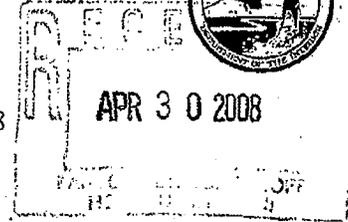
Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



APR 29 2008

In Reply Refer To:
2008-SL-0163

Mr. Darrell Sommerlatt
Environmental Scientist
Parsons Brinckerhoff, Incorporated
1001 Bishop Street, Suite 2400
Honolulu, Hawaii 96813

Subject: Species List Request for Honolulu High Capacity Transit Corridor Project Island
of Oahu

Dear Mr. Sommerlatt:

Thank you for your letter dated March 25, 2008, received April 1, 2008, requesting information regarding threatened and endangered species and designated critical habitat that may occur within the proposed project location. The City and County of Honolulu, Department of Transportation Services (DTS), in cooperation with the Federal Transit Administration (FTA), have proposed to construct a public transit system with associated infrastructure through a 23-mile travel corridor between Kapolei and the University of Hawaii at Manoa which may include an extension to Waikiki.

We have reviewed the information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program. The federally endangered Kooloaula (*Abutilon menziesii*), Hawaiian hoary bat (*Lasirus cinereus semotus*), Hawaiian moorhen (*Gallinula chloropus sandvicensis*), Hawaiian coot (*Fulica alai*), Hawaiian stilt (*Himantopus mexicanus knudseni*) and Hawaiian Duck (*Anas wyvilliana*) have been observed in the vicinity of the proposed transit corridor. No federally proposed or designated critical habitats occur within the proposed project area.

The proposed activities of the transit corridor are occupied by a population of *Abutilon menziesii*. The State of Hawaii Habitat Conservation Plan for *A. menziesii* at Kapolei of March 2004, and the U.S. Fish and Wildlife Service (Service) Biological Opinion issued by our office on August 5, 2004 (1-2-2004-F-123), outlines conservation measures for *A. menziesii*. The development of the property has been taken into account in the Service's Biological Opinion. However, the DTS or the FTA will have to obtain the Certificate of Inclusion from Hawaii Department of Transportation. The DTS (and any subsequent landowners who agree to accept transfer of the Certificate of Inclusion) must agree to and implement the terms of the plan.

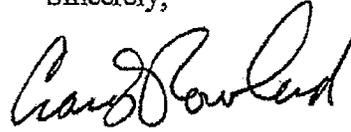
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Mr. Darrell Sommerlatt

2

We appreciate your efforts to conserve endangered species. If you have questions, please contact Aaron Nadig, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9466; fax: 808-792-9581).

Sincerely,



SN
Patrick Leonard
Field Supervisor

cc:

City and County of Honolulu Department of Transportation Services
Hawaii DOFAW



U S Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

MAY 28 2009

Mr. Patrick Leonard, Field Supervisor
United States Fish and Wildlife Service
300 Ala Moana Boulevard, Room 3-122
Honolulu, HI 96850

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Mr. Leonard:

The Federal Transit Administration (FTA) is preparing the Final Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project (HHCTCP) and wish to confirm that your expressed concerns on threatened and endangered species and critical habitat have been addressed as required by Section 7 of the Endangered Species Act.

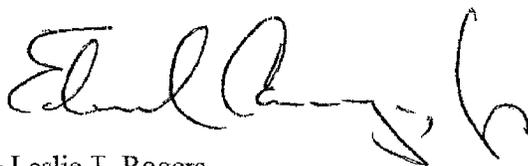
In your April 29, 2008 letter to Mr. Darrell Sommerlatt of Parsons Brinckerhoff and at the January 8, 2009 meeting with City and County of Honolulu Department of Transportation Services (DTS) staff and consultants, the main species of concern was the federally endangered Kooloaula (*Abutilon menziesii*), which occurs in the immediate vicinity of the project corridor. The development of the project area has partially been taken into account in the Service's Biological Opinion/State Habitat Conservation Plan (HCP). We understand that the DTS is in the process of obtaining a Certificate of Inclusion from the Hawaii Department of Transportation (HDOT) and that the DTS and any subsequent landowners who agree to accept transfer of the Certificate of Inclusion must agree to and implement the terms of the plan. Your concerns regarding the proximity of the East Kapolei Station to the Kooloaula contingency reserve established by the HCP include risks associated with increased access to the contingency reserve, increased risk of fire, and increased risk of invasive plants. These will be addressed within the Final EIS and coordinated with the Service and the HDOT. We understand that no separate formal Section 7 consultation for the HHCTCP will be needed for the Kooloaula.

In addition, in your April 29, 2008 letter you noted that the Hawaiian hoary bat, Hawaiian mookhen, Hawaiian coot, Hawaiian stilt and Hawaiian duck have all been observed in the vicinity of the proposed transit corridor. We have completed biological surveys and have evaluated the potential impacts on these species as part of the project. The results of the studies are documented in the Draft EIS and the Ecosystems and Natural Resources Technical Report. The Draft EIS concludes that there will be no impacts to these endangered species.

Based on the information that you have provided to us, coordination with USFWS staff, and field observations, our determination is that there will be "no effect" to threatened and endangered species or designated critical habitat related to this project. We request your concurrence with this determination that this project would not affect any listed species or critical habitat. We also request your concurrence that no separate formal Section 7 consultation we be required to address the concerns regarding the Kooloaula.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie T. Rogers", written in a cursive style.

For Leslie T. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:

A8817(PWR-C)

JAN 09 2006

Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd floor
Honolulu, HI 96813
Attn: Honolulu High-Capacity Transit Corridor Project
www.honolulustransit.org/get_involved

Dear Sir:

This comment concerns the Honolulu High Capacity Transit Corridor Project and its impact on the safe arrival and departure of visitors to the USS Arizona Memorial, a unit of the National Park System. The USS Arizona Memorial receives 1.5 million visitors annually who arrive at the Visitor Center by public transit or private car.

The National Park Service understands the project is studying how to improve the ability of people to move in the highly congested east-west corridor between Kapolei and the University of Hawaii at Manoa. We also understand that over 60 percent of Oahu's population lives with the area served in this corridor and that the population is projected to grow.

Several of the alternatives do not consider a High Capacity Transit stop at the USS Arizona Memorial, instead proposing a single stop for the stadium across King Kamehameha Highway from the Memorial. The National Park Service opposes this concept because it encourages some of the 4,000 daily visitors to attempt the dangerous walk across this busy dual road into the Visitor Center rather than wait for the shuttle. Further, it will discourage or confuse our visitors about taking public transit, including bus service, increasing the number of cars attempting to make the dangerous left hand turn into the Memorial.

We believe these safety concerns point to the reason why the public and the Corridor Project will benefit from a transit stop for the USS Arizona Memorial, the most popular tourist destination on Oahu.

Thank you for providing this comment period. We remain interested in this project.

A copy of this letter has also been sent to the above website.

Sincerely,

Jonathan B. Jarvis
Regional Director, Pacific West Region

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United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:

A3615 (PWR-PA)

JAN 06 2009

Leslie Rogers
Regional Administrator
U. S. Department of Transportation
Federal Transit Administration
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Thank you for your recent letter notifying the Department of the Interior, National Park Service (NPS) of the City and County of Honolulu's Department of Transportation Services (DIS) consultation for a proposed 20-mile elevated guideway transit system on Oahu and your invitation to participate in this consultation per 36 C.F.R. § 800.10(c). The National Park Service accepts the invitation and looks forward to working with you and your staff.

Your letter also seeks our determination about prospects for a de minimus finding for the impact of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor National Historical Landmark District (NHL). The NPS supports the concept of a transit system with a primary or alternate route that includes a station with convenient access to the USS Arizona Memorial (included with the recently designated WWII Valor in the Pacific National Monument) and will participate in the planning process as applicable. However, the proposed de minimus finding seems premature and the NPS cannot, at this time, concur with a de minimus finding due to the reasons described below. NPS will participate in the ongoing consultation process and will provide our determination once an assessment of effect for the Pearl Harbor NHL District, the Bowfin NHL, and the Valor in the Pacific National Monument have been completed and once we have conferred with the State Historic Preservation Office. The NPS also will provide formal comments on the Draft Environmental Impact Statement (DEIS) by the February 6 deadline.

Proposed Transit System Construction within the Pearl Harbor NHL. The boundary of the NHL proceeds along the Pearl Harbor side of Kamehameha Highway from Aloha Stadium to the opposite side of Radford Drive. Three station entrances (stops) to the transit system are proposed within that distance: Aloha Stadium Station, Arizona Memorial Station, and Pearl Harbor Naval Base Station. The DEIS only discusses impacts associated with the Pearl Harbor Naval Base Station (Table 4-32, Historic Properties within Project's Area of Potential Effect). The DEIS should analyze the potential impacts of the other two proposed station entrances within the Pearl Harbor National Historic Landmark before a de minimus

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finding can be considered. For example, there would be a major impact at the proposed USS Arizona Memorial Station proposed to be located on an existing NPS parking lot. There is currently not enough parking at the site, so losing this parking space would have a major effect on NPS operations and visitation.

Visual Impact. A 30-40 foot tall elevated guideway transit system along Kamehameha Highway could cause significant negative impacts to the Pearl Harbor NHL view shed. The NPS recommends that a view shed analysis be completed for the proposed route before a de minimus finding can be considered.

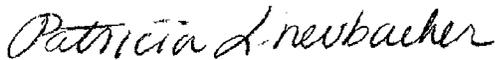
Potential Impacts to Soundscape. The DEIS is not clear about the existing acoustic environment and what impacts to the soundscape of the Pearl Harbor NHL the proposed guideway rail system would generate. A soundscape analysis should be completed to determine impacts to the Pearl Harbor and USS Bowfin NHL's and the USS Arizona Memorial before a de minimus finding can be considered.

Potential Vibration Effects. The DEIS states that vibration levels should not exceed 65 VdB, which is below the 72 VdB allowed by the FTA around residential buildings. Analysis should be included for potential vibration effects on historic structures before a de minimus finding can be considered.

WWII Valor in the Pacific National Monument. The DEIS does not analyze the potential impact to the newly designated monument.

At this time, the NPS does not concur with a de minimus finding in regards to impacts of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor NHL. The National Park Service looks forward to working with the conferees to develop the measures necessary to eliminate or mitigate adverse effects of the proposed transit project on the significant historic resources of the Pearl Harbor NHL District, the USS Bowfin NHL, and the WWII Valor in the Pacific National Monument.

Sincerely,



for Jonathan B. Jarvis
Regional Director, Pacific West Region



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:

A3615 (PWR-PA)

Wayne Y. Yoshida
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshida:

Thank you for your letter and Draft Environmental Impact Statement (EIS) to review regarding the City and County of Honolulu's Department of Transportation Services (DTS) proposed Honolulu High-Capacity Transit Corridor Project.

The National Park Service (NPS) supports the concept of a transit system with a primary or alternate route that includes a station with convenient access to Valor in the Pacific National Monument (formerly known as the USS Arizona Memorial) but has some significant concerns and comments. Please see the enclosure for a complete list of NPS comments. The National Park Service looks forward to working with the U. S. Department of Transportation on this important project. If you have any questions please contact Frank Hays at 808-541-2693 extension 723 or email him at Frank_Hays@nps.gov.

Sincerely,



Jonathan B. Jarvis
Regional Director, Pacific West Region

Enclosure

cc:

✓ Ted Matley, Federal Transit Administration, Region IX
Frank Hays, Pacific West Region, Honolulu
Patty Neubacher, Pacific West Region

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National Park Service
U.S. Department of the Interior

Pacific West Regional Office

1111 Jackson Street,
Suite 700
Oakland, California 94607

510-817-1428 phone
502-817-1484 fax

Pacific West Regional Office Fax

To: Wayne Yoshioka, Director
Dept. of Transportation Services
City and County of Honolulu

Fax number: 808 523-4730

From: Elaine Jackson-Retondo

Date: May 20, 2009

Pages to follow: 5

Section 106 Historic Resources Effects Determination for the Honolulu High Capacity Transit Corridor Project

Comments:

Mr. Yoshioka:

We are transmitting our comment letter for the above mentioned project by fax to expedite your receipt of our comments. A hard copy of the letter with the enclosures be sent via USPS.

Regards,

Elaine Jackson-Retondo, PhD.
National Historic Landmarks Program Manager

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

H34 (PWR-CR)

MAY 20 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 9681

RE: Historic Effects Report – Honolulu High-Capacity Transit Corridor Project

Dear Mr. Yoshioka:

Thank you for the opportunity to review the April 14, 2009 Historic Effects Report for the Honolulu High Capacity Transit Corridor Project, which we received on April 20, 2009. The National Park Service (NPS) is delegated the monitoring and technical assistance responsibilities by Congress to ensure that National Historic Landmarks (NHL) retain the highest level of integrity. Our responsibilities include review and formal comment on individual proposed changes as well as the cumulative effect of changes through time on NHL properties. These monitoring responsibilities are carried out by NPS staff in the regional offices.

Five NHLs on the Island of Oahu are located within, adjacent to, or in close proximity to the Honolulu High Transit Corridor Project – Pearl Harbor NHL, Commander in Chief, Pacific Fleet (CINPAC) NHL, the USS Bowfin NHL, USS Arizona NHL and the USS Utah. The World War II Valor in the Pacific National Monument, a unit of the National Park System also is within the area of potential effect (APE) for the project. Our participation in this Section 106 consultation process is aimed to fulfill our monitoring responsibilities for the NHLs and to protect the National Monument from adverse effects and impairment. The National Park Service continues to support the concept of a transit system with a primary or alternate route that includes a station with convenient access to the World War II Valor in the Pacific National Monument, USS Arizona Memorial. We look forward to further consultation for answers to our questions and resolution of our concerns.

General Comments and Questions

- 1. Throughout the document, the physical presence of the guideway system is compared to existing utility poles. This is not an accurate equivalency since the continuous linear elements of the transit system are significantly more massive than power lines in terms of



width, depth, materiality and transparency. This equivalency has potentially led to the minimization of the effect that the system may have on some historic properties within the APE. The assessments need to analyze the impact of the proposed system

2. Throughout the document, there is a statement that there are no audible or atmospheric effects on historic properties from the guideway system, even when the guideway and rail line are immediately adjacent to a historic resource (as close as 30 & 40 feet). The system, as described on page 2 of the document, will use a steel-wheel-on-steel-rail transit technology. It seems unlikely that a steel-on-steel system traveling at high speeds will have no audible or atmospheric effects on properties adjacent to the guideway. It is not enough to merely say that there is no effect. This needs to be demonstrated.
3. The presence of other non-historic properties or previous effects to the integrity of historic resources does not negate the possibility of negative effects from this project. It is not adequate to say that there is no effect or no adverse effect because a past action has had an effect on the integrity of the property. This is particularly true for those properties where the determination of eligibility or National Register status was established after these past interventions, since the property would have been evaluated in light of these changes and found to have adequate integrity to be eligible or to be listed on the National Register of Historic Places. It also is particularly true when assessing the effect on setting. An oversimplification or parsing of the aspects of integrity has, in some instances, resulted in a finding of no adverse effect when it seems that the feeling and association of a site would be effected by the project. We suggest adjusting your method of determining the integrity of a property and the method of assessing the effect as described on pages 19-20.
4. Page 7 – Section 3.1: The APE is defined in the document as *generally one TMK parcel deep from the project alignments but larger around stations and in a few other instances*; and the APE around transit stations is defined *...to include entire blocks or extend 500 feet where blocks are not discernable*. This definition of the APE seems somewhat inconsistent since TMK (tax map key/land parcels) vary in size according to zoning density. Furthermore, it is not always clear when the TMK is used and when the 500-foot is used to determine the APE. Please include, on all maps, at sufficient scale and resolution, clear graphic demarcations of the APE and areas where right of way is required.
5. It also is unclear where and how the development of exclusive right of way is determined. Please include the necessary information to provide a clear understanding.
6. The photographs of historic properties are useful; however, simulations of the transit system, especially in those locations where the historic property is immediately adjacent to the guideway system also are necessary to better understand the visual effects of the system on historic properties.
7. Page 22 paragraph 1: This paragraph states that *because of the scope and magnitude of the Project . . . and because the Project's full future effects cannot be known, this document assumes additional unidentifiable adverse effects to historic properties in the project APE. These presumed adverse effects cannot be adequately documented, but their likelihood shall inform the discussion of appropriate mitigation measures stipulated in a forthcoming Memorandum of Agreement*. This statement is very vague and broad.

- Please identify the types of historic properties that you anticipate may be adversely affected and are covered by this statement.
- If you know that there is the possibility of an adverse effect to a property, that assessment should be included in this document.
- If the properties and adverse effects are likely yet unidentifiable, how do we determine appropriate mitigation?

National Historic Landmarks, National Monuments and Memorials

1. Page 121 Pearl Harbor Introduction, paragraph 1: This paragraph ends with the following statement, *The NHL nomination specifically states that the national significance of Pearl Harbor stems from its continuing function rather than its physical facilities and those physical changes required to support this mission are "necessary, normal and expected."* This statement is misleading for the following reasons:
 - The statement was taken out of context. The point of the statements on Section 7, page 2 of the 1974 nomination is that Pearl Harbor was an active naval base at the time of NHL designation in 1964 and remains active to date; and that in order to continue its mission of supporting the fleet changes will occur. The nomination states that "There is no one water or land use, building or structure whose preservation for historic purposes per se takes precedence over the process of change necessary to maintain the support-of-the-fleet mission of Pearl Harbor." This project is not a Navy-driven effort in support of the fleet; and therefore does not fall into the category of "necessary, normal and expected" change to further the mission.
 - The referenced material is from the older 1974 update rather than the later 1978 update, which eliminates the language that elevates mission over preservation (most likely because this is a management decision and not a normal part of NHL documentation).
 - The Historic Assessment Report elevates a statement that down plays the importance of historic resources while excluding information from both the 1974 & 1978 updates that broaden the setting of the district beyond the NHL boundary. The report further excludes the fact that the 1978 update **specifically acknowledges** that more than 300 historic buildings have been "identified as of important to major significance" within the NHL boundary. This uneven representation has created a skewed baseline for assessing the effect of the project on the NHL district (see Section 7 page 1 of the 1974 NHL update).
2. Page 121 Pearl Harbor Introduction, Paragraph 2: The section of the paragraph regarding the NHL status of the Commander in Chief, Pacific Fleet (CINPAC) NHL is confusing and arguably irrelevant to the task at hand for the reasons listed below; it should be revised or deleted.
 - CINPAC was designated a NHL in 1987. At the time of the designation, the integrity of the resources was assessed and it was determined that the integrity was sufficient for NHL designation. Any other conclusion would have prevented it from being designated a NHL. Any assessment of the property's integrity for the purposes of reassessing NHL status should use the integrity of the property at the time of designation. It is unclear whether the survey form cited in your report assessed the integrity from the date of designation or from the period of significance. If the assessment does not use the date of designation as the baseline, then the conclusion that the NHL has lost integrity may not be accurate. Please verify the method of assessment and change accordingly.



- The process of de-designating an NHL does not go through the SHPO and NHL status cannot be withdrawn at the state level. CFR 800 Section 65.9(a) states that *National Historic Landmarks will be considered for withdrawal of designation only at the request of the owner or upon the initiative of the Secretary*. To our knowledge, no such request has been made by the Navy and the NPS has not initiated such an action. Delete the statements about removal of the NHL at the state level. They do not make sense and imply an action that cannot be fulfilled.
3. Page 121, Pearl Harbor Introduction, Paragraph 2: There is a statement at the end of the paragraph that the individually designated USS Arizona, USS Utah and USS Bowfin NHLs are located within the boundary of the Pearl Harbor NHL but outside the APE of the project. This statement does not address the concerns previously expressed by NPS regarding potential visual and atmospheric impacts to the setting, feeling, and association of the Monument and the Memorial. During a March 9, 2009 meeting with Faith Miyamoto and other members of the project team in our Oakland regional office, we requested additional studies of these effects. It was our understanding that staff in our Honolulu Office or at the Monument would meet with members of the project team to identify the locations within the monument for further study. To date, we have yet to meet or receive this information. There is no mention of WWII Valor in the Pacific National Monument under the Pearl Harbor section nor is it assessed in a separate section; therefore no assessment has been done regarding the effect of the project on the Monument. An assessment is needed.
 4. Page 122, Pearl Harbor Introduction, Paragraph 1: Please delete the statement that NHLs “. . . rarely, if ever, have received adverse effect determinations.” This statement is inaccurate and irrelevant to the discussion. Many projects at Pearl Harbor have been determined to have an adverse and I am familiar with projects that have resulted in a determination of adverse effect on a NHL; demolition of Doyle Drive at the Presidio of San Francisco and rehabilitation of Soldier Field are two recent examples that come to mind.
 5. Page 123 – Naval Base PH NHL – Historic Effects Document states that the *makai edge of the guideway would generally be approximately 25 feet from the mauka edge of the property’s NHL boundary.* The maps included in Appendix A of the Historic Assessment Report show the guideway just outside the NHL boundary for the most part; however, in a few locations the guideway appears to be almost on top of the NHL boundary and the draft EIS shows three possible locations for transit stations within the boundary of Pearl Harbor National Historic Landmark at Aloha Stadium Station, Arizona Memorial Station and Pearl Harbor Naval Base Station and figure.
 - If the guideway is closer than 25, in areas, please make this clear. The phrase *would generally be approximately 25 feet* is too vague.
 - If the placement of stations within the NHL boundary has been eliminated, please make it clear that this option has been eliminated.
 - If the placement of stations within the NHL is still a possibility, then an assessment of the effect should be included in the Historic Assessment Report.
 - Clearly state whether the project assumes a right-of-way easement within the NHL boundary.
 6. Page 123-124, Naval Base PH NHL – We do not concur with the summary assessment that the project will have No Adverse Effect on the Pearl Harbor NHL District. In particular, we

believe that the project will have an adverse affect on the setting, feeling, and association of the district. It is incorrect to state that *Numerous other changes to the setting have not effected the integrity of the Pearl Harbor NHL's integrity.* What is the basis for this statement.? The integrity of the NHL has been negatively affected by any number of projects within and near the district. The *increasingly busy Kamehameha Highway, which has been widened in some areas; the installation of tall power transmission poles and lines that dwarf surrounding structures; and the large, nearby Aloha Stadium, built in 1975* that are cited in this section should be considered in the cumulative effect, not dismissed as non-threats to the integrity just because they exist. The elevated guideway system will run nearly parallel and in close proximity, if not overlapping, with a significant length of the NHL boundary; it will have an adverse effect on the setting, feeling, and association of the district.

We look forward to our continued participation in the Section 106 process for this project and to working with the project team to resolve our concerns. For your reference, we have enclosed copies of our February 6, 2009, January 6, 2009, and January 9, 2006 comment letters regarding this project. If you have any questions, please do not hesitate to email or call or Frank Hays, Pacific Area Director at Frank_Hays@nps.gov, (808) 541 2693 x723 or Dr. Elaine Jackson-Retondc, NHL Program Manager at Elaine_Jackson-Retondo@nps.gov, (510) 817 1428.

Sincerely,


Jonathan B. Jarvis,
Regional Director, Pacific West Region

Enclosure

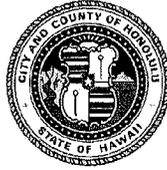
cc:
Frank Hays, Pacific West Region, Honolulu
Patty Neubacher, Pacific West Region
Paul Dejevy, USS Arizona Memorial



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 23, 2009

RT6/09-315626R

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U.S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, California 94607

Dear Mr. Jarvis:

Subject: Honolulu High-Capacity Transit Corridor Project

Thank you for your letter dated May 20, 2009, which contained comments on the Historic Effects Report for the Honolulu High-Capacity Transit Corridor Project. We appreciate your careful review of the document and additional comments offered during our conference call on June 5, 2009. As a follow-up to the informal responses that we provided to you prior to that call, we will be preparing an errata sheet for the Historic Effects Report, which will be distributed with the original report when the technical reports are released with the Final Environmental Impact Statement. The errata sheet will reflect the elements discussed below, as well as other issues discussed during our call.

During our June 5th discussion, we understood from Dr. Elaine Jackson-Retondo's comments that national monuments are automatically listed in the National Register. Following up on our understanding, we contacted Mr. Paul Lusignan, Historian at the National Register of Historic Places, about the status of the monument. He stated in an email on June 15, 2009 that *"National Monuments are totally different and separate from the National Historic Landmarks and National Register of Historic Places programs. The WWII Valor NM was an executive designation made by President Bush. Such sites are not automatically listed in the National Register of Historic Places (see 36 CFR 60.1 for the list of properties added to the Register). In fact most National Monument designations are made for natural areas that may or may not even contain historic cultural sites. The designation of a national monument is not the same as the establishment of a new historic unit of the National Park System, which does carry with it automatic NR listing."* Aside from the parking lot for the Arizona Memorial, the national monument boundaries remain outside of the APE and it will not be assessed for effects. We will attach Mr. Lusignan's email to the Historic Effects Report errata sheet.

Mr. Jonathan Jarvis
Page 2
June 23, 2009

On a related note, at the National Park Service's (NPS's) request, we conducted additional noise analysis and created visual simulations from the Pearl Harbor Historic Sites. The noise analysis, which will be included in the Final EIS, shows that there will be no impacts based on FTA impact criteria to the WWII Valor in the Pacific NM. The requested visual simulations are attached to this letter.

Although staff from NPS believe that the project has an adverse effect on the Pearl Harbor NHL, NPS did not propose measures to avoid or minimize impacts to the NHL resources. In the meantime, the project team has revised the design that reduces the impacts to the NHL to the greatest extent possible, but without guidance of the NPS as to which aspects of the Project specifically were causing the opinion of adverse effect.

Since our phone call, we have made substantial design changes to the project in the vicinity of the Pearl Harbor NHL in an effort to minimize impacts. In response to your concerns, the project team has removed two areas requiring property acquisitions in the vicinity of stations. We take very seriously the possibility of adversely affecting NHL resources and are actively engaged in minimizing potential impacts. The attached design sheets reflect the latest configurations of the Aloha Stadium and Pearl Harbor Naval Base Stations, which have been re-configured to avoid the NHL, resulting in less-optimum operations and access at these locations. These design changes, however, substantially minimize the impact to the NHL resources.

The project has no adverse effect on the Pearl Harbor National Historic Landmark or on the CINCPAC Headquarters National Historic Landmark. The project will not impact the resources' location, design, materials, or workmanship, as all work will occur outside of their boundaries. We assume that if Kamehameha Highway had contained any significant elements, it would have been designated as part of the NHL initially or during one of the subsequent NHL revisions. The setting outside of the NHLs does not contain character-defining features of either NHL. As you state in your letter of May 20, 2009, "The integrity of the NHL has been negatively affected by any number of projects within and near the district." We agree with this statement. The setting does not have integrity and does not contain significant features relating to the NHLs. Although you discuss the potential for cumulative effects compounded by the project, the setting at present does not retain integrity due to these prior undertakings. The project will have no adverse effect on either NHL's setting. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. However, no physical features of the NHLs will be impacted. The NHL's integrity of feeling will not be adversely affected by this project; both NHLs will continue to express their importance as World War II era military resources. Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. Again, the physical features of the NHLs will not be impacted. The NHLs will continue to retain integrity of association because the project will not impact their ability to convey the relationship that they had with Pearl Harbor's historically significant event. There will be no adverse effect to association. Therefore, the project will have no adverse effect to the Pearl Harbor NHL or the CINCPAC Headquarters NHL.

Mr. Jonathan Jarvis
Page 3
June 23, 2009

As we discussed during our call, recent changes to the project have required that a stormwater outfall drain will need to be installed within the NHL boundaries. No work will occur within the National Monument boundaries. All work will qualify as a temporary use wherein a pipe will be installed, but immediately covered. A small section of pipe opening will be visible at the outfall area. This work will be very similar to the work at Pearl Harbor completed by Leeward Community College. The pipe installation work will be temporary and the undertaking will have no adverse effect on the Pearl Harbor NHL.

We would like to reiterate our request to review the Section 106 documentation for the new visitor center work the NPS is undertaking at Pearl Harbor. We believe that your internal work may inform our approach to effect determinations. You stated that your office did not have purview over this review, but we have not received a response to our June 5, 2009 email request to Messrs. Frank Hays and Paul DePrey and ask for your assistance in obtaining these documents.

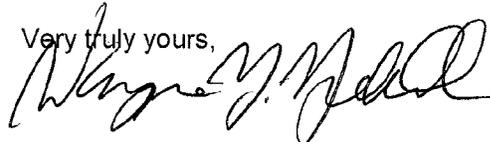
We are enclosing a corrected map showing the Pearl Harbor NHL boundaries and revised plan sheets for the proposed project alignment and stations. At the scale presented in the Historic Effects Report, the boundaries of the Pearl Harbor NHL and other districts and the project's relationship to them were unclear.

Finally, we request a meeting with your office, the Hawaii State Historic Preservation Division, Navy representatives, and FTA officials to discuss any outstanding concerns about the effect determination on Pearl Harbor. We anticipate that the effects determination can be concluded within 30 days of this letter.

An additional consulting party meeting to discuss mitigation will follow as soon as the effects determinations are resolved.

We appreciate your input to date and look forward to continuing consultation with your office. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

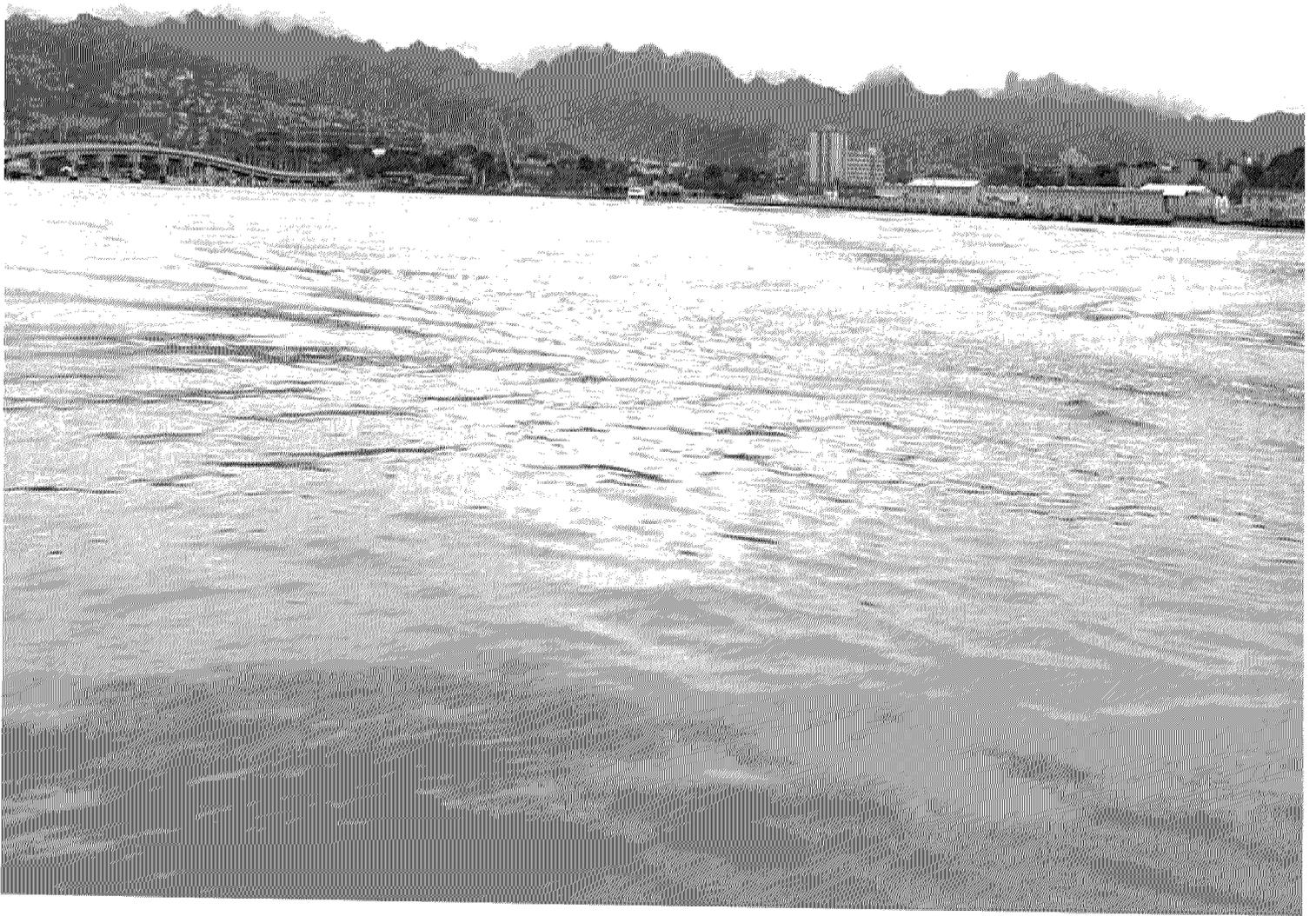
Very truly yours,



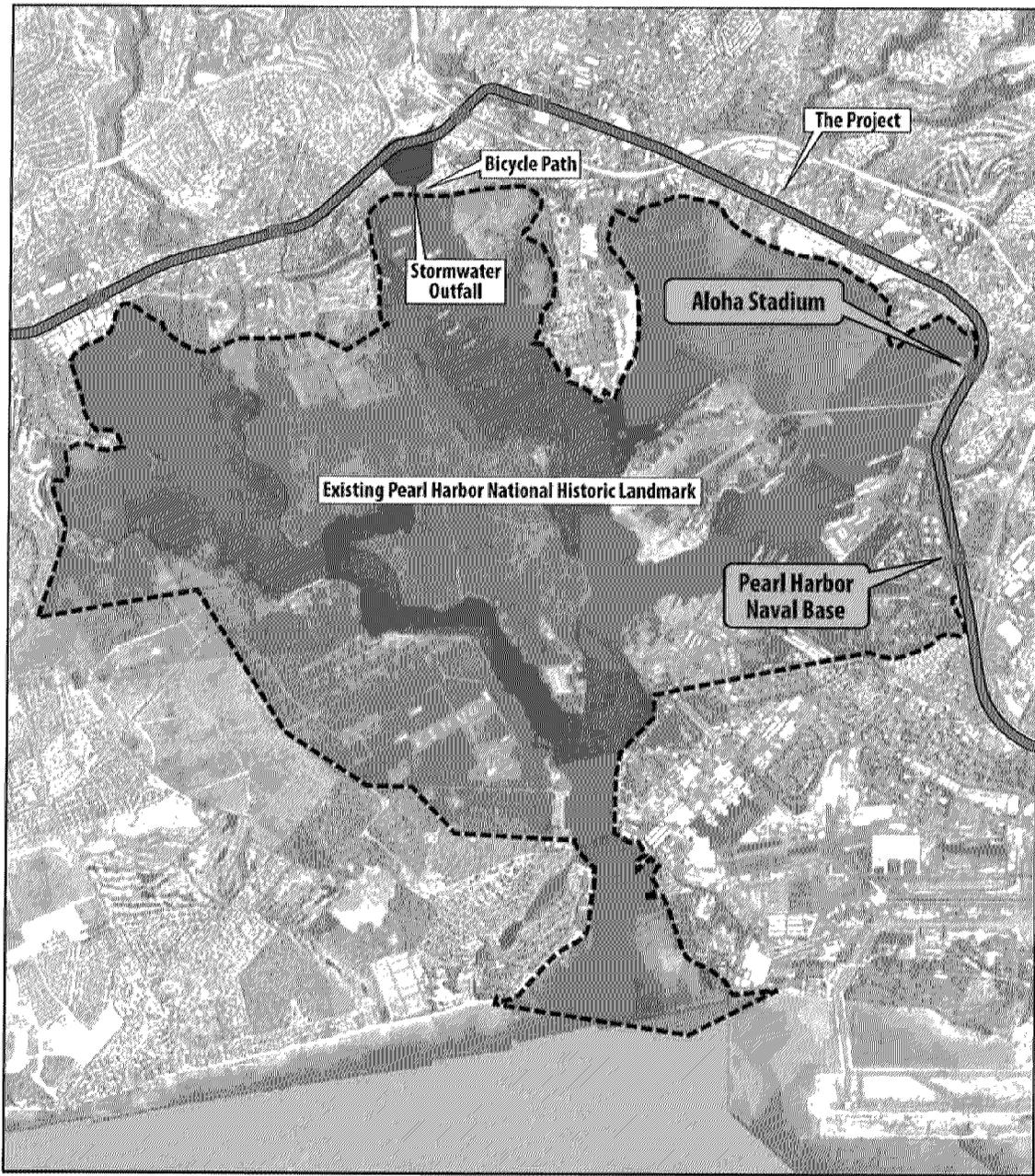
WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Frank Hays, NPS Pacific West Region, Honolulu
Ms. Patty Neubacher, Pacific West Region
Mr. Paul DePrey, USS Arizona Memorial







LEGEND

 The Project

 Pearl Harbor National Historic Landmark

 Station

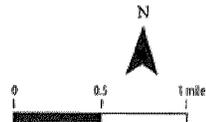
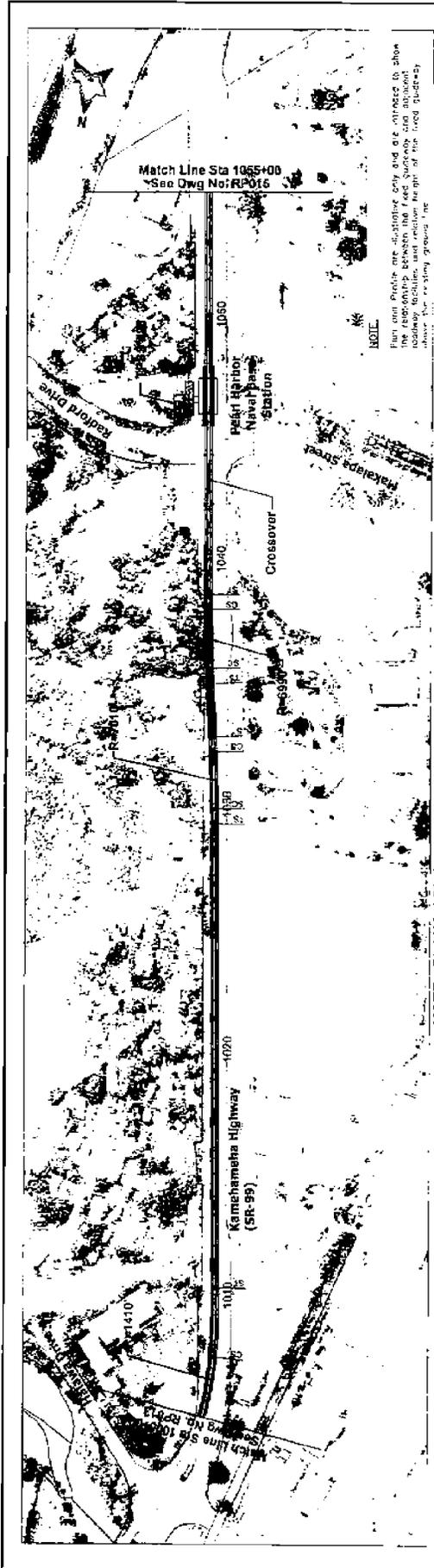
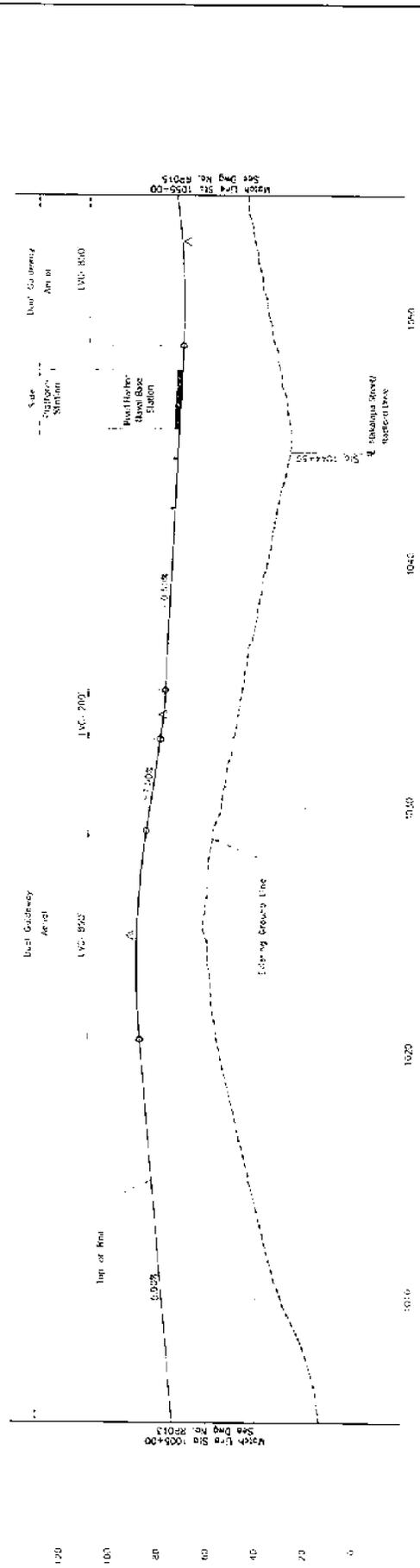


Figure 5-9 U.S. Naval Base Pearl Harbor National Historic Landmark Project Alignment and Feature



NOTE: PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE





CITY & COUNTY OF HONOLULU
DEPARTMENT OF TRANSPORTATION SERVICES
RAPID TRANSIT DIVISION

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PLAN AND PROFILE
STA 1005+00 TO STA 1055+00

SHEET 15 OF 26

DATE: 05/19/05

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323207

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U. S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, California 94607

Attention: Dr. Elaine Jackson-Retondo
National Historic Landmarks Program Manager

Dear Mr. Jarvis:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Mr. Jonathan B. Jarvis
Page 2
July 14, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

cc: Mr. Frank Hays, Director, National Park
Service, Pacific West Region



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona California
Hawaii, Nevada, Guam
American Samoa
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U.S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, CA 94607

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Mr. Jarvis:

This letter serves to notify you of the Federal Transit Administration's (FTA) request to have the National Park Service participate in the execution of the Programmatic Agreement (PA) for the Honolulu High-Capacity Corridor Project as an invited signatory of this document.

Earlier the City and County of Honolulu Department of Transportation Services sent you an invitation to a pair of Section 106 consulting parties meetings. The purpose of these meetings, the first of which will be held on July 28, 2009, is to discuss the contents of the PA, which discusses mitigations measures for the adverse effect that this project will have to historic resources. Please contact us immediately if you have not received this invitation.

We are attaching a copy of the draft PA for your review.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590

Sincerely,

for Leslie I. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060

IN REPLY REFER TO:
H34 (PWR-CR)

August 6, 2009

Wayne Y. Yoshida, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshida:

This letter is in response to the revised draft programmatic agreement that was distributed during the recent July 28th Section 106 consultation meeting, the U.S. Department of Transportation Federal Transit Administration (FTA) letter dated July 24th, the City & County of Honolulu Department of Transportation Services (DOTS) letter dated June 23, 2009, and the additional noise study information requested by the National Park Service (NPS) and provided by your office on July 1.

The National Park Service is delegated monitoring and technical assistance responsibilities by Congress to ensure that National Historic Landmarks retain the highest degree of integrity possible.. These monitoring responsibilities are carried out by NPS staff in our regional offices. Five NHLs are located within, adjacent to, or in close proximity to the Honolulu High Capacity Transit Corridor Project – Pearl Harbor NHL, Commander in Chief, Pacific Fleet (CINPAC) NHL, the USS Bowfin NHL, USS Arizona NHL and the USS Utah NHL.

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Noise Study Data

It is unlikely that the project would produce significant noise impacts at the Memorial. Furthermore, the park recognizes that noise at the memorial is currently dominated by industrial sources and the nearby road bridge to the island. Presence of the light rail could reduce the number of other traffic noise sources and reduce some noise overall. However the analysis is not sufficient to fully assess potential positive or adverse noise impacts from the project.

The Noise and Vibration report dated October 1, 2008 incorrectly states in Chapter 4 Affected Environment, Section 4.16 that "Land uses between the Aloha Stadium Station and the Pearl Harbor Naval Base Station are predominantly commercial and industrial (Category 3). There are no sensitive land uses along this section." The statement is repeated in Chapter 5 Consequences with multiple "no impact" conclusions. This misstatement has been noted by NPS in previous comments on the project. The analysis should acknowledge the presence of the Memorial and assess the potential impacts of noise on Park resources and values.

Impacts for three sites near the memorial are appropriately analyzed according to FTA Criteria 1. Criteria 1 lands include those where quiet is an essential element in their intended purpose, such as... "National Historic Landmarks where outdoor interpretation routinely takes place" and "Sites of national significance with considerable outdoor use required for site interpretation"

The FTA Manual shows in Table 3-2 (section 3.1.1) that the noise metric for impact analysis of Land Use Criteria 1 is Outdoor L eq (h). In section 3.2.2, the FTA Manual further states that " For land use involving only daytime activities (e.g. churches, schools, libraries, parks) the impact is evaluated in terms of L eq (h), defined as the L eq for the noisiest hour of transit-related activity during which human activities occur at the noise-sensitive location. "

Section 3.2.2 of the FTA Manual also states that "Although the maximum noise level (L max) is not used in this manual as the basis for the noise impact criteria for transit projects, it is a useful metric for providing a fuller understanding of the noise impact from some transit operations. Specifically, rail transit characteristically produces high intermittent noise levels which may be objectionable depending on the distance from the alignment. Thus, it is recommended that L max information be provided in environmental documents to supplement the noise impact assessment and to help satisfy the "full disclosure" requirements of NEPA." However the analysis does not address L max levels at the Memorial. NPS recommends that L max levels at the Memorial be reported in the document as suggested by FTA guidance and the resulting impacts to park resources and values be fully assessed.

According to the report, 15 minute measurements of existing conditions were made to determine sound levels at numerous locations along the transit corridor including three sites near the Memorial. However, it is not clear whether the 15-minute measurement periods adequately represent the L eq for the entire hour or whether the chosen measurement period represents the noisiest hour of transit-related activity as required by the FTA manual. The analysis should address the methods that were used to select the measurement periods and demonstrate that these periods are representative of the L eq for the entire hour and can be used to describe noisiest hour of transit-related activity

Th
agreement; however, they are not listed either as a signatory or concurring party. We believe
they should be a signatory to the agreement.

We were informed during the call that Stipulation V.B has been deleted because the Navy will not allow access to the property to update the NHL. An update of the Pearl Harbor NHL nomination is needed and this stipulation seems appropriate for this agreement. We suggest that FTA work with or perhaps partner with the Navy so that this stipulation can be reinserted into the agreement. It may be possible that the research currently underway for the Pearl Harbor Cultural Landscape Report could be used to update the nomination and perhaps the Navy could provide the needed photo documentation for the update.

We would like to have a post construction noise monitoring stipulation added to this agreement. Projected noise levels are not always accurate. A recent case is the Seattle light rail system, which has posted much higher noise levels in some sections of the system than predicted. A post construction noise monitoring program should be implemented to ensure that actual noise levels do not exceed model predictions. If predicted levels are exceeded, additional analyses should be conducted to assess potential impacts to memorial resources from noise. NPS has protocols and methodologies for implementing an adaptive management approach to addressing noise impacts. Our staff is available to coordinate with HDOH to develop and implement an appropriate monitoring program.

We look forward to our continued participation in the Section 106 consultation. If you have any questions please call or email Frank Hays, Pacific Area Director (808-541-2693 ext 723; frank_hays@nps.gov), or Elaine Jackson-Retondo, Pacific West Region, NHL Program Manager (510 817 1428; elaine_jackson-retondo@nps.gov).

Sincerely,



cc:

Leslie Rogers, Regional Administrator, Federal Transit Administration Region IX, 201 Mission St. Suite 1650, San Francisco, CA 94105-1839

Patty Neubacher, Deputy Regional Director, Pacific West Region

Frank Hays, Pacific Area Director, Honolulu

Paul DePrey, Superintendent, World War II Valor in the Pacific



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Loyal Mehrhoff
USGS PIERC
677 Ala Moana Blvd., Suite 615
Honolulu, HI 96813

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Mehrhoff:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

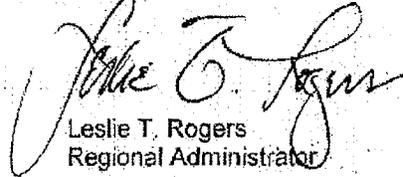
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

Your agency does not have to accept this invitation. If, however, you elect not to become a participating agency, you must decline this invitation in writing, indicating that your agency has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments on the project. The declination may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written response to this invitation are not due until after the interagency scoping meeting scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Your agency will be treated as participating agency unless your written response declining such designation as outlined above is transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Dean Higuchi
U.S. Environmental Protection Agency
Box 50003
Honolulu, HI 96813

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Higuchi:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

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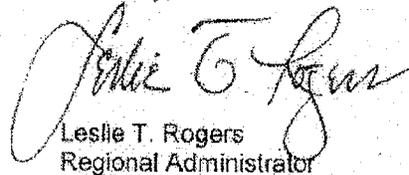
- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

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Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 9, 2006

Ms. Donna Turchie
Federal Transit Administration
Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105

Subject: Scoping Comments for High-Capacity Transit Improvements in the
Southern Corridor, Honolulu, HI

Dear Ms. Turchie:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on December 7, 2005, requesting comments on the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) decision to prepare a Draft Environmental Impact Statement (DEIS) for High-Capacity Transit Improvements in the Southern Corridor in Honolulu, Hawaii. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

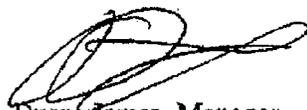
This project may require a Clean Water Act Section 404 individual permit from the Army Corps of Engineers. If impacts to waters of the United States require an individual permit, EPA recommends initiation of the "Memorandum of Understanding for the NEPA/Clean Water Act Section 404 Integration Process for Surface Transportation Projects in the State of Hawaii" (NEPA/404 MOU). This project will benefit from early and continued interagency coordination among resource agencies by ensuring that the Clean Water Act Section 404(b)(1) Guidelines are followed (40 CFR 230). EPA's additional concerns, as described in the enclosed detailed comments, focus on impacts to air quality, invasive species management, environmental justice, and indirect and cumulative impacts.

We appreciate the opportunity to provide comments on the preparation of the DEIS, and look forward to continued participation in this process as more information becomes available. When the Alternatives Analysis and DEIS are released for public review, please send two copies

Printed on Recycled Paper

to the address above (mail code CED-2). If you have any questions, please contact me at 415-972-3988, or Connell Dunning, the lead reviewer for this project. Connell can be reached at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,



Duane James, Manager
Environmental Review Office

Enclosure: EPA's Detailed Scoping Comments

CC: Nelson Sagum, Hawaii Department of Transportation
Abraham Wong, Federal Highway Administration, Hawaii Division
Alfred A. Tanaka, County and City of Honolulu Department of
Transportation Services
Ryan Smith, Oahu Invasive Species Committee

Interagency Coordination

Should this project require a Clean Water Act (CWA) Section 404 individual permit from the Army Corps of Engineers (ACOE), the Environmental Protection Agency (EPA) recommends coordination with ACOE and EPA through the "Memorandum of Understanding for the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Surface Transportation Projects in the State of Hawaii" (NEPA/404 MOU). In addition, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) should coordinate with the Federal Highway Administration (FHWA) and Hawaii Department of Transportation (HDOT) to ensure that alternatives considered can be integrated with existing and future road improvements in the transit corridor.

Water Resources

The Draft Environmental Impact Statement (DEIS) should disclose the approximate area of waters of the United States that occur within the study area of the proposed project, including permanent and intermittent streams and wetlands. The CWA Section 404(b)(1) Guidelines (Guidelines) at 40 CFR Part 230.10(a) state that "... no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." FTA and DTS will have to demonstrate that potential impacts to waters of the United States have been avoided and minimized to the maximum extent practicable prior to obtaining a CWA Section 404 permit (40 CFR 230.10(a) and 230.10(d)). We urge FTA and DTS, in planning alternative designs for the project, to incorporate the following recommendations into the DEIS:

- Demonstrate that all potential impacts to waters of the United States have been avoided and minimized. If these resources cannot be avoided, the project-level analyses should clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Quantify the benefits from measures and modifications designed to avoid and minimize impacts to water resources for each alternative studied; for example, number of stream crossings avoided, acres of waters of the United States avoided, etc.
- Identify all protected resources with special designations and all special aquatic sites¹ and waters within state, local, and federal protected lands. Additional steps should be taken to avoid and minimize impacts to these areas.

¹ Special aquatic sites are defined at 40 CFR 230.40 – 230.45 and include wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.

The DEIS should also address techniques proposed for minimizing surface water contamination due to increased runoff from additional highway surfaces. The project will require a National Pollutant Discharge Elimination System (NPDES) permit and an accompanying Stormwater Pollution Prevention Plan (SWPPP). Where the proposed project will widen existing roads, the current stormwater detention basins and structures should be evaluated to determine if they will continue to be effective. If new stormwater detention facilities are needed, this provides an opportunity to work with municipal planners and vector control agencies to develop siting, design, and maintenance strategies that incorporate guidelines to minimize or eliminate mosquitoes and other vector species, in addition to stormwater control.

Air Quality

The DEIS should include a thorough analysis of impacts from the construction and operation of the proposed alternatives and should include estimates of all criteria pollutant emissions. EPA recommends including a Construction Emissions Mitigation Plan in the DEIS and adopting this plan in the Record of Decision. EPA recommends the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with vehicle emissions and other air toxics from construction-related activities:

- Establish an activity schedule designed to minimize traffic congestion around the construction site.
- Utilize EPA-registered particulate traps and other appropriate controls to reduce emissions of diesel particulate matter and other pollutants at the construction site.
- Locate construction equipment and staging zones away from sensitive receptors such as children and the elderly as well as away from fresh air intakes to buildings and air conditioners.
- Use low sulfur fuel (diesel with 15 parts per million or less) if available.
- Reduce use, trips, and unnecessary idling from heavy equipment.
- Lease newer and cleaner equipment (1996 or newer).
- Periodically inspect construction sites to ensure construction equipment is properly maintained at all times.

Invasive Species

In accordance with Executive Order 13112, EPA recommends that the DEIS identify proposed methods to minimize the spread of invasive species and utilize native plant and tree species where revegetation is planned. The islands of Hawaii are particularly vulnerable to invasive species, and construction associated with the project has the potential to aid in the

establishment of invasive plants along any newly disturbed corridors. EPA recommends that FTA and DTS coordinate invasive species management with local agencies and organizations, such as the Oahu Invasive Species Committee: a voluntary partnership organized to prevent new invasive species infestations on the island of Oahu, to eradicate incipient invasive species, and to stop established invasive species from spreading on Oahu (<http://www.hear.org/oisc/>). Measures to reduce the potential for the spread of invasive species will be more effective when they are coordinated with other ongoing planning efforts. Additional resources related to Federal and State programs to address invasive species can be found at: <http://www.invasivespeciesinfo.gov/>

Environmental Justice

Executive Order 12898 addresses Environmental Justice in minority and low income populations, and the Council on Environmental Quality has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>). The Federal Register Notice published for this project (December 7, 2005) states that numerous lower-income and minority workers live in the corridor outside the urban core and commute to work in the primary urban center. Community involvement activities supporting the project should include opportunities for incorporating public input into the facility area design and location process, especially from any members of the community who may benefit or be adversely affected by proposed project. The DEIS should identify whether the proposed alternatives may disproportionately and adversely affect low income or minority populations in the surrounding area and should provide appropriate mitigation measures for any adverse impacts.

Indirect Impacts

EPA is concerned about the potential indirect impacts (40 CFR Part 1508(b)) of this project. The DEIS should discuss how the proposed project may affect the location and pattern of residential, commercial, and industrial development. The DEIS should also identify modifications to the transportation system that may provide new access to residential areas and open space and should discuss the potential for new access points to affect future development and land use changes. The DEIS should also address the feasibility, extent, and expected duration of potential mitigation measures.

Cumulative Impacts

The DEIS should provide a thorough analysis of the cumulative impacts of the proposed project. Cumulative impacts analyses examine "the impact of the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR Part 1508.7). The DEIS should identify cumulative impacts study areas relative to the resources of concern and should identify a baseline from which impacts are measured. The analysis should disclose the past, present, and reasonably foreseeable impacts on resources of concern from transportation and non-transportation activities and should analyze the rate of loss and magnitude (relative importance) of impacts to resources.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 27, 2009

Jan Reichelderfer
PB Americas, Inc.
1001 Bishop Street, Suite 2400
Honolulu, HI 96813

RE: Honolulu High-Capacity Rail Project

Jan:

Thank you for your reply to US Environmental Protection Agency (EPA) comments sent via email on February 23, 2009. In response to your March 26, 2009 email and prior correspondence requesting EPA review of the Honolulu High-Capacity Rail Project under 1424(e) of the Safe Drinking Water Act (SDWA), we have reviewed the materials and responses provided. Based on this information, EPA has determined that the Honolulu High-Capacity Rail Project will not create a significant hazard to public health per 1424(e). The proposed project can proceed as having met the SDWA 1424(e) requirements.

If you have any questions, please don't hesitate to contact me at 415-972-3963 or ungvarsky.john@epa.gov. Thank you.



John Ungvarsky
Environmental Scientist



UNIVERSITY OF HAWAII

CHANCELLOR, UNIVERSITY OF HAWAII—WEST O'AHU

January 4, 2006

Mr. Toru Hamayasu
Department of Transportation Services
City & County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

**SUBJECT: UH WEST O'AHU - MASS TRANSIT ALTERNATIVES - PREFERRED
TRANSIT ALIGNMENT (IN THE VICINITY OF THE UH WEST O'AHU
PROPERTY)**

Dear Toru:

Thank you for spending time with us in mid-November to discuss the proposed transit system and alignment options. As we had indicated at the meeting, the University of Hawai'i – West O'ahu (UHWO) has already incorporated provisions for a transit route and transit stop in its Long Range Development Plan (LRDP) that can service the campus. This route is based on the Ewa Sustainable Communities Plan. The UHWO strongly supports a fixed rail transit system. We recognize its value as an alternative mode of transportation for future students and residents in the rapidly growing West O'ahu region.

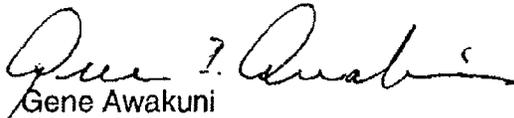
For the transit system to be most effective, we believe it is critical that the selected alignment be in close proximity to our campus and easily accessible to our students. In addition, the alignment should be compatible with our land use plan and the transportation network we will establish for the campus. We are also cognizant of the regional implications of the proposed transit corridor and have coordinated our review of the proposed transit alignment with adjacent landowners, including the Department of Hawaiian Home Lands (DHHL) and DR Horton-Schuler Division. After review of the alternatives, our preferred alignment within the Ewa region, would be a route that runs along Farrington Highway and turns down the North-South Road to a transit stop on our property, continues along the North-South Road to a possible second stop on or near the southern portion of our property, and then into the City of Kapolei. (See attached)

Mr. Toru Hamayasu
January 4, 2006
Page 2

We would also like to mention that in selecting a preferred transit route, consideration should be given to accessibility to transit stops for each of the UH campuses within the transit corridor, including Leeward Community College, Honolulu Community College, and the University of Hawai'i - Manoa. If each of the campuses is within close proximity to a transit station, there will be greater opportunity for students and faculty to move easily between campuses using the transit system. We know from the experience of other cities that have recently established fixed rail systems such as Salt Lake City students are among the early adopters of this kind of transportation alternative and can contribute significantly to the success of the project.

Thank you for providing us with an opportunity to provide written comment on this project. We look forward to continuing our coordinated efforts in incorporating the proposed transit system into our plans for the campus. Should you have any questions, please contact me at 454-4750 or Allan Ah San at 692-0918.

Sincerely,


Gene Awakuni
Chancellor

Attachment

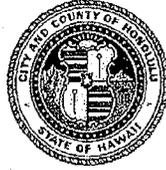
cc: Micah Kane, Department of Hawaiian Home Lands
Mike Jones, DR Horton – Shuler Division
Sam Callejo, Vice President for Administration (UHM)
Jan Yokota, Director of Capital Improvements

bc: Ramsey Pederson, Chancellor (HCC)
Peter Quigley, Interim Chancellor (LCC)
Denise Konan, Interim Chancellor (UHM)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



MELVIN N. KAKU
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

March 16, 2007

TPD07-00109

Mr. David McClain, President
University of Hawaii System
State of Hawaii
2444 Dole Street, Bachman 202
Honolulu, Hawaii 96822

Dear Mr. McClain:

Subject: Invitation to Participate in the Environmental Review Process
for the Honolulu High-Capacity Transit Corridor Project

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS), is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5.

Mr. David McClain
Page 2
March 16, 2007

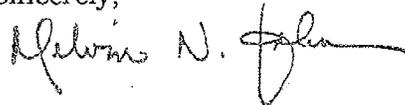
As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

If you elect to become a participating agency, you must accept this invitation in writing. The acceptance may be transmitted electronically to fmiyamoto@honolulu.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written responses to this invitation are not due until after the interagency scoping meeting, scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium, at 558 South King Street, Honolulu, Hawaii 96813. You or your delegate is invited to represent your agency at this meeting. Written responses accepting designation as participating agencies should be transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Toru Hamayasu of DTS at (808) 768-8344.

Sincerely,

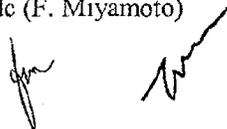


MELVIN N. KAKU
Director

Enclosures:

1. Scoping Information Package
2. Coordination Plan

dc (F. Miyamoto)



Other Agencies

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
PHONE: (808) 523-4564 • FAX: (808) 523-4567
WEB SITE: www.honolulu.gov



MUFI HANNEMANN
MAYOR

WAYNE M. HASHIRO, P.E.
DIRECTOR

EUGENE C. LEE, P.E.
DEPUTY DIRECTOR

CDA 06-135405

January 9, 2006

MEMORANDUM

TO: ALFRED TANAKA, P.E., ACTING DIRECTOR
DEPARTMENT OF TRANSPORTATION SERVICES

FROM: *for Eugene C. Lee*
WAYNE M. HASHIRO, P.E., DIRECTOR
DEPARTMENT OF DESIGN AND CONSTRUCTION

SUBJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT,
ALTERNATIVES ANALYSIS AND DRAFT EIS – SCOPING
INFORMATION PACKAGE

We wish to provide comments to the Scoping Information Package dated December 5, 2005, for the subject project. Several of the fixed guideway alternative alignments reflected in the report impact corridors that major roadway rehabilitation projects are being scheduled for improvements with both City and FHWA funding. In addition, there are new roadway facilities being planned that are also along your alternative alignments.

To provide consistency with on-going planning, design, and construction efforts, we request that you and your consultants coordinate with our office regarding the following projects:

- Kapolei Parkway (Renton to N-S Road) – new roadway for which FHWA funding participation is being sought
- Salt Lake Boulevard (Maluna to Ala Lilikoi) – major roadway widening for which FHWA funding participation will be sought
- Beretania Street (Alapai Street to N. King Street) – construction contract awarded; construction anticipated to start in 2nd quarter 2006. FHWA participation obtained
- Dillingham Boulevard (Laumaka St. to Waiakamilo St.) – rehabilitation of the roadway being planned
- Kapiolani Boulevard (South to Kalakaua) – rehabilitation of the roadway is being designed utilizing FHWA funding participation

Alfred Tanaka
Page 2
January 9, 2006

- Kapiolani Boulevard (Waialae Avenue to University Avenue) – rehabilitation of the roadway is being planned
- Farrington Highway (Fort Weaver Road to N-S Road) – major roadway widening planned

The above represents the major roadway projects along the fixed guideway alternative alignment. There may be other facilities that may also be impacted by the fixed guideway alternative alignments.

If there are any questions, please contact Marvin Char at 527-6381.

MC:pto

c: Department of Facility Maintenance
Department of Planning and Permitting

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

08 OCT -2 P 1:35

MUFI HANNEMANN
MAYOR

DEPT. OF PARKS
& RECREATION
CITY AND COUNTY OF HONOLULU



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

September 25, 2008

RT9/08-280709

MEMORANDUM

**TO: LESTER K. C. CHANG, DIRECTOR
DEPARTMENT OF PARKS AND RECREATION**

FROM: WAYNE Y. YOSHIOKA, DIRECTOR

**SUBJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
KEEHI LAGOON PARK - SECTION 4(F) DE MINIMIS
DETERMINATION**

This is to request your acknowledgment that the City and County of Honolulu Department of Parks and Recreation, as the agency with jurisdiction over Ke'ehi Lagoon Park, has been informed of the U.S. Department of Transportation Federal Transit Administration's (FTA's) intent to render a Section 4(f) *de minimis* determination. The signed acknowledgment is an element that FTA requires before it can make such a determination.

As discussed during our May 22, 2008 meeting, the Department of Transportation Services (DTS), in cooperation with the FTA, is evaluating fixed-guideway alternatives that would provide high-capacity transit service on O'ahu in the travel corridor between Kapolei and the University of Hawai'i at Mānoa (UH Mānoa).

Project alternatives that include connection to Honolulu International Airport would require the placement of columns and an elevated guideway roughly following the park access road and continuing parallel to the H-1 Freeway. The enclosed visual simulations show the park entrance and the guideway along the H-1 Freeway.

The project elements would require use of approximately 1,600 square feet of the 72-acre Ke'ehi Lagoon Park for the placement of columns within an approximately 2.8-acre area that is shown on the attached figure. The project would displace the tennis courts located near the H-1 Freeway. The DTS commits to replacing the tennis courts or providing other equal recreational benefit within the park. The area under the guideway would be appropriate for parking use and the project will continue to work with your department to develop a configuration around the guideway to maintain net parking spaces.

Lester K. C. Chang
Page 2
September 25, 2008

It is the project's intent that your department would continue to have jurisdiction over all lands under the guideway.

As a result of this use of the park, FTA regulations require a Section 4(f) evaluation to be conducted. Section 4(f) of the United States Department of Transportation Act of 1966 prevents FTA from approving projects that require the use of public parks, recreation areas, wildlife refuges, or lands of historic significance, unless there is no feasible or prudent alternative to the use of the at land. Ke'ehi Lagoon Park would be considered a Section 4(f) resource and the columns and overhead guideway would be a transportation use. A Section 4(f) evaluation is required to analyze the transportation use. With consideration of the above commitments for avoidance, minimization, mitigation, and enhancement, the impact to the park would not be adverse. The park's recreational features and attributes will be fully restored or replaced prior to project completion. It is FTA's intent to make a determination that the impacts to Ke'ehi Lagoon Park would be *de minimis*. This determination will satisfy the Section 4(f) requirements of this project.

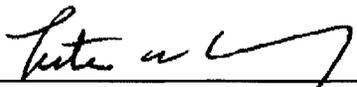
Please sign below to acknowledge that, as the official with jurisdiction over Ke'ehi Lagoon Park, you have been informed of FTA's intent to make a *de minimis* determination.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at Local 8350.

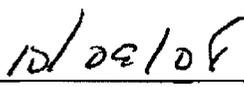


WAYNE Y. YOSHIOKA

ACKNOWLEDGMENT:



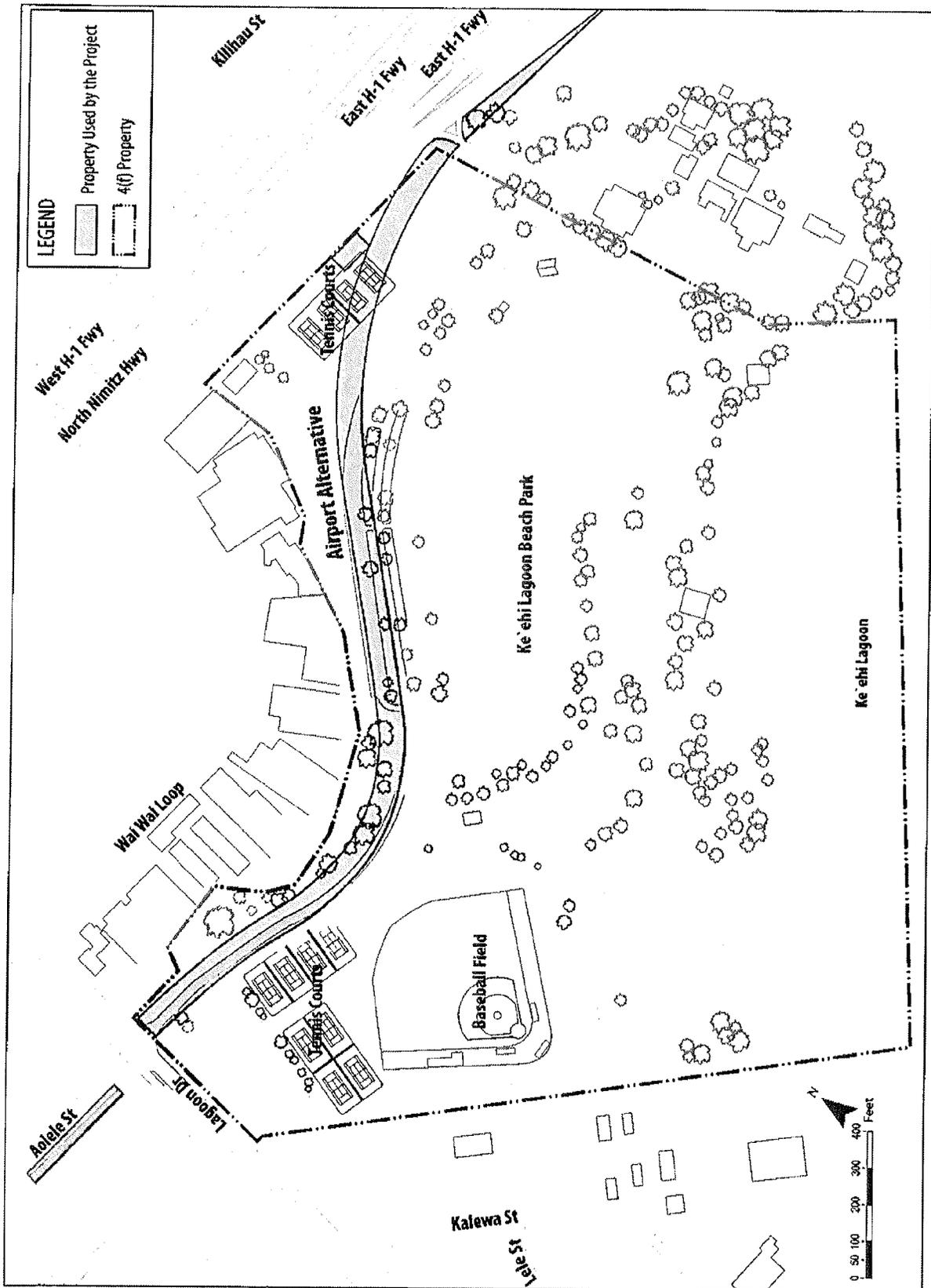
Lester K. C. Chang, Director
Department of Parks and Recreation

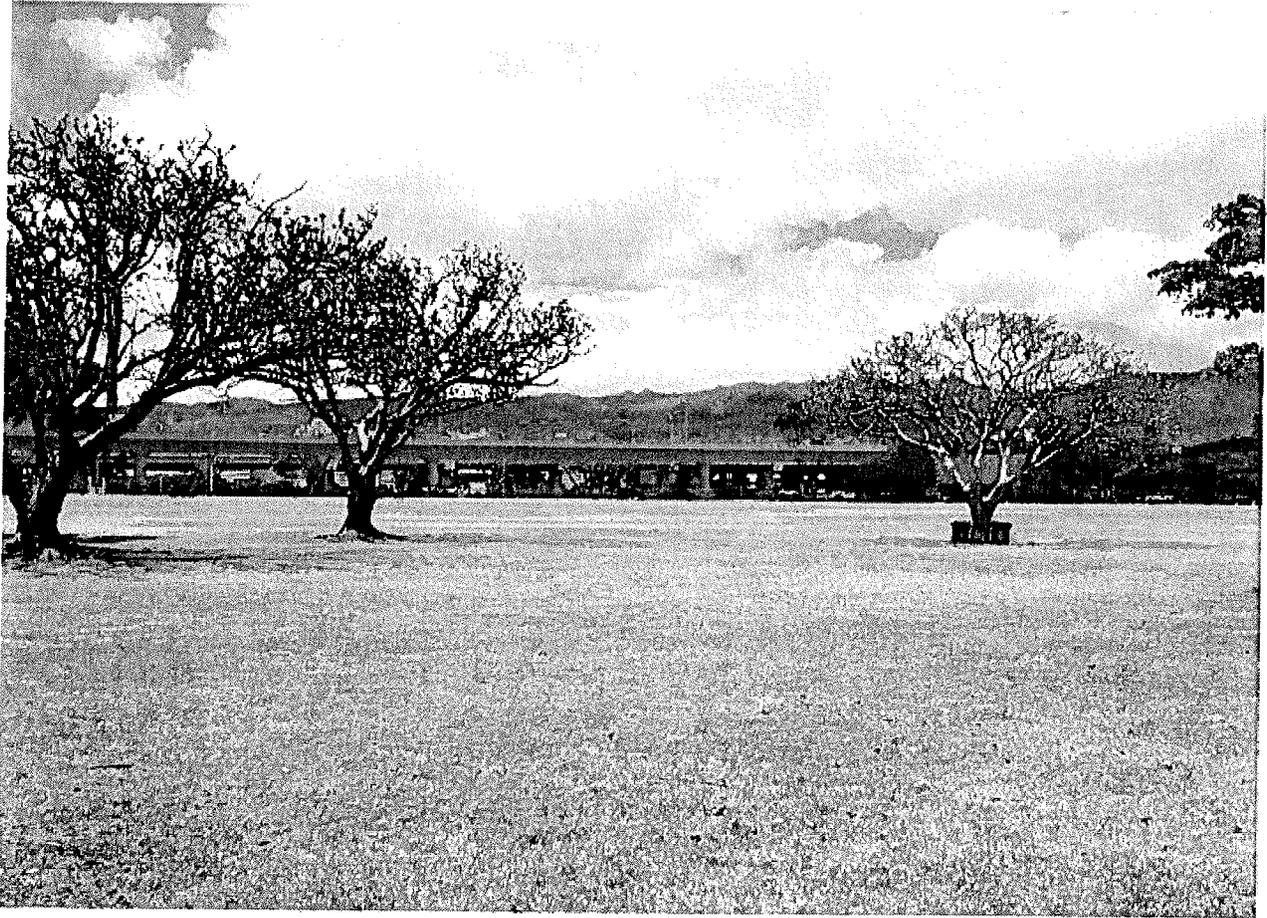


Date

Enclosures

cc: Mr. Ted Matley, FTA Region IX







DOWNTOWN NEIGHBORHOOD BOARD NO. 13

c/o NEIGHBORHOOD COMMISSION • CITY HALL, ROOM 400 • HONOLULU, HAWAII 96813

January 4, 2006

Mr. Kenneth Hamayasu
Department of Transportation Services
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, HI 96813

Re: Honolulu High-Capacity Transit Corridor Project (HRS 343 FEA-EISPN)

Dear Mr. Hamayasu:

This is to advise you, pursuant to the notice in the OEQC bulletin dated December 8, 2005, that the Downtown Neighborhood Board wishes to be a consulted party in the FEA and EISPN.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Matusow".

Lynne Matusow, Chair



Oahu's Neighborhood Board System-Established 1973



PEARL CITY NEIGHBORHOOD BOARD NO. 21

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

October 1, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

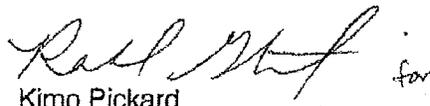
Re: Honolulu High-Capacity Transit Corridor Project (HRS 343 FEA-EISPN)

Dear Mr. Yoshioka,

Please be advised that pursuant to the notice in the OEQC bulletin dated December 8, 2005, that the Pearl City Neighborhood Board wishes to be a consulted party in the FEA and EISPN.

Your kind attention to this matter would be greatly appreciated.

Sincerely,


Kimo Pickard
Chair

cc: Mr. Toru Hamayasu



Oahu's Neighborhood Board system – Established 1973



Hawaii's Thousand Friends

25 Maluniu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@hawaii.net

January 10, 2008

Wayne Yoshioka, Director
Department of Transportation Services
650 South King Street
Honolulu, Hawai'i 96813

Dear Director Yoshioka;

Re: Honolulu Mass Transit Project: Protection of Historic Properties Pursuant to Chapter 6E,
Hawaii Revised Statutes

Hawaii's Thousand Friends (HTF) hereby notifies you that it is concerned with the effect of the proposed Honolulu Mass Transit Project on historic properties and accordingly requests that, in all matters relating to the compliance of that Project with the requirements of Chapter 6E, Hawaii Revised Statutes (HRS) and implementing administrative rules, it be regarded as an "Interested person" as that term is defined in Section 13-275-2, Hawaii Administrative Rules (HAR) and be accorded all the rights of such persons under Chapter 6E, applicable administrative rules, and all other provisions of law.

With regard to all steps of the review leading to the issuance of a "determination letter" as defined in HAR § 13-275-2 and pursuant to HAR § 13-275-3, HTF notes that HAR §§ 132-275-3(e), -3(f), and -3(g) provide as follows:

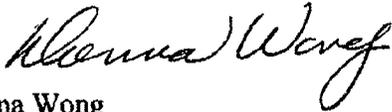
- (e) The SHPD shall send its written comments on each step's submittal to the agency within the amount of time specified under each section of this chapter, or by a mutually agreed upon date. Copies of SHPD written comments will also be sent to any interested persons who have expressed concerns with the project by that point in the process. If the SHPD fails to send written comments within the set time, or by a mutually agreed upon date, then the SHPD is presumed to concur with the agency's submittal.
- (f) The SHPD shall consider interested persons' comments on any submittals' acceptability in accordance with this chapter and chapters 13-276 through 13-283. Comments must be submitted in writing to the SHPD within thirty days of the SHPD's posting a notice of "no historic properties affected" or receipt of information. The SHPD shall post notice every Friday of receipt of relevant documents and of issuance of SHPD "no historic properties affected" or receipt of information. The notice shall be posted at the SHPD office and on the SHPD's website. Should the office be closed on any Friday as a result of a holiday or some type of disaster, the information shall be posted on the

first following working day. Interested persons shall contact the SHPD to obtain copies of this notice, or to find locations of documents, should they wish to review them.

- (g) If the agency or interested persons disagree with the accuracy of the SHPD's determination and if disagreements cannot be resolved through meetings with the SHPD, an appeal may be made to the Hawaii historic places review board within thirty days of the SHPD's determination letter. An appeal is initiated by a written request to the Hawaii historic places review board within thirty days of the SHPD determination letter.

HTF specifically requests that it be afforded all the rights of an Interested Person under these and other provisions of law, including but not limited to receipt of "copies of SHPD written comments" as provided in HAR § 13-275-3(e) and of notice of "no historic properties affected" or of SHPD's receipt of information as provided in HAR § 13-275-3(f).

Thank you for your consideration,



Donna Wong
Executive Director



December 13, 2005

Kenneth Hamayasu
Project Manager
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Subject: Honolulu High-Capacity Transit Corridor Project

Dear Mr. Hamayasu:

Thank you for inviting Hawaiian Electric Company (HECO) to participate in the scoping process for the subject project.

Based on the scoping package dated December 7, 2005, addressed to Ken Morikami, it appears that HECO may have existing and planned facilities along or near the alignments of the Fixed-Guideway Alternative. Therefore, the Alternatives Analysis (AA) and Environmental Impact Statement (EIS) should consider the impacts if any, to HECO's facilities. Please note that if relocation of HECO's facilities is requested, then Public Utilities Commission approval may be required and HECO will seek reimbursement for costs associated with such relocation. In addition, the EIS should consider electrical load and infrastructure requirements to operate a fixed-guideway transit system.

We look forward to reviewing the AA and EIS when available for comment. If you have any questions, please call Rouen Liu at 543-7245.

Sincerely,

Kerstan J. Wong
Director, Project Management Division
Engineering Department

cc: K. Morikami
P. Nakagawa/C. Chang
R. Shiroma/D. K. Lau
R. Liu
E. Che
B. Lane
R. Tanonaka
D. Fukuda/K. Tomita

WINNER OF THE EDISON AWARD
FOR DISTINGUISHED INDUSTRY LEADERSHIP



LIFE OF THE LAND

Ua Mau Ke Ea O Ka 'Aina I Ka Pono

76 North King Street, Suite 203, Honolulu, Hawai'i 96817

Phone: (808) 533-3454 * E-Mail: henry@lifeoftheland.net

January 8, 2006

Attention: Honolulu High-Capacity Transit Corridor Project
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI, 96813
www.honolulutransit.org

Ms. Donna Turchie
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105
Donna.Turchie@fta.dot.gov

cc:
Alfred Tanaka
Acting Director of DTS
atanaka@honolulu.gov

Toru Hamayasu
Chief Planner at DTS
thamayasu@honolulu.gov

info@honolulutraffic.com
oeqc@doh.hawaii.gov

Aloha,

Life of the Land is Hawai'i's own environmental and community action group advocating for the people and the 'aina since 1970. Our mission is to preserve and protect the life of the land through sustainable land use and energy policies and by promoting open government through research, education, advocacy, and litigation.

The Council on Environmental Quality (CEQ) publishes analysis of what is required within a federal Environmental Impact Statement (See: CEQ Top 40 NEPA Questions: <http://ceq.eh.doe.gov/nepa/regs/40/40p3.htm>). Specifically, the discussion on alternatives is very, very important. In previous iterations of proposals to expand transportation options of O'ahu, short shrift was given to these federal requirements. (Specifically, please review: CEQ Top 40 NEPA Questions: 1a. Range of Alternatives, 1b. How many alternatives have to be discussed when there is an infinite number of possible alternatives?, 2a. Alternatives Outside the Capability of Applicant or Jurisdiction of Agency, 2b. Must the EIS analyze alternatives outside the jurisdiction or capability of the agency or beyond what Congress has authorized?)

Transportation Expansion, Population Growth, and New Developments are intertwined. In it impossible to think about one without seeing how it impacts the others. Sometimes it occurs in intended ways, when all three are planned together. Sometimes it occurs in unintended ways, when government agencies approve new developer-initiated sprawl because the newly expanded transportation system can handle additional cars.

Hawai'i's government is urban, and has not been able to control growth in outlying areas, nor to protect prime agricultural lands. Will the various transportation plans lead to run-away growth?

If the population rises by 2% a year, then the population doubles every 36 years. Thus a average 2% population growth rate will mean that O'ahu's population in 2200 will be 32,000,000. Absurd perhaps, but shouldn't we have time to talk about carrying capacity, development without growth, and other big-picture items at some time, rather than putting it off for a future generation?

Life of the Land would like to see a realistic analysis of how alternative scenarios for enhanced modes of transportation play out on the development and population fronts.

The analysis should include not merely growth in general, but the types of growth (gentleman farms, golf courses, affordable houses, homelessness), that are reasonable to expect.

There are areas of the island, such as surf sites/windsurfing sites/ personal water crafts/jet skis/snorkeling/fishing/tourism/ sites that are under threat from too many competing uses. How will the growth in transportation/population/development affect those areas which can not be expanded upon?

Many people want to bicycle, but fear bicycle-car interactions. One of our Board Members was hit from behind by a drunk driver in the downtown area. Will the proposed alternatives increase or decrease the ability of bicyclists to navigate downtown and in other areas? Will the transportation plan work in sync with, parallel with, or ignore the Honolulu Bicycle Master Plan? Are vehicle-pedestrian interactions more or less likely under each alternative?

Will the building of new transportation projects lead to greater homogenization of communities, where each one look the same?

Why were the proposed routes selected? Would two or three routes work better than one. Airport/Aloha Stadium; UH/Waikiki; Ewa/UH? How would each route be measured to determine what impact it would have?

What would be the impact from an Airport/Aloha Stadium Route? What would be the rider-ship from a line providing service within the Honolulu International Airport and ending at Aloha Stadium? Would such a line provide better security at the airport, allow for faster and more efficient airport service, and decrease the cost of people having to park at the airport? If the rail system were to occupy two existing lanes at the airport, providing high speed transportation to Aloha Stadium, with its abundant parking, would this free up the highways for other uses?

Would providing three local rail or bus lines (Kapolei, Airport/Aloha Stadium, Waikiki/UH) connected by one very express line with just 4-7 total stops provide better service?

What would be the impact of developing a high-speed coastal system on-grade/below grade system with just 6 stops: Kapolei, Ewa, Airport, Sand Island, Ala Moana, Ala Wai Golf Course? Couldn't this go on existing right-of-ways?

What if the car pool lane had a minimum speed of 65 mph and a maximum speed of 75 mph, and was restricted to buses and car-pools of 4 people or more? Wouldn't the sight of a largely empty but fast moving traffic encourage greater car-pooling?

How will the proposed system be powered? By new fossil fuel power plants and ugly transmission lines, or distributed renewable energy? Please explain this in detail.

How will view-planes (mountains, ocean) be affected? The Blue View may be defined as those who are able to see the ocean from where they live and/or work. The Mountain View may be defined as those who are able to see mountains from where they live and/or work. How will proposed infrastructures affect these aesthetic values?

Will the new line connect major shopping centers and governmental facilities (Pearl Ridge Shopping Center, Aloha Stadium, Aloha Tower, UH Medical School, UH), or will the route go to proposed new developments? Are the particular routes being chosen to maximize particular future developments?

Through what types of communities will the new line be built (income, race, etc).

Mahalo

Henry Curtis
Executive Director



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Victor Obrastoff
Waimea (Hawai'i)

THE OUTDOOR CIRCLE

January 4, 2006

Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Attention: Honolulu High-Capacity Transit
Corridor Project

Aloha,

Thank you for the opportunity to provide input into this important public project.

Based upon the information presented at the scoping meetings, The Outdoor Circle submits the following comments:

Historic Review

All mature trees potentially impacted by the project should be assessed--particularly those over 50 years old.

Visual

Diamond Head must be specified as a landmark that must be considered...not simply lumped in with "others."

The EIS must address visual impacts of transit stations, power sources, all infrastructure and construction.

Financing Options

More information is needed on the scope of possible advertising and what, if any, enabling law changes would be necessary.

Process

How can a preferred alternative be selected before knowing the environmental impacts of all primary proposals?

Public Involvement

Why no open forums during scoping? The methods you are using limit public discussion and interaction. A community consensus cannot possibly be reached solely by individuals submitting written comments. It appears the process was devised to prevent public discussion, to block confrontation, and to avoid having transit planners/government officials publicly respond to inquiries.

Alternative 4B

What will a Kapiolani Park station facility look like? What will be the elements of such a station and where would it be constructed?

Overall Visual Impacts

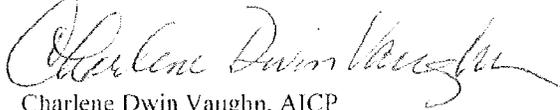
Our organization watches after Hawaii's scenic environment. We are deeply concerned about the potential loss of view planes from any transit system and the infrastructure that supports it.

TRANS PLANNING
JAN 6 11 44 AM '06
DTS

We request an update on the status of the Section 106 consultation for the Honolulu High-Capacity Transit Corridor as well as information about how the FTA is providing oversight to the City regarding the coordination of the historic preservation review and consultation with all consulting parties, including Native Hawaiian organizations. This information will help us respond to inquiries from consulting parties and members of the public who express concerns about the FTA's Section 106 coordination. We will also be able to better advise the FTA regarding interpretation of the regulations and procedural requirements.

We look forward to your response and to assisting the FTA with its responsibilities under the National Historic Preservation Act. If you have any questions, please contact Blythe Semmer by telephone at (202) 606-8552 or by e-mail at bsemmer@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

OA



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 6, 2009

Mr. Wayne Y. Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street
Third Floor
Honolulu, HI 96813

Regarding: Honolulu High-Capacity Transit Corridor Project
Draft Environmental Impact Statement/Section 4(f) Evaluation
November 2008

Dear Mr. Yoshioka,

The Disability and Communication Access Board would like to thank you for the opportunity to review the Honolulu High-Capacity Transit Corridor Project Draft Environmental Impact Statement/Section 4(f) Evaluation dated November 2008. The purpose of this review is to ensure that this project will take into account accessibility design requirements for persons with disabilities.

With respect to the Final Environmental Impact Statement, we recommend the following general statement should be included in the EIS/Section 4(f) Evaluation:

"All buildings, facilities, and sites shall conform to applicable federal, state, and county accessibility guidelines and standards. Hawaii Revised Statutes §103-50 requires all State of Hawaii or County government buildings, facilities, and sites to be designed and constructed to conform to the Architectural Barriers Act/Americans with Disabilities Act Accessibility Guidelines (36 CFR Parts 1190 and 1191) issued by the U.S. Access Board, and other applicable design standards as adopted and amended by the Disability and Communication Access Board. The law further requires all plans and specifications prepared for the construction of State of Hawaii or County government buildings, facilities, and sites to be reviewed by the Disability and Communication Access Board for conformance to those guidelines and standards."

The U.S. Department of Transportation, a major funding source for this project, has adopted and will enforce these design guidelines.

Mr. Wayne Y. Yoshioka

Re: Honolulu High-Capacity Transit Corridor Project, Draft Environmental Impact
Statement/Section 4(f) Evaluation, November 2008

February 6, 2009

Page 2

These comments are in addition to separate comments to your Department regarding the accessibility of the system (irrespective of the route taken) for persons with disabilities. The rail system will be a major transportation alternative for individuals with disabilities and it is critical that the design not only be minimally accessible to meet the requirements of the law but also take into account best practices for maximum usability and comfort to increase ridership.

Should you have any further questions, feel free to contact Mr. Curtis Motoyama, Facility Access Coordinator, or Mr. Gary Batcheller, Facility Access Specialist at 586-8121.

Sincerely,



FRANCINE WAI
Executive Director

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4185
E-mail: oeqc@health.state.hi.us

December 6, 2005

Alfred Tanaka
Department of Transportation Services
650 South King St. 3rd floor
Honolulu, Hawaii 96813

Attn: Kenneth Hayamasu

Dear Mr. Tanaka:

Subject: Environmental Impact Statement (EIS) Preparation Notice
Honolulu High-Capacity Transit Corridor Project

We have the following comments to offer:

Acronyms/glossary list: A list of acronyms, abbreviations and a glossary of terms would be useful for the reviewer. Please include such a list in the draft EIS.

Aesthetics: In this (or another) section of the draft EIS include a discussion of landscaping plans. Note that HRS 103D-408 requires the use of native Hawaiian flora whenever and wherever possible. For your treatment of visual impacts include photos or renderings of proposed facilities superimposed onto photos taken from existing vantage points.

Consultations: Send a copy of the EISPN to other community groups besides those listed in section 4.0, such as Hawaii's Thousand Friends, Sierra Club and the Historic Hawaii Foundation. If affected trees in the corridor are exceptional or may be relocated, consult with The Outdoor Circle. Have you received any correspondence to date about the project? If so, include copies in the EIS.

Alternative alignments:

Give a comparison of the current proposed alignments to those considered in the 2002 *Primary Corridor Final Supplemental EIS* and explain significant differences.

Is alternative 4d the only one with a Waikiki spur? The lack of a Waikiki spur in the others should be fully explained in the alternatives section in the draft EIS.

Alfred Tanaka
December 6, 2005
Page 2

Hazardous Materials: In this section of the draft EIS include remediation measures.

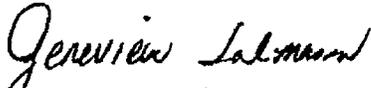
Permits and approvals: In the draft EIS be sure to include the status of each. For those yet to be filed, list the expected date of application.

Timeframe: What are the anticipated start and end dates of this project?

Funding: In the draft EIS disclose Federal, state and county funds involved or funding percentages from these sources.

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,



GENEVIEVE SALMONSON
Director

c: Mark Sheibe, Parson Brinckerhoff
David Pendleton, Office of the Governor

LINDA LINGLE
GOVERNOR



COMMISSION ON TRANSPORTATION
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

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PETE PASCUA
(BUTCH) BENSTEIN
GAIL YUH

97 MAY 3
A10:41

RECEIVED

May 2, 2007

Mr. Melvin N. Kaku
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Kaku,

Subject: Honolulu High-Capacity Transit Corridor Project

The future of Hawaii's mobility and economic sustainability is a concern to the members of the Commission on Transportation. Therefore, the Commission on Transportation recommends that the draft EIS for the Honolulu High-Capacity Transit Corridor Project include the entire transit corridor from West Kapolei to the University of Hawaii and Waikiki. We also recommend that the draft EIS include an alignment providing service to the Honolulu International Airport, Pearl Harbor and Hickam Airforce Base. We believe that a fixed guideway transit alignment serving the Honolulu Airport area would be advantageous due to the fact that Pearl Harbor and Hickam Airforce Base are major employment hubs.

The Commission also recommends that the draft EIS clearly and concisely disclose all costs including right-of-way acquisition for the entire transit corridor as well as the long-term operation costs to maintain a transit system. Finally, the Commission believes that the draft EIS should include an evaluation of traffic conditions and recommend measures to address traffic impact at all locations where proposed construction for the Honolulu's High-Capacity Transit Corridor Project intersects or affects the State highways system.

Thank you for your consideration.

Sincerely,


John Romanowski
Chair
Commission on Transportation

Cc: Barry Fukunaga
Brennon Morioka



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax (808) 973-2941

Mr. Darrell Sommerlatt
Environmental Scientist
Parsons Brinckerhoff, Inc.
American Savings Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, HI 96813

Dear Mr. Sommerlatt:

This letter responds to your March 26, 2008 letter regarding the proposed public transit improvements in a 23-mile travel corridor between Kapolei and the University of Hawaii at Manoa, and possibly to Waikiki, received by the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) on April 1, 2008. In your letter, you requested information on marine listed species and their designated critical habitats, as well as proposed and candidate species, and proposed critical habitat, that may occur within the proposed action area. We provide the following information under our statutory authorities under the Endangered Species Act of 1973 (ESA), as amended [16 U.S.C. §1531 *et seq.*] and the Marine Mammal Protection Act of 1972, as amended [16 U.S.C. 1361 *et seq.*].

Your letter stated that the City and County of Honolulu, Department of Transportation Services (DTS), in cooperation with the Federal Transit Administration, is proposing the transit improvements. Parsons Brinckerhoff, Inc., who is assisting DTS with this project, originally contacted us on March 30, 2006, for information on marine listed species. On April 12, 2006, we provided a complete list of all marine protected species under NMFS's jurisdiction that may occur in waters or shorelines around the project area. Due to the amount of elapsed time since that initial coordination, you have requested an updated list of marine protected species and their designated critical habitat that may occur within/near to the proposed action area.

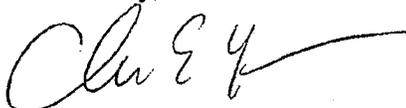
Based on the maps that you provided, the proposed transit route currently being analyzed in a draft environmental impact statement is entirely land-based. Portions of the proposed route and stations pass over numerous freshwater streams and occur near marine ecosystems, such as the Honolulu Harbor and the lochs of Pearl Harbor. However, it does not appear that any portions of the route will specifically transit over marine water. Therefore, no marine ESA-listed species under our jurisdiction occur in the project area. ESA-listed marine species do, however, occur in the waters surrounding the Island of Oahu. A complete list of Hawaii's marine protected species under NMFS's jurisdiction is enclosed for your review.



No additional marine species are proposed or are candidates for listing under the ESA at this time, and no critical habitat has been designated or proposed for any marine protected species around Oahu, Hawaii.

Thank you for working with NMFS to protect our nation's living marine resources. Should you have any other questions regarding this project or the consultation process, please contact Krista Graham on my staff at (808) 944-2238, or at the e-mail address Krista.Graham@noaa.gov. Please refer to consultation #: I-PI-08-671-CY.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris E. Yates", with a long horizontal flourish extending to the right.

Chris E. Yates
Assistant Regional Administrator
For Protected Resources

Enclosure

HAWAII MARINE PROTECTED SPECIES
National Marine Fisheries Service, Pacific Islands Regional Office

MARINE MAMMALS:

HAWAIIAN MONK SEAL	<i>Monachus schauinslandi</i>
HUMPBACK WHALE	<i>Megaptera novaeangliae</i>
SPERM WHALE	<i>Physeter macrocephalus</i>
BLUE WHALE	<i>Balaenoptera musculus</i>
FIN WHALE	<i>Balaenoptera physalus</i>
SEI WHALE	<i>Balaenoptera borealis</i>
NORTH PACIFIC RIGHT WHALE	<i>Eubalaena japonica</i>
COMMON DOLPHIN	<i>Delphinus delphis</i>
NORTHERN ELEPHANT SEAL	<i>Mirounga Angustirostris</i>
ROUGH-TOOTHED DOLPHIN	<i>Steno bredanensis</i>
RISSE'S DOLPHIN	<i>Grampus griseus</i>
BOTTLENOSE DOLPHIN	<i>Tursiops truncatus</i>
PANTROPICAL SPOTTED DOLPHIN	<i>Stenella attenuata</i>
SPINNER DOLPHIN	<i>Stenella longirostris</i>
STRIPED DOLPHIN	<i>Stenella coeruleoalba</i>
MELON-HEADED WHALE	<i>Peponocephala electra</i>
PYGMY KILLER WHALE	<i>Feresa attenuata</i>
FALSE KILLER WHALE	<i>Pseudorca crassidens</i>
KILLER WHALE	<i>Orcinus orca</i>
SHORT-FINNED PILOT WHALE	<i>Globicephala macrorhynchus</i>
BLAINVILLE'S BEAKED WHALE	<i>Mesoplodon densirostris</i>
CUVIER'S BEAKED WHALE	<i>Ziphius cavirostris</i>
PYGMY SPERM WHALE	<i>Kogia breviceps</i>
DWARF SPERM WHALE	<i>Kogia sima</i>
MINKE WHALE	<i>Balaenoptera acutorostrata</i>
BRYDE'S WHALE	<i>Balaenoptera edeni</i>
FRASER'S DOLPHIN	<i>Lagenodelphis hosei</i>

SEA TURTLES:

LEATHERBACK TURTLE	<i>Dermochelys coriacea</i>
HAWKSBILL TURTLE	<i>Eretmochelys imbricata</i>
GREEN TURTLE	<i>Chelonia mydas</i>
OLIVE RIDLEY TURTLE	<i>Lepidochelys olivacea</i>
LOGGERHEAD TURTLE	<i>Caretta caretta</i>

THREATENED
ENDANGERED

Last updated April 2008

Federal Protective Service

U.S. Department of Homeland Security
800 North Capitol Street, NW
Suite 500
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

The Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

Dear Senator Inouye:

On September 21, 2009, representatives from the Federal Protective Service (FPS) and the United States Marshals Service (USMS) met with a representative from your office to discuss the effect of the Honolulu Light Rail Project on security at the Prince-Jonah-Kuhio Kalamianaole (PJKK) Courthouse in Honolulu, Hawaii. This letter reflects the joint position of both FPS and USMS with respect to these concerns.

The Honolulu Light Rail Project has been in the planning stages since at least 2004. Approximately 20 miles of rail will be installed on a line of concrete pillars rising 45 feet above ground. The route includes the rail running along Halekauwila Street adjacent to the U.S. Courthouse and PJKK Federal Building. There will be no station along this section of the rail. The trains will only pass by this area, and this route will not infringe on the federal property line with the closest point to the Courthouse being no less than 50 feet away. However, the concern raised is that the elevation of the light rail is adjacent to offices housing sensitive staff in the Courthouse.

It is the position of both FPS and USMS that the proposed light rail on Halekauwila Street does not pose any additional threat to the Courthouse beyond that of surface traffic. Although additional countermeasures are not required, the City of Honolulu has offered to install several additional security measures to address concerns associated with sensitive staff.

FPS and USMS will coordinate with the City of Honolulu to facilitate the installation of security measures. Representatives who have decision-making authority for FPS and USMS are as follows:

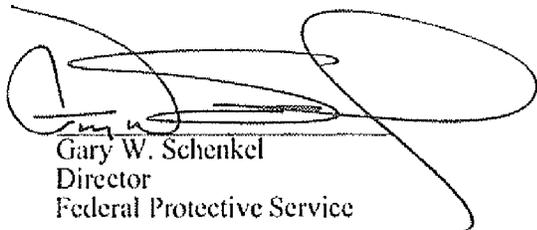
Federal Protective Service
Ralph McNamara, Regional Director
Federal Protective Service
Telephone: (415) 522-3449
Email: Ralph.mcnamara@dhs.gov

United States Marshals Service
David Hubbuch, Chief
Office of Security Systems
Telephone: 202.305.9530
Email: Dave.Hubbuch@usdoj.gov

SUBJECT: Joint Position on Effect of the Honolulu Light Rail Project on Security of the Prince-Jonah Kuhio Kalaniana'ole (PJKK) Courthouse
Page 2

We appreciate your patience and willingness to collaboratively work towards a solution that will meet the security requirements for this important facility. Please feel free to contact us if you require any additional assistance.

Sincerely,



Gary W. Schenkel
Director
Federal Protective Service

Michael J. Prout
Assistant Director, Judicial Security
U.S. Marshals Service

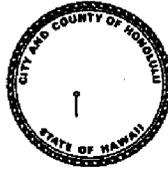
Section 106 Consulting Agencies

Consulting Party Meetings

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUF1 HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323201

Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, D.C. 20004

Dear Ms. Semmer:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

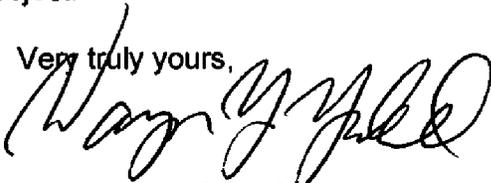
We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Ms. Blythe Semmer, Program Analyst
Page 2
July 14, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322902

AIA Honolulu
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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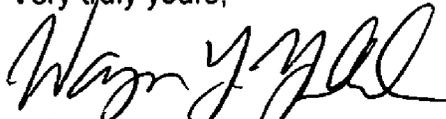
AIA Honolulu
Page 2
July 13, 2009

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Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322905

Association of Hawaiian Civic Clubs
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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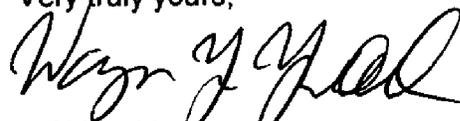
Association of Hawaiian Civic Clubs
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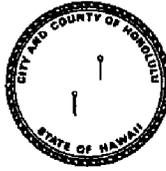
WAYNE Y. YOSHIOKA
Director

Attachment

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CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 98813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322901

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
P.O. Box 700007
Kapolei, Hawaii 96709

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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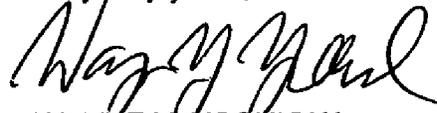
Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
Page 2
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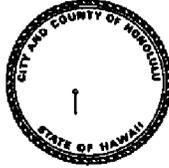
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322904

Alii Pauahi Hawaiian Civic Club
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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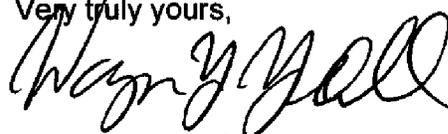
Alii Pauahi Hawaiian Civic Club
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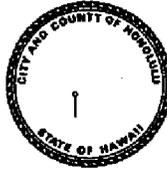
WAYNE Y. YOSHIOKA
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Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322909

Hawaiian Civic Club of Ewa-Puuloa
91-221 Keaalii Way
Ewa Beach, Hawaii 96706

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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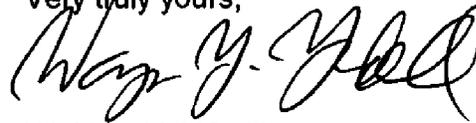
Hawaiian Civic Club of Ewa-Puuloa
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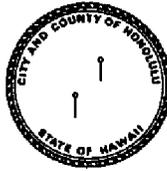
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CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322910

Hawaiian Civic Club of Honolulu
P.O. Box 1513
Honolulu, Hawaii 96806

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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Hawaiian Civic Club of Honolulu
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WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322915

Ka Lei Maile Alii Hawaiian Civic Club
45-659 Lahiehu Street
Kaneohe, Hawaii 96744

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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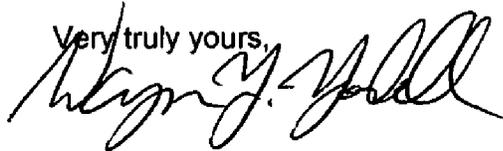
Ka Lei Maile Alii Hawaiian Civic Club
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Director

Attachment

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CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YDSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322916

Kalihi-Palama Hawaiian Civic Club
94-223 Kupuna Loop
Honolulu, Hawaii 96797

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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Kalihi-Palama Hawaiian Civic Club
Page 2
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Attachment

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CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322917

King Kamehameha Hawaiian Civic Club
98-505 Kaamilo Street
Aiea, Hawaii 96701

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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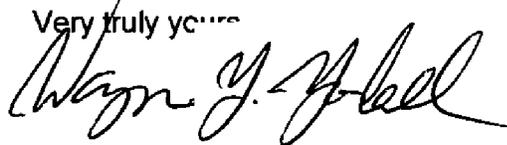
King Kamehameha Hawaiian Civic Club
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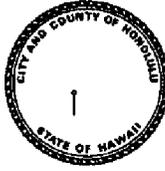
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322919

Merchant Street Hawaiian Civic Club
2031 Haalelea Place
Honolulu, Hawaii 96813

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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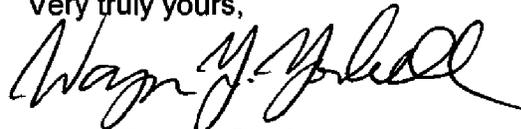
Merchant Street Hawaiian Civic Club
Page 2
July 13, 2009

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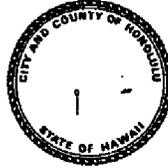
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIDKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322920

Nanaikapono Hawaiian Civic Club
89-137 Nanakuli Avenue
Waianae, Hawaii 96792

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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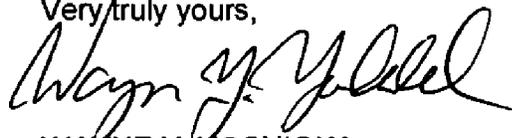
Nanaikapono Hawaiian Civic Club
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July 13, 2009

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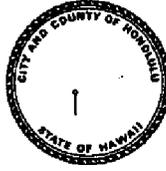
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322924

Pearl Harbor Hawaiian Civic Club
P.O. Box 66
Aiea, Hawaii 96701

Dear Sir or Madam:

Subject: **Honolulu High-Capacity Transit Corridor Project**
Section 106 Mitigation/Programmatic Agreement Discussion

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Pearl Harbor Hawaiian Civic Club
Page 2
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WAYNE Y. YOSHIOKA
Director

Attachment

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CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322925

Prince Kuhio Hawaiian Civic Club
P.O. Box 4278
Honolulu, Hawai'i 96812

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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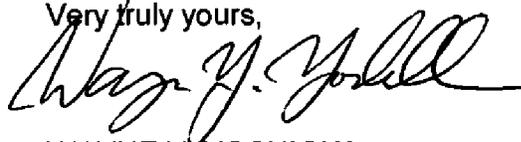
Prince Kuhio Hawaiian Civic Club
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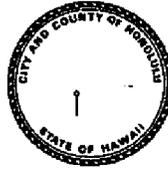
WAYNE Y. YOSHIOKA
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Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322926

Princess Kaiulani Hawaiian Civic Club
2072 Alewa Drive
Honolulu, Hawaii 96817

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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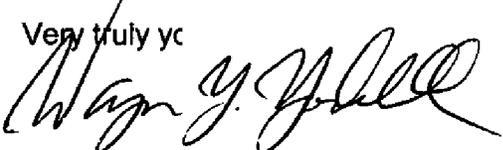
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Princess Kaiulani Hawaiian Civic Club
Page 2
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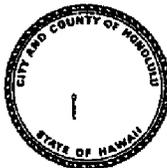
Very truly yours

WAYNE Y. [unclear]
Director

Attachment

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CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone (808) 788-8305 • Fax (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THDM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322927

Royal Order of Kamehameha I
P.O. Box 1924
Kailua-Kona, Hawaii 96745

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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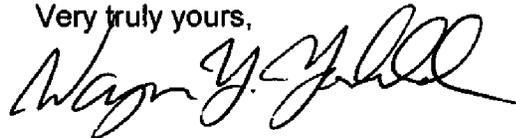
Royal Order of Kamehameha I
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July 13, 2009

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Director

Attachment

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CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322911

Hawaiian Civic Club of Wahiawa
931 Peach Street
Honolulu, Hawaii 96786

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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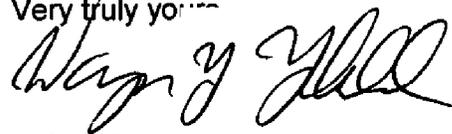
Hawaiian Civic Club of Wahiawa
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WAYNE Y. Y. I.
Director

Attachment

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CITY AND COUNTY OF HONOLULU

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Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322930

Waianae Hawaiian Civic Club
P.O. Box 687
Waianae, Hawaii 96792

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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Waianae Hawaiian Civic Club
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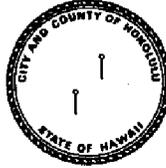
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CITY AND COUNTY OF HONOLULU

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Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322932

Waikiki Hawaiian Civic Club
2847 Waialae Avenue, #509
Honolulu, Hawaii 96826

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**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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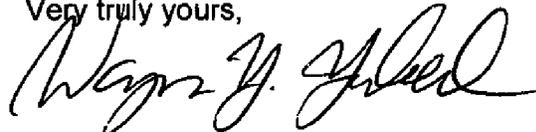
Waikiki Hawaiian Civic Club
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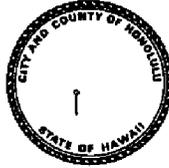
WAYNE Y. YOSHIOKA
Director

Attachment

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CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323211

Ms. Elizabeth S. Merritt, Deputy General Counsel
National Trust for Historic Preservation
1785 Massachusetts Avenue, NW
Washington, D.C. 20036-2117

Dear Ms. Merritt:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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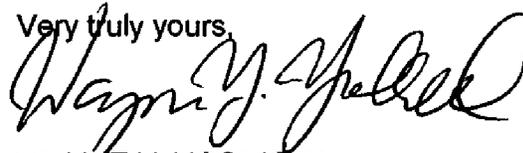
Ms. Elizabeth S. Merritt
Page 2
July 14, 2009

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Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

WAYNE Y. YOSHIOKA
Director

Attachment

cc: Mr. Brian R. Turner, Legal Fellow
Mr. Ted Matley, FTA Region IX

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322912

Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
680 Iwilei Road, Suite 690
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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Ms. Kiersten Faulkner, Executive Director
Page 2
July 13, 2009

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Very truly yours



WAYNE Y. YOSHIOKA
Director

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322914

Hui Malama I Na Kupuna O Hawaii Nei
P.O. Box 365
Hoolehua, Hawaii 96729

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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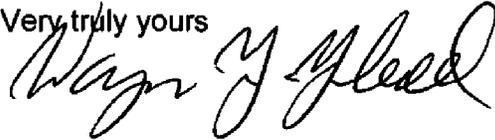
Hui Malama I Na Kupuna O Hawaii Nei
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WAYNE Y. YOSHIOKA
Director

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322908

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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Mr. Anthony Ching, Executive Director
Page 2
July 13, 2009

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WAYNE Y. YOSHIOKA
Director

Attachment

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322923

Mr. Mark Kawika McKeague, Chairperson
Oahu Island Burial Council
State Historic Preservation Division
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Mr. McKeague:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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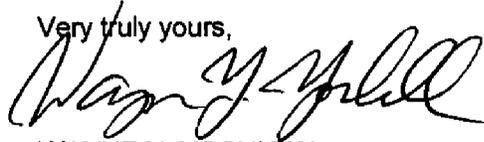
Mr. Mark Kawika McKeague, Chairperson
Page 2
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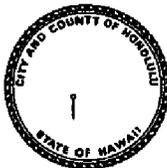
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU HAWAII 98813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322922

Mr. Clyde Namuo, Executive Director
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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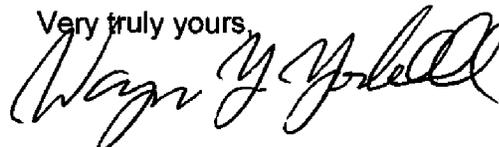
Mr. Clyde Namuo, Executive Director
Page 2
July 13, 2009

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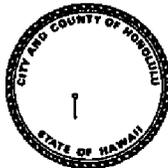
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322913

The Honorable Laura Thielen
State Historic Preservation Officer
Historic Preservation Division
Department of Land & Natural Resources
State of Hawaii
601 Kamokila Boulevard, Suite 555
Kakuhihewa Building
Kapolei, Hawaii 96707

Attention: Dr. Pua Aiu, SHPD Administrator

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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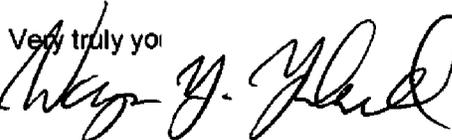
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The Honorable Laura Thielen
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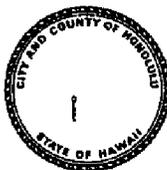
WAYNE Y. YOSHIOKA
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Attachment

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CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THDM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322927

Royal Order of Kamehameha I
P.O. Box 1924
Kailua-Kona, Hawaii 96745

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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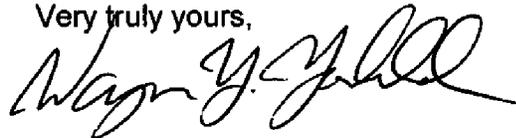
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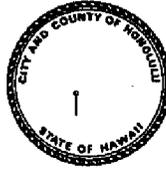
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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322928

The Ahahui Kaahumanu
58 Old Pali Place
Honolulu, Hawaii 96817

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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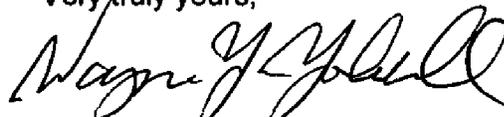
The Ahahui Kaahumanu
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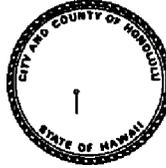
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322907

The Hale O Na Alii O Hawaii
P.O. Box 15704
Honolulu, Hawaii 96804

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

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The Hale O Na Alii O Hawaii
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours.

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322906

The Daughters & Sons of the Hawaiian Warriors
928 9th Avenue
Honolulu, Hawaii 96816

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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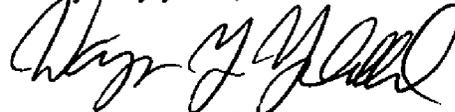
The Daughters & Sons of the Hawaiian Warriors
Page 2
July 13, 2009

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We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322921

Commanding Officer Rick Kitchens
Department of the Navy
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Commander Lore Aguayo

Dear Commanding Officer Kitchens:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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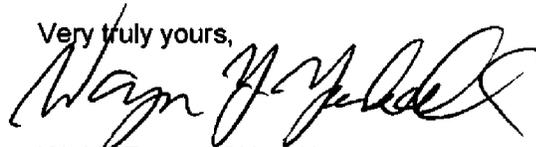
Commanding Officer Rick Kitchens
Page 2
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WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322929

University of Hawaii
Department of American Studies
Historic Preservation Certificate Program
1890 East-West Road, Moore Hall 324
Honolulu, Hawaii 96822

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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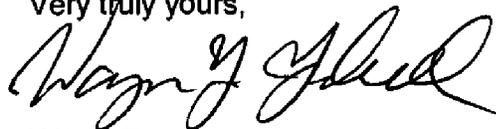
University of Hawaii
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Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with a large, sweeping flourish at the end.

WAYNE Y. YOSHIOKA
Director

Attachment

From: Assum-Dahleen, Laura
Sent: Monday, August 03, 2009 12:18 PM
To: 'Elaine_Jackson-Retondo@npd.gov'; 'Nancy.A.McMahon@hawaii.gov';
'Susan.Y.Tasaki@hawaii.gov'; 'BSemmer@achp.gov'; 'Brian_Turner@nthp.org';
'Elizabeth_Merritt@nthp.org'; 'amy@aiahoholulu.org'; 'katie@historichawaii.org';
'keabad@ksbe.edu'; 'keola@oha.org'; 'sherry_campagna@hotmail.com'; 'jeff@jn-architects.com';
'ccampa1@msn.com'; 'kiersten@historichawaii.org'; 'deepak@hcdaweb.org'
Cc: Spurgeon, Lawrence; 'Miyamoto, Faith'
Subject: HHCTCP Consulting Parties Meetings

Dear HHCTCP Consulting Parties:

Thank you for attending the meeting on July 28, 2009. We appreciate your input as we develop the Programmatic Agreement. We are working this week to review, consider, and investigate all of your comments and believe that keeping our planned meeting time for August 4, 2009, would prove helpful as we revise the PA. We will look forward to seeing you at the Laniakea YWCA at 9am, as indicated on your initial invitation. We will have an improved phone system for those who will have to call in to the meeting. The call-in number will remain 1-888-742-8686, Confirmation ID 3784294.

We would also like to invite you to a third meeting in this series, to be held on Tuesday, August 11 from 10am-11am at the PB Americas Office, 1001 Bishop Street, Suite 2400. Please note the change in location and time. Again, the call-in number will remain the same as that given above.

We look forward to seeing you there.

From: Hinaleimoana Falemei [taahine.hina@gmail.com]
Sent: Saturday, August 29, 2009 2:28 AM
To: Assum-Dahleen, Laura
Cc: Blythe Semmer; amy@aiahonolulu.org; Jeff; aspencer@hawaii.edu; deepak@hcdaweb.org; katie@historichawaii.org; Kiersten Faulkner; malamapono@aol.com; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Brian_Turner@nthp.org; Betsy Merritt; Kawika McKeague; Kehau Abad; keolal@oha.org; chazinhawaii@aol.com; Sherry Campagna; Nancy.A.McMahon@hawaii.gov; Faith Miyamoto (Honolulu DTS; Spurgeon, Lawrence; Zaref, Amy; Hogan, Steven; Nalani E. Dahl; Roberts, Stephanie L; aaronmahi@aol.com; akeliikoa@hbws.org; Alice Greenwood; bridgesc@polynesia.com; kehaulanikruse@msn.com; shad kane; Kawika McKeague; Leimaile Quitevis
Subject: Re: Draft Programmatic Agreement 082809

AUE NO KA HOI E NO KA PALANAIO NO HOI O IA ANO PALAPALA OPALA PALAHE A PALAHU WALE AKU! O AU NEI UA HELUHELU AU I NEIA OPALA NEI A AOHE OU PILIWI I KEIA ANO O KA HANA WAI LEPO MAI IA KAKOU POE OIWI O KEIA AINA NEI O KAKOU! AUHEA OUKOU O NA KUPUNA O KAKOU? O LONO IA AKULA KE KANI KUPINAI O NEIA WAHI LEO OU I KE HEAHEA ANA AKU I KE KOKUA NO IA MEA O KA HANA LAPUWALE A KA POE O KA FTA ME KA CITY&COUNTY ME KA DEFACTO STATE MA O O KA SHPO/SHPD~! NA WAI LA I HAAWI AKU IA LAKOU KA MANA MA LUNA NOHOI O KO KAKOU AINA HANAU ALOHA? O KEIA NO KE KUMU AOHE OU MAHALO, AOHE OU ALOHA NO KO KAKOU NOHO MA LALO O KA "MALU" O KO AMELIKA PONO, OIA HOI MA LALO PONO O KA AMO PUKA O KO AMELIKA HAE EIPA NOHOI! PILAU KA HOI KA HANA A HE HOOPAU MANAWA NOHOI KA HUI HALAWAI MAU ME UA POE AKULA ME KA MANAOLANA E LOHE IA ANA KO KAKOU MAU KULEANA I HAPAI AKU AI A I MANAO HOI KAKOU E MALAMA IA ANA NO ME KA MAIKAI A EIA HOI HE PALA KUKAE WALE NO KA HOI IA. AUE HOI KA HOOPAI MIMI, KA HOOPAI LUA, KA HOOPAI KIO KA HANA O KEIA POE HOOWALEWALE, HOOWAHAWAHA, HOOAUHEE IA KAKOU POE KUPA O KA AINA. LAPUWALE KA HOI UA HANA MALU HANA KOLOHE NEI! HE POE IHEPA NO KA HOI O LAKOU APAULO A E NOONOO NEI HE PONO A HE MAIKAI NO KA HOLOMUA O KO KAKOU KAIAULU! AOHE OU HILINAI KEKAHI I KA SHPO PALAUALELO! PEIA NOHOI ME MUHEE MA MALALO ONA! TSA! EEEUUUUWEEE KA HAUNA O IA ANO MEA NEI MEHE MEA LA E HE PONO A HE MAIKAI NO HOI! HIO A MAHAOI, PONOOLE E! MAHEA LA O KA HAPA NUI O NA MAU MANAO I HAPAI IA AKULA? MA HEA LA O KELA KA MAKOU I KUKA MUA AI? NO KA NELE KA HOI! NO KE ALANAIO NOHOI! KA MANAWA I HOOPAU IA? E PONO E HOOMAU A E MALAMA MAIKAI I KO KAKOU MAU KULEANA...HE MEA OLE KE KALA, HE MEA OLE KA MAKEMAKE O NA MALIIHINI KIPA MAI ME OLE KAHU LEO KONO...E OLA MAU KO KAKOU HOOILINA A OLA HOI KELA POE HAPAI LAHO E IMIHANA NEI I KO KAKOU NEI AINA ALOHA!

TSA! AUE KE ALOHA OLE. AUHEA OUKOU E KUU MAU HOA O NA MAMAKA KAUA NO KA PONO O NA IWI KUPUNA O KAKOU? PEHEA KO OUKOU MANAO NO KEIA ANO PALAPALA OPALA O KA P.A.?

hinaleimoana falemei

On Fri, Aug 28, 2009 at 3:05 PM, Assum-Dahleen, Laura <Dahleen@pbworld.com> wrote:

Aloha Section 106 Consulting Parties!

The attached Draft Programmatic Agreement incorporates comments from the August 4 meeting and subsequent input from the SHPD and ACHP.

Mahalo!

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Assum-Dahleen, Laura
Sent: Wednesday, September 02, 2009 1:04 PM
To: 'Blythe Semmer'; 'amy@aiahonolulu.org'; 'Jeff'; 'aspencer@hawaii.edu'; 'deepak@hcdaweb.org'; 'katie@historichawaii.org'; 'Kiersten Faulkner'; 'malamapono@aol.com'; 'frank_hays@nps.gov'; 'Elaine_Jackson-Retondo@nps.gov'; 'Brian_Turner@nthp.org'; 'Betsy Merritt'; 'Hinaleimoana Falemei'; 'Kawika McKeague'; 'Kehau Abad'; 'keolal@oha.org'; 'chazinhawaii@aol.com'; 'Sherry Campagna'; 'Nancy.A.McMahon@hawaii.gov'; 'pua.aiu@hawaii.gov'; 'Susan.Y.Tasaki@hawaii.gov'; 'john.muraoka@navy.mil'; 'pamela.takara@navy.mil'; 'Faith Miyamoto (Honolulu DTS)'; Foell, Stephanie; Hogan, Steven; 'Leland Chang'; 'Nalani E. Dahl'; Zaref, Amy; 'Judy Aranda'; Zaref, Amy; 'james.barr@fta.dot.gov'
Cc: 'rtam1@honolulu.gov'; 'bnagao@honolulu.gov'; 'kpatterson@honolulu.gov'; Hogan, Steven; Spurgeon, Lawrence; 'Faith Miyamoto (Honolulu DTS)'
Subject: Section 106 Meeting updated Sep 3

Aloha!

As discussed, the next Section 106 Meeting will be tomorrow at 8 am to 10 am (HST) at the ASB Tower, PB offices, 24th floor.

Telephone Access: 1-888-742-8686, Conference ID 3784294

Mahalo!

From: Katie Kastner [Katie@historichawaii.org]
Sent: Friday, September 04, 2009 8:43 AM
To: Assum-Dahleen, Laura; 'Blythe Semmer'; amy@aiahonolulu.org; 'Jeff'; aspencer@hawaii.edu; deepak@hcdaweb.org; 'Kiersten Faulkner'; malamapono@aol.com; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Brian_Turner@nthp.org; 'Betsy Merritt'; 'Hinaleimoana Falemei'; 'Kawika McKeague'; 'Kehau Abad'; keolal@oha.org; chazinhawaii@aol.com; 'Sherry Campagna'; Nancy.A.McMahon@hawaii.gov; pua.aiu@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Faith Miyamoto (Honolulu DTS)'; Foell, Stephanie; Hogan, Steven; 'Leland Chang'; 'Nalani E. Dahl'; Zaref, Amy; 'Judy Aranda'; Zaref, Amy; james.barr@fta.dot.gov; rtam1@honolulu.gov; bnagao@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Spurgeon, Lawrence; 'Faith Miyamoto (Honolulu DTS)'
Subject: Letters Addressing Concerns Regarding Cumulative Impacts

Dear All:

At the transit corridor consulting parties meeting on September 3, 2009 members of the transit team stated that no one has brought up the issue of the cumulative impacts of the transit project until just recently. Historic Hawai'i Foundation (HHF) offers the following excerpts from our previous letters and letters from other organizations in which we voiced our concerns regarding the cumulative impacts of the transit project on the landscape of O'ahu over the past year.

September 15, 2008, Letter from HHF to Mr. Wayne Yoshioka, Director, Department of Transportation Services:

“...the cumulative effect to the collective historic resources is greater than the sum of impacts to individual parcels. The scale of the project is such that it will irreparably change both the rural and urban landscapes through which it passes. The overall effect on the entire corridor should be acknowledged.”

September 26, 2008, Letter from Ms. Nancy McMahon, Deputy State Historic Preservation Officer to Mr. Wayne Yoshioka, Director, Department of Transportation Services:

“...we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including viewsheds ma kai to ma uka, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation.”

October 6, 2008, Letter from the National Trust for Historic Preservation to Mr. Wayne Yoshioka, Director, Department of Transportation Services:

“...given the magnitude of the undertaking, it is improper to assess effects solely on a parcel by parcel basis. Rather, it is essential that indirect, secondary, and cumulative effects be taken into account in a more holistic manner.”

December 10, 2008, Letter from HHF to Mr. Wayne Yoshioka, Director, Department of Transportation Services:

“The proposed Honolulu Transit Corridor project will have a dramatic impact on the landscape of the island of O'ahu; this includes not only the direct impact to specific parcels, but primarily the visual

effect on the landscape and historic resources. HHF is concerned that the draft EIS does not accurately take into account these larger impacts, but rather focuses on those adverse effects caused by the direct taking of land.”

June 22, 2009, Letter from Mr. Wayne Yoshioka, Director, Department of Transportation Services to Ms. Nancy McMahon, Deputy State Historic Preservation Officer:

“...the project team has determined that the undertaking as a whole has an adverse effect.”

Katie Kastner
Director of Field Services
Historic Hawaii Foundation
808 523-2900
katie@historichawaii.org

Field Representative in Partnership with the National Trust for Historic Preservation

■■■■[Sign up for Historic Hawai'i Foundation's Email Newsletter](#)

From: Assum-Dahleen, Laura
Sent: Thursday, September 10, 2009 4:51 PM
To: 'Jeff'; 'Amy Blagriff'; 'aspencer@hawaii.edu'; 'Kiersten Faulkner'; 'katie@historichawaii.org'; 'Kawika McKeague'; 'chazinhawaii@aol.com'; 'Sherry Campagna'; 'frank_hays@nps.gov'; 'Elaine_Jackson-Retondo@nps.gov'; 'Melia_Lane-Kamahale@nps.gov'; 'Hinaleimoana Falemei'; 'Kehau Abad'; 'pua.aiu@hawaii.gov'; 'Nancy.A.McMahon@hawaii.gov'; 'Susan.Y.Tasaki@hawaii.gov'; 'Blythe Semmer'; 'theodore.matley@fta.dot.gov'; 'james.barr@fta.dot.gov'; 'deepak@hcdaweb.org'; 'keolal@oha.org'; 'malamapono@aol.com'; 'Brian_Turner@nthp.org'; 'Elizabeth_Merritt@nthp.org'; 'john.muraoka@navy.mil'; 'pamela.takara@navy.mil'; 'tware@honolulu.gov'; 'ksokugawa@honolulu.gov'; 'mmcdermott@culturalsurveys.com'; 'hhammatt@culturalsurveys.com'
Cc: Spurgeon, Lawrence; 'Faith Miyamoto (Honolulu DTS)'; Hogan, Steven; Zaref, Amy; Roberts, Stephanie L; 'N Dahl'; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'; 'Judy Aranda'; 'Susan Robbins'
Subject: Section 106 Consulting Parties PA Meeting

Aloha 106 consulting parties,

Our next meeting is tomorrow, September 11, 2009, 8:30 to 11:30 Honolulu time, We'll be meeting at the same location and phone number that we used this week. 1001 Bishop Street, Suite 2400.

Attached are the handout for tomorrow's meeting as follows:

Agenda
Draft PA City & County Ordinance 09-4

Phone 1-888-742-8686
ID: 3784294

Mahalo for your participation and cooperation!

From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Monday, September 14, 2009 1:18 PM
To: Assum-Dahleen, Laura
Cc: Melia_Lane-Kamahele@nps.gov; Amy Blagriff; Brian_Turner@nthp.org; Blythe Semmer; chazinhawaii@aol.com; deepak@hcdaweb.org; Elaine_Jackson-Retondo@nps.gov; Elizabeth_Merritt@nthp.org; frank_hays@nps.gov; hhammatt@culturalsurveys.com; james.barr@fta.dot.gov; Jeff; john.muraoka@navy.mil; katie@historichawaii.org; Kawika McKeague; Kehau Abad; keolal@oha.org; Kiersten Faulkner; Sokugawa, Kathy K.; lani@aukahi.com; malamapono@aol.com; mmcdermott@culturalsurveys.com; Nancy.A.McMahon@hawaii.gov; pamela.takara@navy.mil; pua.aiu@hawaii.gov; Sherry Campagna; Susan.Y.Tasaki@hawaii.gov; Hinaleimoana Falemei; theodore.matley@fta.dot.gov; Ware, Terrance; "Faith Miyamoto (Honolulu DTS)"@nps.gov
Subject: Re: Programmatic Agreement revisions and proposed stipulations

It is not reasonable to request us to give you any required changes or revisions with such a very short deadline particularly when we are three meetings behind in the minutes of the meetings. I would propose that the meetings minutes be sent to everyone by tomorrow and then we bring the preliminary revisions to the next meeting. Spencer Leineweber

On Mon, Sep 14, 2009 at 12:49 PM, <Melia_Lane-Kamahele@nps.gov> wrote:

Laura, would you please transmit the official meeting minutes for the past three PA meetings to all parties? We have not received any notes from any of the sessions and they would help all of us frame our potential proposed stips or revisions - thanks, melia.

M. Melia Lane-Kamahele
Management Assistant, PWRH
National Park Service
Pacific West Region, Honolulu Office
300 Ala Moana Boulevard, Box 50165, Room 6-226
Honolulu, Hawaii 96850
(808)541-2693 x729 voice
(808)541-3696 fax

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"Assum-Dahleen,

Laura"
 <Dahleen@pbworld.com> To
 Jeff <jeff@jn-architects.com>, Amy
 Blagriff <amy@aiahonolulu.org>,
 09/14/2009 12:24 <aspencer@hawaii.edu>, Kiersten
 PM Faulkner
 <Kiersten@historichawaii.org>,
 <katie@historichawaii.org>,
 <chazinhawaii@aol.com>, Sherry
 Campagna
 <sherry_campagna@hotmail.com>,
 <frank_hays@nps.gov>,
 <Elaine Jackson -Retondo@nps.gov>,
 <Melia Lane -Kamahele@nps.gov>,
 Hialeimoana Falemei
 <taahine.hina@gmail.com>, Kehau
 Abad <keabad@ksbe.edu>, Kawika
 McKeague <kawikam@hawaii.rr.com>,
 <pua.aiu@hawaii.gov>,
 <Nancy.A.McMahon@hawaii.gov>,
 <Susan.Y.Tasaki@hawaii.gov>, Blythe
 Semmer <bsemmer@achp.gov>,
 <theodore.matley@fta.dot.gov>,
 <james.barr@fta.dot.gov>,
 <deepak@hcdaweb.org>,
 <keolal@oha.org>,
 <malamapon@aol.com>,
 <lani@aukahi.com>,
 <Brian_Turner@nthp.org>,
 <Elizabeth_Merritt@nthp.org>,
 <john.muraoka@navy.mil>,
 <pamela.takara@navy.mil>, "Ware,
 Terrance" <tware@honolulu.gov>,
 "Sokugawa, Kathy K."
 <ksokugawa@honolulu.gov>,
 <mmcdermott@culturalsurveys.com>,
 <hhamatt@culturalsurveys.com>
 cc
 "Faith Miyamoto (Honolulu DTS)"
 Subject
 Programmatic Agreement revisions
 and proposed stipulations

Aloha Section 106 Consulting Parties!

In preparation for next week's Section 106 Consulting Parties meeting, proposed stipulations or any revisions to the draft Programmatic Agreement (PA) are requested by tomorrow, September 15, 2009. A new draft PA will then be transmitted on Thursday, September 17, 2009 to the consulting parties. This draft will be discussed at the Monday, September 21, 2009 meeting. Your continuing efforts in this matter are greatly appreciated. Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

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From: Kehau Abad [keabad@ksbe.edu]
Sent: Monday, September 14, 2009 5:58 PM
To: Assum-Dahleen, Laura; Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinalaimoana Falemei; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: Faith Miyamoto (Honolulu DTS; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie
Subject: RE: Programmatic Agreement revisions and proposed stipulations

Aloha no kakou,

For months now the OIBC has been anticipating a written response from the FTA regarding our and the City's request to have the OIBC included as an invited signatory to the PA. In the September 11 meeting, we further voiced our specific interest in the FTA's legal analysis of its verbal assertion that the OIBC does not have the standing to be an invited signatory to the PA. We continue to look forward to receiving the FTA's correspondence.

We also feel that receipt of the meeting minutes is critical to our productive participation in the PA consultations. While we have our own notes to rely upon, we would appreciate seeing how those holding the consultation are interpreting the discussions. If we might receive such minutes, we would be most appreciative.

We further believe that a crucial unanswered question must be addressed before we can offer appropriate suggestions to improve the PA: How, if at all, is the PA addressing the FTA's Section 4f responsibilities? This question was asked a few times at the September 11 meeting but was not answered. Without an answer to this question, we are unable to respond to the request for suggested amendments to the draft PA.

Respectfully,
Kehau Abad
OIBC member

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 14, 2009 12:25 PM
To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinalaimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: Faith Miyamoto (Honolulu DTS; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie

Subject: Programmatic Agreement revisions and proposed stipulations

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Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

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From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Tuesday, September 15, 2009 4:33 PM
To: Assum-Dahleen, Laura; 'Jeff'; 'Amy Blagriff'; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; 'Sherry Campagna'; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; 'Hinaleimoana Falemei'; 'Kehau Abad'; 'Kawika McKeague'; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; 'Blythe Semmer'; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: 'Faith Miyamoto (Honolulu DTS)'; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; 'Judy Aranda'; Foell, Stephanie
Subject: RE: Programmatic Agreement revisions and proposed stipulations

Aloha,

Historic Hawai'i Foundation welcomes the opportunity to propose stipulations and revisions to the draft Programmatic Agreement. We will provide those to the parties prior to the next meeting, with the intent to complete them within the next day. We are making this effort despite the unreasonably short timeframe imposed by the transit team, and we note that the transit team has even missed its own self-imposed deadlines, namely to provide the meeting minutes by last Friday. However, we look forward to proposing additional mitigation measures to address the adverse effects and having a full discussion about the ideas.

Best,

Kiersten Faulkner
Historic Hawai'i Foundation

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 14, 2009 12:25 PM
To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinaleimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: Faith Miyamoto (Honolulu DTS); Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie
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Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

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From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Tuesday, September 15, 2009 4:53 PM
To: James.Barr@dot.gov; keabad@ksbe.edu
Cc: fmiyamoto@co.honolulu.hi.us; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Aranda@infraconsultllc.com; Foell, Stephanie; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; bsemmer@achp.gov; Ted.Matley@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugawa@honolulu.gov; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; Raymond.Sukys@dot.gov; Carl.Bausch@dot.gov; Joseph.Ossi@dot.gov
Subject: Honolulu Transit 4F processes

Mr. Barr:

Thank you for copying Historic Hawai'i Foundation on your email to Ms. Abad about the FTA's 4(f) responsibilities related to the Honolulu Rapid Transit undertaking.

In your message, you refer to the determinations of effect on historic properties contained in the draft environmental impact statement, and state that, "For historic sites, a *de minimis* impact means that FTA has determined (in accordance with 36 CFR Part 800) that either no historic property is affected by the project or that the project will have "no adverse effect" on the historic property."

It is important to note that the list of adverse effects in the DEIS were preliminary. The list in Chapter 5 of the DEIS is inconsistent with the current determinations being discussed as part of the Section 106 consultation. The current list is much more complete, and includes effects on the Chinatown Historic District, the Merchant Street Historic District, the Pearl Harbor NHL, and 30 other historic properties.

Since, as you state, "For historic sites, a *de minimis* impact means that FTA has determined (in accordance with 36 CFR Part 800) that either no historic property is affected by the project or that the project will have "no adverse effect" on the historic property," and, in fact, FTA did determine that there will be "adverse effect" on 33 historic properties, a "de minimis" finding is not applicable in this case. Therefore, it is inappropriate to use this provision to attempt to avoid the analysis of feasible and prudent alternatives.

Further, it is important to remember that whereas Section 106 is concerned with adverse effects, 4(f) is concerned with use and the two are not interchangeable. A use may occur from proximity impacts of a transportation project on a section 4(f) property, even without acquisition, including if impacts such as noise, access restrictions, vibration, ecological intrusions, and visual impacts are so great that the purposes of the property are substantially impaired.

We also take note of provisions related to "late discovery," which refers to the discovery of a Section 4 (f) resource after the NEPA or location approval. Be aware that, depending on the particular resources

and uses involved in the project, the preferred alternative prior to the late discovery may change. If a late discovery occurs, a supplemental or revised Section 4(f) evaluation is likely to be required. The findings of the coordination and documentation may result in changes to the construction plans, including the selection of a new alternative. Failure to make such changes, or to undertake proper coordination and provide documentation, could result in Section 4(f) use. It would be prudent to take every precaution to avoid this type of use, since it may cause considerable disruption to a project schedule.

Very truly yours,

Kiersten Faulkner

Historic Hawai'i Foundation

From: James.Barr@dot.gov [mailto:James.Barr@dot.gov]

Sent: Tuesday, September 15, 2009 9:25 AM

To: keabad@ksbe.edu

Cc: fmiyamoto@co.honolulu.hi.us; Spurgeon@pbworld.com; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan@pbworld.com; Aranda@infraconsultllc.com; Foell@pbworld.com; Dahleen@pbworld.com; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; Kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; bsemmer@achp.gov; Ted.Matley@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamelatakara@navy.mil; tware@honolulu.gov; ksokugawa@honolulu.gov; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; Raymond.Sukys@dot.gov; Carl.Bausch@dot.gov; Joseph.Ossi@dot.gov

Subject: RE: Programmatic Agreement revisions and proposed stipulations

Kehau:

Please allow me to explain FTA's 4(f) responsibilities. The Department of Transportation Act of 1966 included an environmental provision (Section 4(f)) that had a major impact on highway and transit projects. (see 23 CFR 771.135)

Section 4(f) stated:

The Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. To use a Section 4(f) resource, Federal officials must find that alternatives to doing so present unique problems or unusual factors or that the cost, environmental impacts, or community disruption would reach extraordinary magnitude. Any potential adverse impacts on a Section 4(f) resource, as well as possible uses, are formally documented during review of the project under the National

Environmental Policy Act of 1969.

For a complete evaluation of project related 4(f) uses and impacts please see Chapter 05 of the Honolulu High Capacity Transit Corridor Project, DEIS and section 4(f) Evaluation (November 2008). This evaluation is currently being updated and discussed internally in the administrative draft of the project FEIS. You will find elements of this evaluation in the Draft Programmatic Agreement.

Recent SAFETEA-LU amendments modified considerations for section 4(f). For publicly owned public parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact may be found. A *de minimis* impact is one that will not adversely affect the activities, features, or attributes of the property. For historic sites, a *de minimis* impact means that FTA has determined (in accordance with 36 CFR Part 800) that either no historic property is affected by the project or that the project will have "no adverse effect" on the historic property.

A *de minimis* impact determination does not require analysis to determine if avoidance alternatives are feasible and prudent, but consideration of avoidance, minimization, mitigation or enhancement measures should occur. There are certain minimum coordination steps that are also necessary. We at FTA believe that we have completed these steps. A preliminary list of *de minimis* impacts can be found in a table on page 5-6 of the project DEIS.

If OIBC believes that FTA is not meeting its requirements under Section 4(f), we welcome your input by discussing proposed stipulations in the Draft PA that would meet those requirements.

We agree that circulating meeting minutes to all participants would be beneficial, and we are working on that. An official response to OIBC's request for signatory status will be immediately forthcoming.

Thank you;

Jim Barr

From: Kehau Abad [mailto:keabad@ksbe.edu]

Sent: Monday, September 14, 2009 11:58 PM

To: Assum-Dahleen, Laura; Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinalaimoana Falemei; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; Matley, Ted (FTA); Barr, James (FTA); deepak@hcdaweb.org; keolal@oha.org; malamaponono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamelatakara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurvey.com; hhamatt@culturalsurvey.com

Cc: Faith Miyamoto (Honolulu DTS; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie

Subject: RE: Programmatic Agreement revisions and proposed stipulations

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Respectfully,
Kehau Abad
OIBC member

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]

Sent: Monday, September 14, 2009 12:25 PM

To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinaleimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malama pono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamelatakara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurvey.com; hhamatt@culturalsurvey.com

Cc: Faith Miyamoto (Honolulu DTS); Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie

Subject: Programmatic Agreement revisions and proposed stipulations

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Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

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From: Halealoha [mailto:halealoha@wave.hicv.net]
Sent: Tuesday, September 15, 2009 11:27 PM
To: Assum-Dahleen, Laura
Subject: FW: PA mtg

Aloha,

This is to confirm that two members from our organization Hui Malama I Na Kupuna O Hawaii Nei will be attending the meeting including our Board President William Aila, Jr and my self. Please provide us any information relevant to the meeting agenda, mahalo.

Ola na iwi,
Edward Halealoha Ayau
Executive Director

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Friday, September 11, 2009 5:00 PM
To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinaleimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapon@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com
Cc: Spurgeon, Lawrence; Leland Chang; Hogan, Steven; N Dahl; kpatterson@honolulu.gov; rtam1@honolulu.gov; Van Epps, James; Zaref, Amy; Judy Aranda; Foell, Stephanie; jsouki@honolulu.gov
Subject:

Aloha 106 consulting parties,

Our next meeting is scheduled for Monday, September 21, 2009 starting at 8:30 am (HST) and hope to conclude in about 3 hours. We'll be meeting at the same location and phone number that we used this week. 1001 Bishop Street, Suite 2400.

Phone 1-888-742-8686

ID: 3784294

As discussed in our meeting today, attached is the Resource List identified through collaboration with SHPD.

Please let me know if you plan to attend, whether in person or by telephone, by Thursday, September 17.

Mahalo for your participation and cooperation!

Laura Assum-Dahleen

Project Assistant / Quality Facilitator

HHCTCP

808-768-6179 (no voice mail)

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From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Wednesday, September 16, 2009 1:25 PM
To: Assum-Dahleen, Laura; 'Jeff'; 'Amy Blagriff'; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; 'Sherry Campagna'; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; 'Hinaleimoana Falemei'; 'Kehau Abad'; 'Kawika McKeague'; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; 'Blythe Semmer'; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: 'Faith Miyamoto (Honolulu DTS)'; Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; 'Judy Aranda'; Foell, Stephanie
Subject: RE: Programmatic Agreement revisions and proposed stipulations

Aloha kLkou,

Please see the attached document for Historic Hawai'i Foundation's proposed stipulations for mitigation of the adverse effects to historic properties, as well as additional revisions to the draft PA.

Please let me know if you have any questions. We look forward to discussing these, as well as proposals from the other consulting parties.

Very truly yours,
Kiersten Faulkner
Historic Hawai'i Foundation

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 14, 2009 12:25 PM
To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinaleimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com
Cc: Faith Miyamoto (Honolulu DTS); Spurgeon, Lawrence; rtam1@honolulu.gov; kpatterson@honolulu.gov; Hogan, Steven; Judy Aranda; Foell, Stephanie
Subject: Programmatic Agreement revisions and proposed stipulations

Aloha Section 106 Consulting Parties!

In preparation for next week's Section 106 Consulting Parties meeting, proposed stipulations or any revisions to the draft Programmatic Agreement (PA) are requested by tomorrow, September 15, 2009. A new draft PA will then be transmitted on Thursday, September 17, 2009 to the consulting parties. This draft will be discussed at the Monday, September 21, 2009 meeting. Your continuing efforts in this matter are greatly appreciated.

Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

NOTICE: This communication and any attachments ("this message") may contain confidential

From: Betsy Merritt [Betsy_Merritt@nthp.org]
Sent: Thursday, September 17, 2009 11:48 PM
To: Assum-Dahleen, Laura
Cc: 'bsemmer@achp.gov'; 'james.barr@fta.dot.gov'; 'elaine_jackson-retondo@nps.gov'; 'paiu@oha.org'; 'Kiersten@historichawaii.org'; Brian Turner
Subject: Honolulu Rapid Transit PA

At the end of last week's consultation call, I asked who I should contact about developing language for stipulations pertaining to mitigation funding. As those on the call will remember, I was specifically told, "Don't call us: we'll call you." However, the man who assured me he would contact me never did. I was not even told who it was. Please send me the contact information of someone I can speak to about this.

Thank you,
Betsy Merritt

Elizabeth S. Merritt,
Deputy General Counsel
National Trust for Historic Preservation

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: Jeff <jeff@jn-architects.com>; Amy Blagriff <amy@aiahonolulu.org>; aspencer@hawaii.edu <aspencer@hawaii.edu>; Kiersten Faulkner <Kiersten@historichawaii.org>; Katie Kastner; chazinhawaii@aol.com <chazinhawaii@aol.com>; Sherry Campagna <sherry_campagna@hotmail.com>; frank_hays@nps.gov <frank_hays@nps.gov>; Elaine_Jackson-Retondo@nps.gov <Elaine_Jackson-Retondo@nps.gov>; Melia_Lane-Kamahele@nps.gov <Melia_Lane-Kamahele@nps.gov>; Hinalaimoana Falemei <taahine.hina@gmail.com>; Kehau Abad <keabad@ksbe.edu>; Kawika McKeague <kawikam@hawaii.rr.com>; pua.aiu@hawaii.gov <pua.aiu@hawaii.gov>; Nancy.A.McMahon@hawaii.gov <Nancy.A.McMahon@hawaii.gov>; Susan.Y.Tasaki@hawaii.gov <Susan.Y.Tasaki@hawaii.gov>; Blythe Semmer <bsemmer@achp.gov>; theodore.matley@fta.dot.gov <theodore.matley@fta.dot.gov>; james.barr@fta.dot.gov <james.barr@fta.dot.gov>; deepak@hcdaweb.org <deepak@hcdaweb.org>; keolal@oha.org <keolal@oha.org>; malamapono@aol.com <malamapono@aol.com>; lani@aukahi.com <lani@aukahi.com>; Brian Turner; Betsy Merritt; john.muraoka@navy.mil <john.muraoka@navy.mil>; pamelat.takara@navy.mil <pamelat.takara@navy.mil>; Ware, Terrance <tware@honolulu.gov>; Sokugawa, Kathy K. <ksokugawa@honolulu.gov>; mmcdermott@culturalsurveys.com <mmcdermott@culturalsurveys.com>; hhamatt@culturalsurveys.com <hhamatt@culturalsurveys.com>; arakimataemon@aol.com <arakimataemon@aol.com>; halealoha@wave.hicv.net <halealoha@wave.hicv.net>
Cc: Foell, Stephanie <Foell@pbworld.com>; Hogan, Steven <Hogan@pbworld.com>; Spurgeon, Lawrence <Spurgeon@pbworld.com>; N Dahl <ndahl@hawaii.rr.com>; Judy Aranda <Aranda@infraconsultllc.com>; Susan Robbins <Robbins@infraconsultllc.com>; Faith Miyamoto (Honolulu DTS <fmiyamoto@co.honolulu.hi.us>; Zaref, Amy <Zaref@pbworld.com>
Sent: Fri Sep 18 01:16:11 2009
Subject:

Aloha Section 106 Consulting Parties!

Attached please find the updated Draft Programmatic Agreement. We have included two formats, one that shows the changes since our last version and one clean updated copy.

We will be forwarding the Agenda for our meeting on September 21 tomorrow as well as meeting minutes.

Mahalo for your continued participation and cooperation.

From: Assum-Dahleen, Laura
Sent: Friday, September 18, 2009 4:50 PM
To: 'Jeff'; 'Amy Blagriff'; 'aspencer@hawaii.edu'; 'Kiersten Faulkner'; 'katie@historichawaii.org'; 'chazinhawaii@aol.com'; 'Sherry Campagna'; 'frank_hays@nps.gov'; 'Elaine_Jackson-Retondo@nps.gov'; 'Melia_Lane-Kamahele@nps.gov'; 'Hinaleimoana Falemei'; 'Kehau Abad'; 'Kawika McKeague'; 'pua.aiu@hawaii.gov'; 'Nancy.A.McMahon@hawaii.gov'; 'Susan.Y.Tasaki@hawaii.gov'; 'Blythe Semmer'; 'theodore.matley@fta.dot.gov'; 'james.barr@fta.dot.gov'; 'deepak@hcdaweb.org'; 'keolai@oha.org'; 'malamapono@aol.com'; 'lani@aukahi.com'; 'Brian_Turner@nthp.org'; 'Elizabeth_Merritt@nthp.org'; 'john.muraoka@navy.mil'; 'pamela.takara@navy.mil'; Ware, Terrance; 'Sokugawa, Kathy K.'; 'mcdermott@culturalsurveys.com'; 'hhamatt@culturalsurveys.com'; 'arakimataemon@aol.com'; 'halealoha@wave.hicv.net'
Cc: Spurgeon, Lawrence; Foell, Stephanie; 'Falth Miyamoto (Honolulu DTS)'; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'; 'Judy Aranda'; Hogan, Steven
Subject: Programmatic Agreement - Meeting Minutes and Agenda for Monday

Aloha Section 106 Consulting Parties,

Attached are the meeting minutes (separate from the Facilitator Notes) from the meetings held on September 2, September 3 and September 11 and the Agenda for Monday's meeting.

Mahalo!

From: Assum-Dahleen, Laura
Sent: Tuesday, September 22, 2009 4:33 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukah.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Spurgeon; Lawrence; Hogan; Steven; Foell; Stephanie
Cc: Van Epps, James
Subject: Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

From: malamapono@aol.com
Sent: Tuesday, September 22, 2009 4:55 PM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Lawrence@aol.com
Cc: Van Epps, James
Subject: Re: Section 106 PA Meeting Reminder

Aloha mai kakou,

E kalamai, my apologies, but I will be unable to attend tomorrow morning's meeting due to a conflict - another meeting at the same time. I wish you all the best in working through the remaining issues as positively and flexibly as possible, and will see you at the next meeting.

Malamapono,
Mahealani Cypher
Association of Hawaiian Civic Clubs

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Spurgeon; Lawrence; Hogan; Steven; Foell; Stephanie
Cc: Van Epps, James <VanEpps@pbworld.com>
Sent: Tue, Sep 22, 2009 4:33 pm
Subject: Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow

morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

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From: James.Barr@dot.gov
Sent: Wednesday, September 23, 2009 7:04 AM
To: malamapono@aol.com; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; Ted.Matley@dot.gov; Carl.Bausch@dot.gov; deepak@hcdaweb.org; keolal@oha.org; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Lawrence@aol.com
Cc: Van Epps, James
Subject: RE: Section 106 PA Meeting Reminder

To all:

The most recent archaeological technical report (2008) can be found here:

http://www.honolulustransit.org/library/files/archaeological%20re_sources.

I couldn't extract the crucial pages because the document is protected, so I made a poor quality jpg file which you will find attached. Please go to the document for a clearer picture of previously recorded downtown burials.

The DEIS has determined that there is a "high" likelihood of encountering burials in the project APE (see Figure 4-50; p. 4-144). "High" is described as "a reasonable expectation of potential effects on more than 50% of a given subarea."

Based upon previously recorded burials indicated on these maps, with one exception, I'm failing to find evidence of mass interments. Note that the Previous Archaeological Studies (in the black cross-hatch) are quite extensive.

Jim

From: malamapono@aol.com [mailto:malamapono@aol.com]
Sent: Tuesday, September 22, 2009 10:55 PM
To: Dahleen@pbworld.com; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; Matley, Ted (FTA); Barr, James (FTA); Bausch, Carl (FTA); deepak@hcdaweb.org; keolal@oha.org; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Lawrence@aol.com
Cc: VanEpps@pbworld.com
Subject: Re: Section 106 PA Meeting Reminder

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Malamapono,
Mahealani Cypher
Association of Hawaiian Civic Clubs

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

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To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Spurgeon; Lawrence; Hogan; Steven; Foell; Stephanie
Cc: Van Epps, James <VanEpps@pbworld.com>
Sent: Tue, Sep 22, 2009 4:33 pm
Subject: Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

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From: Elaine_Jackson-Retondo@nps.gov
Sent: Wednesday, September 23, 2009 9:33 AM
To: Assum-Dahleen, Laura
Cc: ailaw001@hawaii.rr.com; amy@aiahonolulu.org; antoinet@hawaii.edu; arakimataemon@aol.com; Aranda@infraconsultllc.com; aspencer@hawaii.edu; brian_turner@nthp.org; bsemmer@achp.gov; carl.bausch@fta.dot.gov; chazinhawaii@aol.com; deepak@hcdaweb.org; elizabeth_merritt@nthp.org; fmiyamoto@co.honolulu.hi.us; frank_hays@nps.gov; halealoha@wave.hicv.net; hhammatt@culturalsurveys.com; james.barr@fta.dot.gov; jeff@jn-architects.com; john.muraoka@navy.mil; katie@historichawaii.org; kawikam@hawaii.rr.com; keabad@ksbe.edu; keolal@oha.org; kiersten@historichawaii.org; ksokugaw@honolulu.gov; lani@aukahi.com; malamapono@aol.com; Melia_Lane-Kamahele@nps.gov; mmcdermott@culturalsurveys.com; nancy.s.mcmahon@hawaii.gov; pamela.takara@navy.mil; pua.aiu@hawaii.gov; sherry_campagna@hotmail.com; susan.y.tasaki@hawaii.gov; taahine.hina@gmail.com; theodore.matley@fta.dot.gov; tware@honolulu.gov; Van Epps, James
Subject: Re: Section 106 PA Meeting Reminder

Suggested changes to Section V.A -

The City shall consult with NPS Regional HABS HAER HALS staff to determine which resources should be documented for HHH recordation. All required HHH archival black and white photography will be completed, submitted to NPS Regional staff for approval and approval received by NPS regional staff prior to any pre-construction or construction activities to the resources.

The City shall submit all requisite final draft copies by (THIS IS WHERE YOU COULD INCLUDE A DEADLINE IF PARTIES WOULD LIKE).

I removed the statement t about offering a copy to SHPD, because - two archival copies are sent to NPS in the final submission; once we have reviewed and accepted the documentation, we forward the second archival copy to the SHPO.

Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817 1484 (f)

"Assum-Dahleen,
Laura"
<Dahleen@pbworld.com>

09/22/2009 07:33
PM

To
<jeff@jn-architects.com>,
<amy@aiahonolulu.org>,
<aspencer@hawaii.edu>,
<kiersten@historichawaii.org>,
<katie@historichawaii.org>,
<chazinhawaii@aol.com>,
<sherry_campagna@hotmail.com>,
<frank_hays@nps.gov>,
<elaine_jackson-retondo@nps.gov>,
<Melia_Lane-Kamahele@nps.gov>,
<taahine.hina@gmail.com>,
<keabad@ksbe.edu>,
<kawikam@hawaii.rr.com>,
<pua.aiu@hawaii.gov>,
<nancy.s.mcmahon@hawaii.gov>,

<susan.y.tasaki@hawaii.gov>,
<bsemmer@achp.gov>,
<theodore.matley@fta.dot.gov>,
<james.barr@fta.dot.gov>,
<carl.bausch@fta.dot.gov>,
<deepak@hcdaweb.org>,
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<brian_turner@nthp.org>,
<elizabeth_merritt@nthp.org>,
<john.muraoka@navy.mil>,
<pamela.takara@navy.mil>,
<tware@honolulu.gov>,
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<hhammatt@culturalsurveys.com>,
<arakimataemon@aol.com>,
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<antoinet@hawaii.edu>,
<ailaw001@hawaii.rr.com>,
<Aranda@infraconsultllc.com>,
<fmiyamoto@co.honolulu.hi.us>,
<Spurgeon>, <Lawrence>, <Hogan>,
<Steven>, <Foell>, <Stephanie>

cc

"Van Epps, James"
<VanEpps@pbworld.com>

Subject

Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

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Mahalo for your continued participation and cooperation.

Aloha!

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From: Halealoha [halealoha@wave.hicv.net]
Sent: Friday, September 25, 2009 12:43 PM
To: 'Blythe Semmer'; Assum-Dahleen, Laura; jeff@jrn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahale@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Hogan, Steven; Spurgeon, Lawrence; Foell, Stephanie; Van Epps, James; William Aila, Jr
Cc: 'Charles Kauluwehi Maxwell'; 'Ka'ohuoka'ala Seto'; Kihei Nahale'a; Poki'i Seto; 'Pualani Kanahale'; 'Wilma Holi'; 'Dana Naone Hall'; 'Ihilani Chu'; 'Kaleikoa Ka'eo'; Ka'ohulani McGuire; 'Kauila Keli'ikanaka'ole'; 'Kehaunani Abad'; 'Kekailoa Perry'; Kekuewa Kikiloi; Kimo Armitage; 'Konia Freitas'; 'Landis Ornellas'; 'Ty Kawika Tengan'
Subject: RE: Section 106 Consulting Parties Reminders

Aloha no kakou,

This is to reiterate the concern of Hui Malama I Na Kupuna O Hawaii Nei (that was also voiced by the OIBC), that the PA process is flawed in that we are trying to make agreements before having the most important information on cultural resources that will be yielded by an archaeological inventory survey. The fact that the Kaka'ako Corridor was selected following 5 years of analysis is especially disconcerting to us since it represents the location that would yield the highest concentration of unmarked Hawaiian burial sites over fifty years old. This makes us wonder whether out of all of the concerns that were considered as part of the so-called 5 year analysis, that Hawaiian burials were considered the least important or received the least amount of preservation value due to the ability to move them, which many seem to think is automatic and an acceptable form of mitigation. Our organization was created specifically to provide care and protection to Hawaiian burials through repatriation and preservation in place. We are engaging in this process in the hopes of educating the participants in this process that that we need to avoid the current corridor less we face the next Honokahua. The process of conducting the AIS before construction is important but more important is the need to conduct it upfront in all of the phases beginning with phase IV, prior to any construction whatsoever. The worse case scenario for the project is to reach phase IV corridor, have the AIS confirm the burial concentrations, have the OIBC vote to preserve in place, and the project stalls while legal appeals are taken and project re-design efforts are undertaken. That would be a waster of valuable city/federal resources. If the OIBC is pressured to move the iwi, then the appeals will be taken to that decision and the result would be the same, a stall in the project and wasted city/federal resources. Dr. Abad explained it much better than I have here, but the end result is the same. We need to avoid this particular part of Kaka'ako and move the phase IV route ma uka (for those who are not aware, this term is a direction and means toward the uplands or

inland) toward King Street.

Therefore, our position is no Record of Decision, no Final Environmental Impact Statement and no Programmatic Agreement until an Archaeological Impact Statement is conducted and completed in Phase IV Kaka'ako at a minimum. Mahalo for the opportunity to comment on this matter. He leo wale no.

Ola na iwi,

Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

From: Blythe Semmer [mailto:bsemmer@achp.gov]

Sent: Friday, September 25, 2009 12:05 PM

To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Hogan, Steven; Spurgeon, Lawrence; Foell, Stephanie; Van Epps, James

Subject: RE: Section 106 Consulting Parties Reminders

All,

At the conclusion of Wednesday's consultation meeting, the project team requested that consulting parties provide any additional comments on the Sept. 16 PA draft by Friday. Please find attached a redline version of the PA with the ACHP's recommendations for changes. These edits do NOT include those stipulations for which the working group constituted on 9/21/09 or the project team is preparing revised language in response to comments received during the meetings. These proposed revisions are offered for FTA's and the City's consideration in preparing a revised draft of the PA. Given that several stipulations are yet to be modified in response to consulting party comments, they should not be considered exhaustive or final.

I would like to note one correction to the September 21 meeting notes circulated yesterday. On page 7, in reference to Stipulation II, my comment was about the need to define a consultation procedure for this stipulation, not the Archaeological Inventory Surveys.

I look forward to speaking to you all during the next meeting on September 30.

Sincerely,

Blythe Semmer
Program Analyst
Advisory Council on Historic Preservation
202.606.8552
202.606.5072 fax

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]

Sent: Wednesday, September 23, 2009 10:33 PM

To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultlc.com; fmiyamoto@co.honolulu.hi.us; Hogan, Steven; Spurgeon, Lawrence; Foell, Stephanie; Van Epps, James

Subject: Section 106 Consulting Parties Reminders

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Mahalo for your continued participation and cooperation.

Aloha!

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Subject: Section 106 Consulting Parties Reminders

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Mahalo for your continued participation and cooperation.

Aloha!

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From: Elaine_Jackson-Retondo@nps.gov
Sent: Friday, September 25, 2009 11:12 AM
To: Miyamoto, Faith
Cc: ailaw001@hawaii.rr.com; amy@aiahonolulu.org; antoinet@hawaii.edu; arakimataemon@aol.com; Aranda@infraconsultllc.com; aspencer@hawaii.edu; brian_turner@nthp.org; bsemmer@achp.gov; carl.bausch@fta.dot.gov; chazinhawaii@aol.com; deepak@hcdaweb.org; elizabeth_merritt@nthp.org; fmiyamoto@co.honolulu.hi.us; Foell, Stephanie; frank_hays@nps.gov; halealoha@wave.hicv.net; hhammatt@culturalsurveys.com; Hogan, Steven; james.barr@fta.dot.gov; jeff@jn-architects.com; john.muraoka@navy.mil; katie@historichawaii.org; kawikam@hawaii.rr.com; keabad@ksbe.edu; keolal@oha.org; kirsten@historichawaii.org; ksokugaw@honolulu.gov; lani@aukahi.com; malamapono@aol.com; Melia_Lane-Kamahele@nps.gov; mmcdermott@culturalsurveys.com; nancy.s.mcmahon@hawaii.gov; pamelatakara@navy.mil; pua.aiu@hawaii.gov; sherry_campagna@hotmail.com; Spurgeon, Lawrence; susan.y.tasaki@hawaii.gov; taahine.hina@gmail.com; theodore.matley@fta.dot.gov; tware@honolulu.gov; Van Epps, James; Assum-Dahleen, Laura
Subject: Re: Section 106 Consulting Parties Reminders



Draft Honolulu PA
Clean 091609... Faith,

Please find attached our comments/questions on the Sept. 17 draft PA. The comments are via comment boxes in adobe acrobat. I will participate in the Sept 30 call via telephone.

Elaine

(See attached file: Draft Honolulu PA Clean 091609_NPScomments.pdf)

Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific
West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817
1484 (f)

"Assum-Dahleen,
Laura"
<Dahleen@pbworld.
com>

09/23/2009 07:32
PM

To
<jeff@jn-architects.com>,
<amy@aiahonolulu.org>,
<aspencer@hawaii.edu>,
<kirsten@historichawaii.org>,
<katie@historichawaii.org>,
<chazinhawaii@aol.com>,
<sherry_campagna@hotmail.com>,
<frank_hays@nps.gov>,
<elaine_jackson-retondo@nps.gov>,
<Melia_Lane-Kamahele@nps.gov>,
<taahine.hina@gmail.com>,
<keabad@ksbe.edu>

<kawikam@hawaii.rr.com>,
<pua.aiu@hawaii.gov>,
<nancy.s.mcmahon@hawaii.gov>,
<susan.y.tasaki@hawaii.gov>,
<bsemmer@achp.gov>,
<theodore.matley@fta.dot.gov>,
<james.barr@fta.dot.gov>,
<carl.bausch@fta.dot.gov>,
<deepak@hcdaweb.org>,
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"Hogan, Steven"
<Hogan@pbworld.com>, "Spurgeon,
Lawrence" <Spurgeon@pbworld.com>,
"Foell, Stephanie"
<Foell@pbworld.com>, "Van Epps,
James" <VanEpps@pbworld.com>

cc

Subject

Section 106 Consulting Parties
Reminders

Aloha Section 106 Consulting Parties!

Just a couple of reminders:

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Mahalo for your continued participation and cooperation.

Aloha!

From: Assum-Dahleen, Laura
Sent: Monday, September 28, 2009 5:43 PM
To: 'jeff@jn-architects.com'; 'amy@aiahonolulu.org'; 'aspencer@hawaii.edu';
'kiersten@historichawaii.org'; 'katie@historichawaii.org'; 'chazinhawaii@aol.com';
'sherry_campagna@hotmail.com'; 'frank_hays@nps.gov'; 'elaine_jackson-retondo@nps.gov';
'Melia_Lane-Kamahele@nps.gov'; 'taahine.hina@gmail.com'; 'keabad@ksbe.edu';
'kawikam@hawaii.rr.com'; 'Pua.Aiu@hawaii.gov'; 'Nancy.A.McMahon@hawaii.gov';
'susan.y.tasaki@hawaii.gov'; 'bsemmer@achp.gov'; 'theodore.matley@fta.dot.gov';
'James.Barr@dot.gov'; 'carl.bausch@fta.dot.gov'; 'Raymond.Sukys@dot.gov';
'deepak@hcdaweb.org'; 'keolal@oha.org'; 'malamapono@aol.com'; 'lani@aukahi.com';
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Cc: Hogan, Steven; Spurgeon, Lawrence; 'Leland Chang'; 'fmiyamoto@co.honolulu.hi.us'; 'Judy Aranda'; 'kpatterson@honolulu.gov'; 'rtam1@honolulu.gov'
Subject: Revised Draft PA for your review

Aloha Section 106 Consulting Parties,

As promised the updated Draft Programmatic Agreement is enclosed for your review. A clean copy and track versions copy is provided.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

From: Muraoka, John T CIV NAVREGHAWAII N45 [john.muraoka@navy.mil]
Sent: Tuesday, September 29, 2009 8:45 AM
To: Assum-Dahleen, Laura
Subject: RE: Revised Draft PA for your review
Signed By: There are problems with the signature. Click the signature button for details.

Aloha Laura,

Did a quick review. Just a few questions. In the last Whereas clause on the bottom of page 2, the list of Navy properties that were determined by the SHPD to be historic include the following:

United States Naval Base, Pearl Harbor National Historic Landmark (NHL); CINCPAC Headquarters Building NHL; Makalapa Navy Housing Historic District; Ossipoff's Aloha Chapel, SMART Clinic, and Navy-Marine Corps Relief Society

We are not familiar with the SMART Clinic or the Navy-Marine Corps Relief Society bldgs. Could you provide us with more information about these bldgs? e.g. bldg numbers, specific locations, etc.

Also, the Whereas clause also lists "six quonset huts". Could you please provide us with more information on these quonset huts, and confirm that these quonset huts do not belong to the Navy.

Thanks for your help and clarification on these issues.

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

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 28, 2009 17:43
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahale@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; Muraoka, John T CIV NAVREGHAWAII N45; Takara, Pamela N CIV NAVFAC HI, OPHBD1; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
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Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

*Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)*

From: Betsy Merritt [Betsy_Merritt@nthp.org]
Sent: Wednesday, September 30, 2009 9:40 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Hogan, Steven; Spurgeon, Lawrence; Leland Chang; fmiyamoto@co.honolulu.hi.us; Judy Aranda; kpatterson@honolulu.gov; rtam1@honolulu.gov
Subject: RE: Revised Draft PA for your review

Elizabeth S. Merritt, Deputy General Counsel, **National Trust for Historic Preservation**

1785 Massachusetts Ave. NW, Washington, DC 20036 Phone: (202) 588-6026 | Fax: (202) 588-6272
The National Trust's Legal Defense Fund works with local preservation advocates around the country to protect historic and cultural resources.

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 28, 2009 11:43 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; Betsy Merritt; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Hogan, Steven; Spurgeon, Lawrence; Leland Chang; fmiyamoto@co.honolulu.hi.us; Judy Aranda; kpatterson@honolulu.gov; rtam1@honolulu.gov
Subject: Revised Draft PA for your review

Aloha Section 106 Consulting Parties,

As promised the updated Draft Programmatic Agreement is enclosed for your review. A clean copy and track versions copy is provided.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

From: Assum-Dahleen, Laura
Sent: Thursday, October 01, 2009 5:09 PM
To: 'antoinet@hawaii.edu'; 'aspencer@hawaii.edu'; 'fmiyamoto@co.honolulu.hi.us'; 'Leland Chang'; 'halealoha@wave.hicv.net'; 'keolal@oha.org'; 'kawikam@hawaii.rr.com'; 'mmcdermott@culturalsurveys.com'; Spurgeon, Lawrence; 'taahine.hina@gmail.com'; 'Ted.Matley@dot.gov'; 'bsemmer@achp.gov'; 'dshideler@culturalsurveys.com'; 'keabad@ksbe.edu'
Cc: Spurgeon, Lawrence; Hogan, Steven; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'; 'jsouki@honolulu.gov'
Subject: Programmatic Agreement - Stipulation III Draft

Aloha!

Attached please find proposed revision per input from this mornings meeting. The City is discussing the inclusion of an additional whereas clause with the FTA. The entire PA will be distributed with the most current language on October 2.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

From: Assum-Dahleen, Laura
Sent: Friday, October 02, 2009 4:40 PM
To: 'jeff@jn-architects.com'; 'amy@aiahonolulu.org'; 'aspencer@hawaii.edu';
'kiersten@historichawaii.org'; 'katie@historichawaii.org'; 'chazinhawaii@aol.com';
'sherry_campagna@hotmail.com'; 'frank_hays@nps.gov'; 'elaine_jackson-retondo@nps.gov';
'Melia_Lane-Kamahele@nps.gov'; 'taahine.hina@gmail.com'; 'keabad@ksbe.edu';
'kawikam@hawaii.rr.com'; 'Pua.Aiu@hawaii.gov'; 'Nancy.A.McMahon@hawaii.gov';
'susan.y.tasaki@hawaii.gov'; 'bsemmer@achp.gov'; 'theodore.matley@fta.dot.gov';
'James.Barr@dot.gov'; 'carl.bausch@fta.dot.gov'; 'Raymond.Sukys@dot.gov';
'deepak@hcdaweb.org'; 'keolal@oha.org'; 'malamapono@aol.com'; 'lani@aukahi.com';
'brian_turner@nthp.org'; 'elizabeth_merritt@nthp.org'; 'john.muraoka@navy.mil';
'pamela.takara@navy.mil'; 'tware@honolulu.gov'; 'Sokugawa, Kathy K.';
'mcmcdermott@culturalsurveys.com'; 'hhammatt@culturalsurveys.com'; 'arakimataemon@aol.com';
'halealoha@wave.hicv.net'
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'
Subject: Updated Draft Programmatic Agreement

Aloha!

The attached file reflects input received from the general and Stipulation 3 working group meetings this week.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

From: Halealoha [halealoha@wave.hicv.net]
Sent: Friday, October 02, 2009 6:35 PM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; rtam1@honolulu.gov; kpatterson@honolulu.gov
Subject: RE: Updated Draft Programmatic Agreement
Follow Up Flag: Follow up
Flag Status: Red

Aloha no kakou,

We would like to thank all those who worked hard to improve the Draft Programmatic Agreement with regard to the protection of iwi kupuna. We believe the language is clearer and stronger than it was previously and correctly identifies all Hawaiian burial sites identified during the AIS as previously identified and by operation of state law, the legal responsibility of the O'ahu Island Burial Council to determine proper treatment.

Although we are mindful of cost concerns for the project, our mandate is to provide care and protection to ancestral Hawaiian burials. If the City can spend 5.6 million on Public Relations, they should spend similar if not more on the protection of ancestral Hawaiians.

To reiterate our position, **we do not believe that a Programmatic Agreement can be entered into until a full blown archaeological inventory survey (AIS) is conducted** for the phase IV corridor or better, that a decision is made to avoid the current phase IV corridor all together and to select one that is ma uka of the current location perhaps along King Street. **Further, until the AIS is conducted and completed, no Record of Decision and no Final Environmental Impact Statement should be issued.**

Mahalo for the opportunity to continue to comment on these matters. He leo wale no.

Ola na iwi,
Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]

Sent: Friday, October 02, 2009 4:40 PM

To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net

Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov

Subject: Updated Draft Programmatic Agreement

Aloha!

The attached file reflects input received from the general and Stipulation 3 working group meetings this week.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Thursday, November 05, 2009 12:59 PM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamaponono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
Cc: 'Kawika McKeague'; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



HHFComments_Tra
nstPA_110209.p...

Aloha kākou,
Please see the attached comments from Historic Hawai'i Foundation on the Transit PA draft of 11/2/09. Please let me know if you have any questions.

Thank you,
Kiersten Faulkner

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.

Also included is the response matrix of comments received since July and their disposition.

Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use,

From: Blythe Semmer [bsemmer@achp.gov]
Sent: Monday, October 05, 2009 11:41 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: RE: Section 106 Meeting Schedule

All:

This proposed schedule does not allow consulting parties, including the ACHP, adequate time to review the revised draft distributed late Friday. We encourage FTA and the City to provide an opportunity for consulting parties to provide written comments on the draft prior to convening another consultation meeting.

I am unavailable for a meeting until October 14.

Best regards,

Blythe Semmer
Advisory Council on Historic Preservation
202.606.8552

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, October 05, 2009 3:57 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Section 106 Meeting Schedule

Aloha Section 106 Consulting Parties!

The City and FTA would like to hold a concluding meeting to discuss the Section 106 PA that was distributed on Friday.
Please provide feedback if you are not available either Tuesday October 6 or Wednesday October 7 at 8:30

Honolulu Time (11:30 Pacific):
The selected time will be distributed by the end of today.

Mahalo!

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

HISTORIC HAWAII FOUNDATION

November 5, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Honolulu High Capacity Rapid Transit Programmatic Agreement (PA) Nov. 2, 2009

Dear Mr. Yoshioka:

Thank you for providing the opportunity to comment on the November 2, 2009 draft PA for the Honolulu Transit undertaking. Overall, Historic Hawai'i Foundation believes that substantial progress on the mitigation stipulations has been made since September. We appreciate the transit team's response to Historic Hawai'i Foundation's proposed mitigation measures to address the direct and indirect effects on historic properties.

Historic Hawai'i Foundation has the following comments, questions and concerns about the current draft of the PA. We hope that these comments may be resolved in a timely manner.

	Page/Section	11/2/09 Draft PA	HHF Comment
1	1, 4 th Whereas Clause	List of 31 consulting parties	Are all of the listed entities actual consulting parties? Did they ask to be included or accept an invitation to be consulting parties? Many did not attend meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties and included on the matrix of comments. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, should it be listed as a consulting party?
2	2, 3 rd Whereas Clause	Reference to Attachment 1, APE	Attachment 1 was not provided. If this is the same map that was included in the Historic Resources Technical Report of Sept. 2008, there are errors to historic district boundaries that need to be corrected.
3	2, 5 th Whereas Clause	Adverse effect determinations	An exhibit should be provided that summarizes the nature of the adverse effect,



680 Iwilei Road, Suite 690 / Honolulu, Hawai'i 96817 / Tel (808) 523-2900 / Fax (808) 523-0800
Email preservation@historichawaii.org / Web www.historichawaii.org

	Page/Section	11/2/09 Draft PA	HHF Comment
			including demolition, physical occupation of the site, damage from noise or vibration, effect on setting, feeling or association, etc.
4	4, 1 st Whereas Clause	States "the Project will cross lands controlled or owned by the Federal Government..."	Which Federal agency(s) owns the land? By providing a right of access, that Federal agency may have its own undertaking, in which case it will need to comply with Section 106 for that undertaking. Are those federal agencies invited signatories to this PA? Will another PA need to be developed? How will that affect the project schedule and final clearances?
5	6, Stipulation III	Identification and Protection of Archeological Sites and Burials	Methodology for approving the surveys and plans should be included. HHF defers to OIBC on this matter, and notes that OIBC has requested "inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archeological Monitoring Plan, and Burial Treatment Plan."
6	6, Stipulation III.A.2	Archeological Inventory Survey (AIS)	Methodology for conducting the survey should be included. HHF defers to OIBC and SHPD on appropriate methodology, but notes that OIBC has requested that the AIS "include a 100% subsurface investigation by archaeological excavation (rather than by ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including but not limited to the locations of columns, stations, traction power substations, and utility relocations."
7	9, Stipulation IV. A.	States that "the city shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties..."	Should change this to say that the City shall follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.
8	10 and 11, Stipulation V.	Allows for SHPD opportunity to comment on both Historic Context Studies and CLR's, but only requires the City to consider comments while preparing the final version.	The City should need SHPD's concurrence on the final drafts before they are complete.

	Page/Section	11/2/09 Draft PA	HHF Comment
9	12, Stipulation VI. A.1.	States that SHPD will determine appropriate listing procedures if owner objects according the Hawai'i Administrative rules for owners who do not consent	Cite the appropriate HAR sections of: 13-197 Practice and Procedure before the Hawai'i Historic Places Review Board and 13-198 The Hawai'i and National Registers of Historic Places Programs.
10	13, Stipulation VI. C. 2.	The City will submit draft nomination forms to the SHPD for review and SHPD will provide comments within 30 days for receipt.	Submissions should be phased or more review time given to SHPD, as reviewing all of the nominations in 30 days and at one time may not be feasible.
11	13, Stipulation VI. F	Took out from the October 15, 2009 version the following: "The City will add links to the documentation included in this PA to the website as it is approved by the appropriate review agency. Culturally sensitive materials related to stipulation III will not be posted for the general public. However, if the consulting parties agree, it may be included in a password-protected mode."	What is the reason for excluding this section? Is it replaced by XII.B?
12	15, Stipulation VII. G. and H.	Changed requirement for a kick-off meeting under each individual educational and interpretive program, materials, and signage to one kick-off meeting for all of them to develop: "a work plan, content for deliverables, and schedule for all projects required within Stipulation VII. The City will circulate a draft of the work plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The city will consider all comments received within 30 days while preparing the	Developing and referencing a standard process for consultation on all of the educational and interpretive materials makes sense. However, that standard process should be triggered separately for each of the stipulations. For example, the interpretive program would not have the same kick-off meeting as the humanities program. Instead, each of the stipulations should state that the standard process will be used for each of the stipulations individually, or that one or more of the meetings may be combined at the request of FTA and concurrence by SHPD.

	Page/Section	11/2/09 Draft PA	HHF Comment
		final work plan and schedule in consultation with the SHPD.”	
13	15, Stipulation VIII. C.	Replanting of true kamani trees	Specify that the replacement trees shall be at least 12-inch caliper when planted. Can kaula be taken from the current trees and then planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan (showing current location and proposed new locations, and size and species specifications).
14	16, Stipulation VIII. D. 1. And 4.	Allows for consulting parties, property owners, and other stakeholders to participate in kick-off meetings regarding adversely effected parks.	Signatories should be included.
15	20, Stipulation XIII.C.	Duration states that PA is in effect until completion of construction	Several stipulations are to be complete prior to beginning revenue service operations, which will be after construction. Stip IX.B. is to be complete 3 years after completion of the Project. Therefore, the Duration of the PA should continue until the completion of all Stipulations, which may be after construction is completed.
16	20, Stipulation XIII. D.3.	Changed from previous version stating that the City shall conduct annual meetings of signatories and consulting parties to “FTA shall conduct an annual meeting of signatories and consulting parties...”	Should state that FTA shall conduct a meeting with signatories and consulting parties as least annually over the duration of the PA.
17	57, Attachments	Attachment 1: APE Attachment 2: Information on Historic Resources with Adverse Effect Determinations	The attachments are missing and should be provided, with corrections as noted in comment 2 above. Also provide Attachment 3 with the summary of cause of adverse effect (see comment 3 above) and Attachment 4 with the landscape plan for kamani trees (see comment 13 above).

Please let me know if you have any questions about any of these issues or questions. Thank you for the opportunity to comment on the draft PA.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

DTS: Faith Miyamoto

FTA: Ted Matley, Jim Barr

SHPD: Pua Aiu, Nancy McMahon, Susan Tasaki

ACHP: Blythe Semmer

PB: Lawrence Spurgeon, Stephanie Foell

AIA: Jeff Nishi, Amy Blagriff, Spencer Leineweber

NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele

NTHP: Betsy Merritt, Brian Turner

OIBC: Kehau Abad, Kawika McKeagan, Hinalaimoana Falemei

Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski

Koolaupoko Hawaiian Civic Club: Mahealani Cypher

Alu Scientific: Carl Campagna

HUI MĀLAMA: Edward Halealoha Ayau

HCD: Deepak Neupane

OHA: Keola Lindsey

From: Halealoha [halealoha@wave.hicv.net]
Sent: Tuesday, October 06, 2009 8:25 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; rtam1@honolulu.gov; kpatterson@honolulu.gov
Subject: RE: Updated Draft Programmatic Agreement

Aloha no,
As a matter of protocol, could someone from the City and County of Honolulu please respond to our position statement below to acknowledge that it was received and considered as part of the PA process, especially since efforts are continuing to sign the PA. We realize at this juncture that we only have the ability to comment, so acknowledgement of our primary position on these matters should be forthcoming.

Ola na iwi,
Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

From: Halealoha [mailto:halealoha@wave.hicv.net]
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Mahalo for the opportunity to continue to comment on these matters. He leo wale no.

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Executive Director
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From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]

Sent: Friday, October 02, 2009 4:40 PM

To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net

Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov

Subject: Updated Draft Programmatic Agreement

Aloha!

The attached file reflects input received from the general and Stipulation 3 working group meetings this week.

*Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)*

From: Miyamoto, Faith
Sent: Thursday, October 08, 2009 12:48 PM
To: malamapono@aol.com
Cc: Assum-Dahleen, Laura; Spurgeon, Lawrence
Subject: FW: naming of transit stations

Hi Mahealani –

DTS did receive a copy of the resolution from the Association of Hawaiian Civic Clubs earlier this year and a response should have been sent out or will be sent out in the next few days.

By copy of this email, I am sending your recommendation regarding Stipulation 7A to Laura and Lawrence.

Thanks.

Faith

From: malamapono@aol.com [mailto:malamapono@aol.com]
Sent: Thursday, October 08, 2009 10:29 AM
To: Miyamoto, Faith
Cc: jwl3@hawaii.rr.com; jlapilio@hotmail.com
Subject: naming of transit stations

Aloha Faith,

The O`ahu Council, Association of Hawaiian Civic Clubs, has asked me to inquire as to why there is no mention in the P.A. (perhaps it's some place else?) of the request by the Association to include the Ewa-Pu`uloa Hawaiian Civic Club in deciding the names of transit stations in their area. The Association's House of Delegates, meeting in convention last year, approved a resolution urging the city to consult with Ewa-Pu`uloa (and perhaps other civic clubs?) in the naming of transit stations, to ensure the cultural heritage of the station location was properly identified. They really don't want a mainland-ish imprint on the station naming.

Can you please let me know if you or the city ever received any communication, either from the Ewa-Pu`uloa club or the Association of Hawaiian Civic Clubs, about this matter? If not, can we please insert some language about that issue in Stipulation 7A? I'm not sure what language you folks would be comfortable with, but the existing language doesn't seem to adequately respond to the Hawaiian Civic Clubs' request for "special" consideration on the station naming issue.

Mahalo for any assistance you can give on this request.

Mahealani Cypher, Association Director
Association of Hawaiian Civic Clubs, O`ahu Council

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org ; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com;

frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov;
taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov;
Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov;
theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov;
Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com;
lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil;
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mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com;
halealoha@wave.hicv.net

Cc: Leland Chang <gnlchang@hawaii.rr.com>; Spurgeon, Lawrence <Spurgeon@pbworld.com>;
Hogan, Steven <Hogan@pbworld.com>; Miyamoto, Faith <fmiyamoto@honolulu.gov>; Foell,
Stephanie <Foell@pbworld.com>; JudyAranda <Aranda@infraconsultllc.com>; rtaml@honolulu.gov;
kpatterson@honolulu.gov; N Dahl <ndahl@hawaii.rr.com>

Sent: Mon, Oct 5, 2009 1:33 pm

Subject: Meeting Notes 9-30-09 meeting

Aloha Section 106 Consulting Parties!

Attached are the Meeting Notes from the September 30, 2009 meeting.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Assum-Dahleen, Laura
Sent: Tuesday, October 13, 2009 9:00 AM
To: 'jeff@jn-architects.com'; 'amy@aiahonolulu.org'; 'aspencer@hawaii.edu';
'kiersten@historichawaii.org'; 'katie@historichawaii.org'; 'chazinhawaii@aol.com';
'sherry_campagna@hotmail.com'; 'frank_hays@nps.gov'; 'elaine_jackson-retondo@nps.gov';
'Melia_Lane-Kamahele@nps.gov'; 'taahine.hina@gmail.com'; 'keabad@ksbe.edu';
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'mcmcdermott@culturalsurveys.com'; 'hhamatt@culturalsurveys.com'; 'arakimataemon@aol.com';
'halealoha@wave.hicv.net'
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'; 'N Dahl'
Subject: Programmatic Agreement and Consulting Parties

Aloha Section 106 Consulting Parties!

Thank you for the comments received last Thursday. Based on the availability of several parties, the meeting originally scheduled for this week has been re-scheduled to October 21st from 8:30 to 9:30 a.m. (Hawaii Time). We are awaiting final comments from ACHP that are expected on October 19th. The proposed Final PA reflecting consideration of all comments received last Thursday and the ACHP comments will be distributed prior the October 21st meeting. The meeting will allow Signatories to make final statements regarding the PA.

You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400.

Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

Mahalo!

From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Tuesday, October 13, 2009 1:08 PM
To: Assum-Dahleen, Laura
Cc: jeff@jn-architects.com; amy@aiahonolulu.org; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Re: Programmatic Agreement and Consulting Parties

Laura,

It now appears that only signatories are going to be able to make a final statement. Consequently, AIA is sending its final statement to all consulting parties.

AIA Honolulu supports multi-modal transportation including the concept of a fixed rail system for Oahu. However, we remain concerned over the appropriateness of the proposed all-elevated transit system particularly through the urban core of Honolulu. Mitigating negative impacts in a Section 106 process when they could be avoided is inadequate transit planning.

Additional consideration should be made to the selection of the newer, flexible light rail technologies capable of operating at-grade, elevated or below grade as the conditions warrant. These conditions include protection of the integrity of the setting and context of historic built resources and the protection of iwi kapuna in place.

Thank you for allowing AIA to be part of the consulting process.

Spencer Leineweber FAIA

From: Halealoha [halealoha@wave.hicv.net]
Sent: Thursday, October 15, 2009 8:02 AM
To: 'Halealoha'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_meritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; rtam1@honolulu.gov; kpatterson@honolulu.gov
Subject: RE: Updated Draft Programmatic Agreement / Final Comments of Hui Malama I Na Kupuna O Hawai'i Nei

Aloha no kakou,

It seems clear that only signatories are going to be able to make a final statement. Therefore, Hui Malama I Na Kupuna O Hawai'i Nei is sending its final statement to all consulting parties.

Although we are mindful of cost concerns for the project, our mandate is to provide care and protection to ancestral Hawaiian burials. If the City and County of Honolulu can spend 5.6 million on Public Relations, they should spend similar if not more on the protection of ancestral Hawaiians.

To reiterate our position, we do not believe that a Programmatic Agreement can be entered into until a full blown archaeological inventory survey (AIS) is conducted for the phase IV corridor or better, that a decision is made to avoid the current phase IV corridor all together and to select one that is ma uka of the current location perhaps along King Street. Further, until the AIS is conducted and completed, no Record of Decision and no Final Environmental Impact Statement should be issued.

We agree with AIA that mitigating negative impacts in a Section 106 process when they could be avoided is inadequate transit planning. We also agree that additional consideration should be made to the selection of the newer, flexible light rail technologies capable of operating at-grade, elevated or below grade as conditions warrant because these conditions include protection of the integrity of the setting and context of historic resources and the protection of iwi kupuna in place.

We sincerely hope that this project does not result in the gross exhumation of iwi kupuna and moepu. If it does, then those who have ignored our pleas to avoid the current phase IV corridor will carry that kaumaha.

He leo wale no.

Ola na iwi,
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Executive Director
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Sent: Friday, October 02, 2009 4:40 PM

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Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov

Subject: Updated Draft Programmatic Agreement

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Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

From: Halealoha [halealoha@wave.hicv.net]
Sent: Friday, October 16, 2009 6:07 PM
To: 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; Foell, Stephanie; 'Judy Aranda'; 'Tam, Ryan'; 'Patterson, Kaleo'; 'Souki, Jesse K.'
Subject: RE: Updated Draft Programmatic Agreement

Mahalo no ho'i!

From: Miyamoto, Faith [mailto:fmiyamoto@honolulu.gov]
Sent: Friday, October 16, 2009 6:00 PM
To: Halealoha; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Foell, Stephanie; Judy Aranda; Tam, Ryan; Patterson, Kaleo; Souki, Jesse K.
Subject: RE: Updated Draft Programmatic Agreement

Halealoha –

This is to acknowledge receipt of your email message dated October 2, 2009 regarding the Section 106 Programmatic Agreement for the Honolulu High-Capacity Transit Corridor Project. Your message has been discussed with the Federal Transit Administration and has been considered as part of the consultation process.

Faith Miyamoto
Rapid Transit Division
Department of Transportation Services
City and County of Honolulu

From: Halealoha [mailto:halealoha@wave.hicv.net]
Sent: Tuesday, October 06, 2009 8:25 AM
To: 'Assum-Dahleen, Laura'; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov;

Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com

Cc: 'Leland Chang'; 'Spurgeon, Lawrence'; 'Hogan, Steven'; Miyamoto, Faith; 'Foell, Stephanie'; 'Judy Aranda'; Tam, Ryan; Patterson, Kaleo

Subject: RE: Updated Draft Programmatic Agreement

Aloha no,

As a matter of protocol, could someone from the City and County of Honolulu please respond to our position statement below to acknowledge that it was received and considered as part of the PA process, especially since efforts are continuing to sign the PA. We realize at this juncture that we only have the ability to comment, so acknowledgement of our primary position on these matters should be forthcoming.

Ola na iwi,

Edward Halealoha Ayau

Executive Director

Hui Malama I Na Kupuna O Hawai'i Nei

From: Halealoha [mailto:halealoha@wave.hicv.net]

Sent: Friday, October 02, 2009 6:35 PM

To: 'Assum-Dahleen, Laura'; 'jeff@jn-architects.com'; 'amy@aiahonolulu.org'; 'aspencer@hawaii.edu'; 'kiersten@historichawaii.org'; 'katie@historichawaii.org'; 'chazinhawaii@aol.com'; 'sherry_campagna@hotmail.com'; 'frank_hays@nps.gov'; 'elaine_jackson-retondo@nps.gov'; 'Melia_Lane-Kamahele@nps.gov'; 'taahine.hina@gmail.com'; 'keabad@ksbe.edu'; 'kawikam@hawaii.rr.com'; 'Pua.Aiu@hawaii.gov'; 'Nancy.A.McMahon@hawaii.gov'; 'susan.y.tasaki@hawaii.gov'; 'bsemmer@achp.gov'; 'theodore.matley@fta.dot.gov'; 'James.Barr@dot.gov'; 'carl.bausch@fta.dot.gov'; 'Raymond.Sukys@dot.gov'; 'deepak@hcdaweb.org'; 'keolal@oha.org'; 'malamapono@aol.com'; 'lani@aukahi.com'; 'brian_turner@nthp.org'; 'elizabeth_merritt@nthp.org'; 'john.muraoka@navy.mil'; 'pamela.takara@navy.mil'; 'tware@honolulu.gov'; 'Sokugawa, Kathy K.'; 'mmcdermott@culturalsurveys.com'; 'hhammatt@culturalsurveys.com'; 'arakimataemon@aol.com'

Cc: 'Leland Chang'; 'Spurgeon, Lawrence'; 'Hogan, Steven'; 'Miyamoto, Faith'; 'Foell, Stephanie'; 'Judy Aranda'; 'rtam1@honolulu.gov'; 'kpatterson@honolulu.gov'

Subject: RE: Updated Draft Programmatic Agreement

Aloha no kakou,

We would like to thank all those who worked hard to improve the Draft Programmatic Agreement with regard to the protection of iwi kupuna. We believe the language is clearer and stronger than it was previously and correctly identifies all Hawaiian burial sites identified during the AIS as previously identified and by operation of state law, the legal responsibility of the O'ahu Island Burial Council to determine proper treatment.

Although we are mindful of cost concerns for the project, our mandate is to provide care and protection to ancestral Hawaiian burials. If the City can spend 5.6 million on Public Relations, they should spend similar if not more on the protection of ancestral Hawaiians.

To reiterate our position, **we do not believe that a Programmatic Agreement can be entered into until a full blown archaeological inventory survey (AIS) is conducted** for the phase IV corridor or better, that a decision is made to avoid the current phase IV corridor all together and to select one that is ma uka of the current location perhaps along King Street. **Further, until the AIS is conducted and completed, no Record of Decision and no Final Environmental Impact Statement should be issued.**

Mahalo for the opportunity to continue to comment on these matters. He leo wale no.

Ola na iwi,
Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Friday, October 02, 2009 4:40 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencher@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov
Subject: Updated Draft Programmatic Agreement

Aloha!

The attached file reflects input received from the general and Stipulation 3 working group meetings this week.

*Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)*

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From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Monday, October 19, 2009 6:54 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamelatakara@navy.mil; tware@honolulu.gov; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: 'Leland Chang'; Spurgeon, Lawrence; Hogan, Steven; 'Miyamoto, Faith'; Foell, Stephanie; 'Judy Aranda'; rtam1@honolulu.gov; kpatterson@honolulu.gov; 'N Dahl'
Subject: RE: Programmatic Agreement and Consulting Parties

FYI, Historic Hawai'i Foundation's comments on the latest draft PA are attached. The original was sent via fax to Faith Miyamoto and via mail to Wayne Yoshioka. Please note that while the PA is much improved, we do not yet believe that the actual language in the agreement adequately addresses all the issues and will benefit from additional edits and discussion. We look forward to at least one more review prior to its finalization.

Please let me know if you have any questions.

Kiersten Faulkner
Historic Hawai'i Foundation

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Tuesday, October 13, 2009 9:00 AM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamelatakara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Programmatic Agreement and Consulting Parties

Aloha Section 106 Consulting Parties!

Thank you for the comments received last Thursday. Based on the availability of several parties, the meeting originally scheduled for this week has been re-scheduled to October 21st from 8:30 to 9:30 a.m. (Hawaii Time). We are awaiting final comments from ACHP that are expected on October 19th. The proposed Final PA reflecting consideration of all comments received last Thursday and the ACHP comments will be distributed prior the October 21st meeting. The meeting will allow Signatories to make final statements regarding the PA. You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

Mahalo!

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

From: Elaine_Jackson-Retondo@nps.gov [mailto:Elaine_Jackson-Retondo@nps.gov]

Date: Monday, October 19, 2009 2:28 PM

To: Miyamoto, Faith

Cc: jeff@jnr-architects.com; amy@aiaiahonolulu.org; aspencer@hawaii.edu;
kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com;
sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov;
Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu;
kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov;
susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov;
James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org;
keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org;
elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil;
tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com;
hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Hogan,
Steven; Foell, Stephanie
Subject: Fw: Honolulu High Capacity Transit Corridor

Faith,

The October 2 draft of the HHCTC PA has been improved through consultation during the last few weeks. The process has been intense and at times very rushed. Historic Hawaii Foundation has suggested that the document would benefit from additional editing and revisions and has requested the opportunity to review the document one more time before the final is distributed for signature. We concur with that request. Our comments on the October 2 draft PA follow our general concerns and questions.

Regards,
Elaine

General Comments

As the Section 106 consultations moves forward we would like to voice the following

questions and concerns.

RFP

The City and County of Honolulu issued Part I of an RFP for Phase I of the HHCTC project (East Kapolei to Pearl Highlands) in February 2009. After reviewing the RFP, we understand that the February RFP Part I was requesting Qualification Proposals to determine a priority list of up to the top four highest ranked firms. You have informed us that Part II of the RFP was subsequently issued, is now closed and in the procurement phase. NPS's has not seen Part II of the RFP; we were told that we could not see it since it is currently going through procurement. Therefore, our questions and concerns are based on the information available to us in Part I of the RFP.

Closure of the RFP prior to conclusion of the Section 106 process precludes any opportunity for consulting parties to request that contractors submitting bids have demonstrated experience and have the necessary persons on staff to protect historic and cultural resources; this is particularly crucial in this project given the number of adversely effected historic resources, the potential for inadvertent discoveries and the fact that this is a design-build project. We also are concerned that the issuance of an RFP prior to conclusion of the section 106, 4(f) and NEPA consultation may have presumed a least harmful alternative prior to completion of documentation and analysis.

Part I of the RFP states, "It is anticipated that the guideway would be precast segmental girder construction and the standard double track guideway section would be single-cell trapezoidal box girder." During one of the September consultation meetings, consulting parties were told that there was the potential to design the system with a thinner profile. Since the RFP describes an anticipated system and the bids are in, is it too late to expect a different type of profile?

Are any of the possible TCPs located in the first phase of the project? If yes, how will the design build contractor's work be coordinated with conducting the studies? If eligible, how will the design work of the contractor be informed to avoid, minimize, or mitigate effect?

Were the contractors who supplied bids provided the Historic Effects Document and provide specific information about the historic resources in the corridor?

Burials

We are concerned that the Archeological Inventory Survey Plan and the execution of this plan for Phase 4 is scheduled to take place long after construction has begun and two phases of the project will be so far along that the ability to avoid impacts will be extremely limited. Is it possible to execute the plan long before construction of Phase II has begun? If not, what assurances are there from the project team and FTA that there are alternatives that could avoid or minimize impact?

Dillingham Building

During the Sept 23 PA meeting, there was a somewhat lengthy discussion about the Dillingham Building, which has been determined eligible for listing on the NRHP. Currently, the project is planned with a station very close to and in the courtyard of the building. There was clear disagreement between the project team and FTA headquarters whether one of the avoidance alternatives for this station should have been adopted to avoid the adverse effect to the property. This was not adequately resolved during the meeting, and calls into question whether it is necessary to adversely affect this resource. Please provide additional information regarding this issue.

4(f)

We reiterate our request to have an opportunity to review the revised draft 4(f) analysis since the draft in the DSEIS recognized adverse effects to only 4 historic properties and the PA includes adverse effects to 33 historic properties.

This project will produce a tremendous work load for consulting parties. The expedited schedule and scale of the project require the production of multiple plans, studies, reports and other products in a short expanse of time. Almost all of these products have a 30-day review period for consulting parties per the PA. It does not seem that the project team has approached the production and review of these products in a coordinated fashion. Consulting parties will be inundated with reviews and overlapping 30-day review

periods that could result in an unrealistic workload for most, if not all of the consulting parties. The schedule that will be produced within 90 days of signing the PA per stipulation XII.B.2, will provide specific information (specific dates, milestones etc.), however, it will not ensure that the schedule deadlines are realistic. We are reiterating our request for a table or matrix that shows all of the products that will need review and the relative time schedule for review. The parties need to determine whether there is a need to adjust review times (where permitted) or address the workload issue in some other manner through the PA.

PA Specific Comments

Page 3 (Whereas Clause regarding direct and indirect effects) - This clause should be deleted from the PA since direct and indirect effect are NEPA, not NHPA regulatory nomenclature and because the terms are not being accurately used here. Even in NEPA terms, the 33 adverse effects are direct effects. Here is an excerpt from the regs:

Title 40: Protection of Environment
PART 1508-TERMINOLOGY AND INDEX
§ 1508.8 Effects.

Effects include:

(a) Direct effects, which are caused by the action and occur at the same time and place.
(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.
Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Page 5 Section I - Please add the following as Stipulation I.G. "NPS Responsibilities - Accept for those documents set forth in stipulations V.C and VI.B of this agreement, NPS may at its sole discretion review and respond to any of the other documents, if NPS chooses to respond it will do so in a timely manner. Lack of response should not be taken to indicate an opinion by the NPS.

Page 5; Section II.B.; line 4 - suggest replacing "acceptable mitigation" with "avoidance, minimization and mitigation measures."

Page 5; Section II.B.; line 7-8 - The statement that "The City shall complete all related mitigation prior to undertaking each construction phase that would adversely affect a TCP" still does not address the issue of foreclosing opportunities for avoidance and minimization.

Page 7; Section III.B.1 - This section states, "Within 60 days of execution of this PA, the City shall consult with the OIBC, lineal and cultural descendents, and other interested parties that are identified in discussion with OIBC, about the scope of investigation for the AIS Plan for construction of Phase 4." Why only phase 4; is that the only area where there may be burials? Wouldn't it be prudent to complete the AIS and know where burials are located ASAP? If it is only to be completed prior to beginning final design for phase 4, there may be little opportunity for avoidance.

Page 7; Section III.B.2 - This section states, "The City shall complete the AIS for Phase 4 (Middle Street to Ala Moana Center) prior to beginning Final Design for that area. Won't there already be construction ongoing at this point; shouldn't this come before start of construction?"

Page 7; Section III.B.3 - This section states, "The City, in coordination with the OIBC, lineal and cultural descendents, and other interested parties that are identified in discussion with OIBC shall complete a draft approach for consultation regarding treatment of . . . The approach shall address at minimum a process for communication of any discoveries, definitions that will be applied to the Project, " Should this be an agreement, not quite certain what an "approach" would include. Can't some of this be spelled out here in the PA? At minimum, shouldn't it also include a time frame for notification?"

Page 7; Section III.B.5 - Do the particulars of the consultation with the signatories need to be outlined in this clause?

Page 7; Section III.C Lines 1-5 - The first 2 sentences read, "The City shall conduct archaeological fieldwork as presented in the AIS Plan. For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that the presence of any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design.

We suggest rewriting the second sentence to read: "For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that so that the final design may incorporate avoidance and minimization measures for any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design."

Page 8; Section III.C.4 This clause reference archeological method. Is there an archeological standard that should be referenced?
When is this AIS plan II.C be completed? The AIS mentioned in II.B. 2. references completion prior to final design of phase 4

Page 8; Section III.E - Do additional parties need to review the mitigation plans. As written, only SHPO is reviewing the plans.

Page 9; Section III.E.2 - Paragraph 2; line 1 - What is the limited distance - a couple of feet, 10-20 feet? Please specify.

Page 9; Section III.E.2.a - We thought data recovery was not allowable as mitigation. This is a question for ACHP.

Page 10; Section IV.A - The design guidelines should also apply if station is adjacent to a NR eligible or listed property or district.

Page 10; Section V.A - Shouldn't the context studies take the form of Multiple Property Documentation Forms? I believe that I asked this question before. If done as an MPD the form would go to the NR and provide the context for subsequent nominations.

Page 11; Section V.A.4 - It isn't clear why the draft context studies are only going to SHPO and why interpretive signage is included in this stipulation. Also, if copies are not provided to other parties how will they know to comment and send comments for the city's consideration?

Page 11; Section V.B.3 - Since CLR's are treatment documents, wouldn't the CLR's be completed prior to completion of design? Otherwise the document is not informing decisions. As proposed, only the photography and field work will be complete prior to construction. This doesn't make sense. If they are not done before design, then why do them?

Page 11; Section V.B.4 - Once again, not certain why only SHPO will have the opportunity to review.

Page 11; Section V.C.1 last line - The last line reads, "No construction activities shall be undertaken to the resources prior to approval from NPS Regional staff." Please revise the last part of the sentence to read " . . . prior to approval of the required documentation by NPS Regional staff."

Page 12; Section V.D; last line sentence - The last sentence reads, "The fulfillment of Stipulations V.C and V.D will ensure that all adversely affected resources are documented using large format photography. The current draft, as written, only ensures large format photography for stipulation V.C.

Page 12; Section V.F - Do you need to specify the medium (i.e. digital or film)?

Page 13; Section VI.A.4 - Should there be a minimum goal for the number of nominations included in the MPS?

Page 14; Section VI.C.4 - I believe "draft nomination form" should read "draft nomination forms."

Page 14; Section VI.C. - This stipulation should be numbered VI.D. (VI.C occurs twice).

Page 14; Section VI; last line - the last line seems redundant to VI.A.3.

Page 19; Section X.E - This stipulation addresses inadvertent damage to historic properties. We believe it is very important that a plan for protecting/preventing damage to historic resources should be required in the RFP.

Page 20; Section XI.A - The second sentence reads, "The City will begin the consultation process with the signatories and resolve any adverse effects in accordance with Section 106 of the National Historic Preservation Act within a period of 3 days." The language in the next sentence suggests that resolution is defined as amending the PA. 3 days is not enough time for resolution. If the 3 days only refers to start of consultation then the sentence should be revised; otherwise more time should be allotted for resolution.

Page 20; Section XI.C - Should this section reference NAGPRA for any burials discovered on Federal land?

Page 22; Section XIII.B.2 - The first sentence reads, "Within 90 days of the execution of this PA, the City shall develop a schedule for the implementation of the provisions of the agreement." There are some instances in the PA where commencement of a study or inventory will begin within 30 days (60 days before the schedule is produced). Where there is a known commencement date, even if it is relative to signing of the PA, there should be a matrix of some sort for review and discussion. This matrix would begin to illustrate the number of documents, plans or reports that consulting parties may be requested to review at the same time and may indicate a need to adjust review times. This follows our earlier request for a schedule or table.

Page 24; the NPS signature line currently reads:

Regional Administrator
National Park Service

Please revise to read:
Pacific West Regional Director
National Park Service

Page 24; bottom of page - I believe Attachment 1 is referred to as Attachment A in one of the early Whereas Clauses and there is a reference to Appendix A. Please provide all attachments and appendices for signatory and consulting party review.

Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific
West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817
1484 (f)

From: malamapono@aol.com
Sent: Tuesday, October 20, 2009 8:48 PM
To: Assum-Dahleen, Laura
Subject: Re: Consulting Parties Meeting Update

Aloha Laura,

Since I did not hear back from either Faith or Lawrence, I am forwarding to you our suggested changes to the P.A. regarding interpretive signage, as recommended by the delegates of the Association of Hawaiian Civic Clubs, which meet in convention last year. If this is meant for general distribution, please forward or distribute in the morning.

Mahalo,
Mahealani Cypher
Association of Hawaiian Civic Clubs

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K. <ksokugawa@honolulu.gov>; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang <gnlchang@hawaii.rr.com>; Spurgeon, Lawrence <Spurgeon@pbworld.com>; Hogan, Steven <Hogan@pbworld.com>; Miyamoto, Faith <fmiyamoto@honolulu.gov>; Foell, Stephanie <Foell@pbworld.com>; JudyAranda <Aranda@infraconsultllc.com>; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl <ndahl@hawaii.rr.com>
Sent: Tue, Oct 20, 2009 2:53 pm
Subject: Consulting Parties Meeting Update

Aloha Section 106 Parties,

This is a reminder that there will be a consulting party meeting on October 21 at 8:30 a.m. The meeting will be a status meeting with an opportunity to discuss resolution of comments and provide consulting parties an opportunity to make final statements. We have received several sets of comments on the last version of the PA and, aside from NPS comments received late yesterday, they have all been considered and where appropriate incorporated into the attached version of the PA. ACHP is preparing final guidance and comments that will be incorporated into a final PA version along with consideration of the NPS comments. This version will be presented next week on Monday October 26 at 8:00 a.m. Honolulu time. Signatory parties will have an opportunity to make concluding comments to the group at the Monday meeting.

You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400.
Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

October 21, 2009

To: Meeting of Concurring Parties, Rail Transit Project

From: Mahealani Cypher, Association of Hawaiian Civic Clubs

Subject: Proposed language changes to Stipulation VII relating to interpretive programs and signage

We proposed the following language changes to Stipulation VII, Educational and Interpretive Programs, Materials, and Signage:

Amendment to subsection A.1, second sentence, to read as follows: "The City will circulate a draft of the interpretive plan to consulting and concurring parties following the kick-off meeting..."

Amendment to subsection B.1, second sentence, to read as follows: "The City will circulate a draft of the brochure plan to consulting and concurring parties following the kick-off meeting..."

Amendment to subsection D.1, second sentence, to read as follows: "The City will circulate a draft of the program plan to consulting and concurring parties following the kick-off meeting..."

Mahalo for this opportunity to offer our comments and recommended amendments.

From: Kehau Abad [keabad@ksbe.edu]
Sent: Wednesday, October 21, 2009 6:19 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; Kaleikini, Paulette; David Kimo Frankel; Camille Kalama; Moses K Haia; Alan Murakami; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: RE: Programmatic Agreement and Consulting Parties

Aloha no kakou,

Attached is an electronic unsigned version of a signed hardcopy letter from the OIBC that we will be sending to Leslie Rogers of the FTA shortly.

We humbly ask that each of you consider the comments that we have presented.

Me ke aloha,
Kehau

O'ahu Island Burial Council
State Historic Preservation Division
601 Kamokila Blvd, Room 555
Kapolei, HI 96707

October 18, 2009

Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration, Region IX
201 Mission St, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Leslie Rogers:

The O'ahu Island Burial Council appreciates the opportunity to offer our final set of comments regarding the draft programmatic agreement (PA) for the Honolulu High-Capacity Transit Corridor Project (Project).

Before presenting our final comments, we would like to acknowledge to the FTA our sincere thanks for the efforts of the Honolulu City and County's Project team, particularly Faith Miyamoto and Lawrence Spurgeon, who have dedicated many hours to consulting with the OIBC and its Rail Transit Project Task Force.

The OIBC would also like acknowledge to the FTA our great appreciation of Mayor Mufi Hanneman's heartfelt letter of October 13 that commits the City and himself personally to work together with the OIBC to "find ways to best protect iwi kūpuna."

Divergent OIBC and City perspectives

Unfortunately, a significant divide remains between the City's and the OIBC's perspectives regarding how to "best protect iwi kūpuna." The OIBC's view focuses on early identification of iwi kūpuna to facilitate a strategy of avoidance through the consideration of alternate alignments. The City's view focuses on early

commitment to a given alignment and later identification of iwi kūpuna, employing a strategy of mitigating the negative impacts on iwi kūpuna through design changes in the designated corridor.

Early problems with the Project that undermine the current PA

During consultation meetings on the PA and in meetings with the Project team, the OIBC has consistently raised concerns about the process and outcome of the Alternatives Analysis (AA) conducted by the City in selecting its Locally Preferred Alternative (LPA). These concerns have not been allayed by the outcomes of the PA consultation.

The City committed itself to an LPA without first conducting an archaeological inventory survey (AIS), even with its recognition that the selected LPA would, in its Phase 4 alignment, traverse an area under which lies a natural sand deposit that is well known to house high concentrations of unmarked Native Hawaiian burials.

Relevant Hawaiian cultural perspectives

In Hawaiian culture, a burial is kapu (sacred and off-limits). Families would kanu (bury or plant) a deceased loved one with the understanding that the person's full life cycle would continue. Upon being "planted," the iwi (bones)—and the 'āina (land) that nurtured the iwi— in time would become one. The individual's mana (spiritual power), retained in his bones, would imbue the 'āina and provide a source of mana for the community associated with that 'āina. In this way, kūpuna (grandparents, ancestors) continue their kuleana (role, responsibility, obligation, and right) to spiritually nourish their families and 'āina. The kuleana of the living descendants is to maintain the sanctity of the iwi kūpuna (ancestral remains), thus preserving the integral relationships among their ancestors, the 'āina, and the living community.

The act of burial and burial locations were kept huna (secret and hidden). Burials were kapu, intended to be left in peace, and carefully guarded to ensure that no disturbance occurred. Intrusions into burials (opening up the ground to expose iwi kūpuna, touching iwi kūpuna, uprooting iwi kūpuna, etc.) was considered extremely offensive and disrespectful—an act of violence and degradation directed at the deceased individual, the living family members, and the larger community associated with that burial. Such an act would be akin to disrobing a living person and physically handling them against their will.

Hence, even the possibility of the archaeological inventory survey that might encounter iwi kūpuna through careful hand excavation is worrisome for Native Hawaiians. More troubling is the thought of archaeological investigation via backhoe excavation. And worse still is the notion of inadvertent intrusion into burials and destruction of iwi kūpuna by high-powered, modern construction tools.

Legal Standing of the OIBC

Understanding the vulnerability of iwi kūpuna in our modern context that is framed by a history of Native Hawaiian depopulation and dispossession at the hands of Western powers that be,¹ the State of Hawai'i in 1990 enacted legislation to protect iwi kūpuna—laws that place a heavy kuleana on the various island burial councils.

One of the most important statutory roles of the OIBC is determining treatment of unmarked Native Hawaiian burials 50 years or older that are documented through means such as an AIS. The OIBC has the authority provided in the Hawai'i Revised Statutes (HRS) Chapter 6E-43.5(f) to “determine the preservation or relocation of previously identified native Hawaiian burial sites” and to “make recommendations regarding appropriate management, treatment, and protection of native Hawaiian burial sites, and on any other matters relating to native Hawaiian burial sites.”²

As a statutorily-empowered body of governor-appointed officials knowledgeable and experienced in cultural, legal, archaeological, and planning matters, the OIBC has a particularly important voice in projects that have encountered or are likely to encounter unmarked Native Hawaiian burials, as with the City's Rail Transit Project (Project).³

Failure of the City to consult with the OIBC in the AA process

This is why the OIBC was astounded to discover a gross lack of consultation with the OIBC in the interim between when City representatives first came to the OIBC

¹ A crucial episode of dispossession occurred under an armed invasion by the United States marines, which enabled the overthrow of the sovereign and diplomatically-recognized Hawaiian Kingdom government that had protected burials through stringent laws. (See the Hawaiian Apology Bill, PL 103-150 for further details regarding the US' role in the illegal overthrow of the Hawaiian Kingdom government.)

² The OIBC's role is more specifically outlined in the Hawai'i Administrative Rules 13-13-300, Subchapter 3.

³ The OIBC notes here that it continues to object to the FTA's assessment that our statutory role does not rise to the level to prompt the FTA to include the OIBC as an invited signatory.

in 2005 to initiate consultation with the OIBC and when the OIBC leadership requested City representatives to appear before the OIBC on July 9, 2008, to update our body. In the interim, the City selected an LPA absent OIBC consultation. Though the Project team held public hearings regarding their selected LPA, the OIBC did not receive an invitation to these and was never briefed about the hearings through written correspondence or through a representative sharing such information at an OIBC monthly meeting.

The OIBC was further shocked to learn that the City—without a properly executed AIS—selected an LPA that included, in its Phase 4 segment, an area under which lies a natural sand deposit that is well known to house high concentrations of unmarked Native Hawaiian burials.

The minutes of the OIBC's July 9, 2008 meeting record our concerns regarding the process and outcome of the LPA decision:

Council members were very concerned that the 106 process has been skirted by postponing the AIS. Without a complete survey, the extent of the effect cannot be adequately determined in making a decision in the choice of alignment. Abad was concerned that the alignment has been determined in advance of the AIS and therefore the process has been short circuited...

Lack of adequate and appropriate information for the City to render its LPA decision

What has become apparent in subsequent PA consultation meetings is that the City relied on other archaeological studies in the general Phase 4 region to surmise that its LPA would pose less of a danger to iwi kūpuna than other potential alignments. The City's conclusion was based on a fallacy of assuming that a lack of previous archaeological studies in the LPA alignment was an indicator of a lesser number of iwi kūpuna being present in that alignment as compared to other possible alignments. The City made its crucial LPA decision without the information that should have been provided in an AIS (even a preliminary one that could have been contracted) and lacking input from OIBC consultation.

Had the OIBC been included in the LPA discussion, the OIBC would certainly have pointed out to the City's decision makers the error of the aforementioned fallacy and conveyed the OIBC's archaeological and Hawaiian cultural expert opinion that the selected LPA would certainly threaten a large number of iwi kūpuna.

Further, if the OIBC had been consulted when the LPA was being determined, the OIBC would have been able to explain how the Project's potential disturbance of iwi kūpuna would impact Native Hawaiians, deceased and living—a point significant to the evaluation of the burials against the National Park Service's standards for identifying the eligibility of traditional cultural properties for inclusion on the National Register of Historic Places.

During the PA consultation meetings, the Project team members commented several times that the cultural perspectives relating to iwi kūpuna that OIBC members brought forth were completely new to them and that they had not previously understood our full concerns. It was the first time that they began to understand that their view of "respectful treatment" of iwi kūpuna from their Western cultural perspectives was nonetheless highly disrespectful treatment from a Hawaiian cultural perspective.

In sum, when the City evaluated the Project's impacts to iwi kūpuna in its AA, it did so without adequate archaeological or cultural information that should have been presented in an AIS and that would have allowed the City to appropriately weigh alternatives.

Significance of the City's failure to conduct an AIS of Phase 4

In relation to legal procedures relevant to the PA, the most important missing information from the AA was data that should have been provided in an AIS, especially involving Phase 4 where the City was aware that iwi kūpuna would be present.

By avoiding the AIS, the City has diminished protections afforded iwi kūpuna in Hawai'i State law and in federal legislation, particularly the 1966 Department of Transportation Act of 1966, Section 4(f). The rigorous alternatives analysis and avoidance measures required by Section 4(f) can only be afforded historic properties (such as the cumulative set of Native Hawaiian burial sites in the Downtown Honolulu and Kaka'ako corridor) if an appropriate investigation (such as an AIS that includes an investigation of traditional cultural properties) identifies and documents such properties.

Significantly, the National Park Service Bulletin, Guidelines for Evaluating and Document Traditional Cultural Properties (pp. 11-12) describe several important

criteria qualifying TCPs as eligible for inclusion on the National Register of Historic Places, each of which the Native Hawaiian burials in the Project area would meet:

- 1) "The entity evaluated must be a tangible property."
- 2) The property must possess integrity of relationship to a cultural group, or more specifically, the "the property [must be] known or likely to be regarded by a traditional cultural group as important in the retention or transmittal of a belief, or to the performance of a practice" (as with traditional Hawaiian practices associated with the care of iwi kūpuna and the role that such kūpuna play in the lives of an associated living community).
- 3) The property must possess integrity of condition, which is measured by the perspectives of the cultural group associated with the property. The Guidelines' authors specifically note that "the integrity of a possible traditional cultural property must be considered with reference to the views of traditional practitioners; if its integrity has not been lost in their eyes, it probably has sufficient integrity to justify further evaluation." In this regard, a specific example was provided by the Guidelines' authors of a cemetery whose integrity was maintained in the eyes of the African Baptist community associated with it, regardless of the cemetery having been "buried under fill and modern construction for many decades."
- 4) The property must meet one of the 36 CFR 60.4 criteria, as with Native Hawaiian burials that "may be likely to yield information important in prehistory or history," though this would not be the reason that Native Hawaiians would consider burials as being significant.

If an AIS, including a study to investigate traditional cultural properties, were to be conducted for the City's proposed Project, it is clear that concentrations or cumulative sets of Native Hawaiian burials would be eligible for inclusion in the National Register of Historic Places.

Therefore, the City's failure to conduct such studies to bring to light the presence and significance of burials in the Project's alignment has needlessly placed iwi kūpuna in harm's way and diminished the ability of laws such as the DOT Section 4(f) to protect them.

OIBC's stance

It is for all of the above reasons that the OIBC voted unanimously at its October 14, 2009 meeting not to sign the PA as a concurring party. The OIBC, in all good conscience, cannot be a supportive party to an agreement that is founded on the assumption that the City's AA included appropriate consultation or that the AA was based on current and thoroughly-researched data, including information on historic properties. Neither is true. The aforementioned missing archaeological and cultural assessments created fatal flaws in the City's AA and LPA choice.

Phased AIS not automatically allowed in CFR 800.4

In response to the above concerns that OIBC members have repeatedly raised, the City and its contractors have responded by saying that CFR 800.4(b)(2) allows for a phased approach to defer identifying and evaluating historic properties for large projects. However, this deviation from the normal process of identifying, documenting, and evaluating historic properties affected by an undertaking *before* the undertaking commences, can only be approved "if it is specifically provided for in a memorandum of agreement executed pursuant to §800.6, a programmatic agreement executed pursuant to §800.14(b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to §800.8."

OIBC's appeal to signatories and consulting parties

We therefore implore the PA signatories, invited signatories, and consulting parties to deny the deferral of the AIS. Instead, we ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA.

Should the findings of such an AIS require a Section 4(f) evaluation, and should those findings compel the City and FTA to conduct a related AA, we further beseech the PA signatories and invited signatories to require such an AA in the FEIS and that such studies be properly completed before a record of decision is issued.

If the current draft PA that allows for the deferral of the AIS is approved, it will set a troubling precedent that communicates the following:

- 1) The PA signatories and concurring parties condone a plan that diminishes the protections afforded Native Hawaiian burials and other historic properties in state and federal laws.

- 2) A federal agency can disregard a governor-appointed local commission charged with the protection of historic properties of utmost significance to the Native Hawaiian community.
- 3) The City can commit a massive public project to a route that would have tremendous harmful impacts on Native Hawaiians without the purposeful, invited input of the Native Hawaiian community in that decision and without first having investigated the potential impact of the undertaking on historic properties, including Native Hawaiian burials.
- 4) The City can circumvent the historic preservation process that it requires private-sector developers to follow.

Suggested PA amendments

Should a PA nonetheless be approved that allows for an AIS to occur *after* the required approvals for the Project's commencement, then the OIBC would request that the following changes be added to the PA:

- 1) A set of "whereas" clauses that we hope will buffer the OIBC and the Native Hawaiian community from future critics who we foresee will blame the OIBC and Native Hawaiian community for what will inevitably be significant delays and cost increases associated with iwi kūpuna laid to rest in the corridor of the City's selected LPA:
 - a. Whereas, there is a high likelihood of the discovery of iwi kūpuna along the transit route, particularly in Phase 4;
 - b. Whereas, this agreement is being signed prior to the completion of an archaeological inventory survey despite repeated requests for one by the O'ahu Island Burial Council (OIBC) and Native Hawaiian organizations;
 - c. Whereas, the OIBC and Native Hawaiian organizations have requested that the likely impact to burial sites be considered as part of the alternatives analysis;
 - d. Whereas, the city and the FTA assume the risk that the OIBC and the State Historic Preservation Division may bar the relocation of iwi along the transit route, thereby delaying and increasing the cost of the undertaking and potentially jeopardizing the viability of the project.
- 2) A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to

be affected by ground disturbance, including, but not limited to, column locations, stations, traction power substations, and utility relocations.

- 3) Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan.

Honoring a debt of gratitude

So much of what we enjoy in Hawai'i originates from Native Hawaiian kūpuna—beautiful cultural traditions and practices that are appreciated worldwide, a host culture that welcomes diversity and cross-cultural tolerance, resource stewardship practices that offer solutions to current global concerns, a spiritual depth that continues to inspire and evoke inquiry... We owe these kūpuna the basic respect of fully considering their desire to rest in peace. The OIBC cannot agree to a project plan that has placed our kūpuna as a secondary after thought in the planning process.

We respectfully submit these comments and request that the FTA, other signatories, and consulting parties give full consideration to the points we have presented.

‘O mākou iho nō me ka ‘oia’i’o,

Kāwika McKeague
OIBC Chair

Hinaleimoana Falemei
OIBC Vice Chair

Kēhaunani Abad
OIBC Rail Transit Task Force Chair

From: Betsy Merritt [Betsy_Merritt@nthp.org]
Sent: Thursday, October 22, 2009 3:28 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; randall.y.young@navy.mil; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Charlene Vaughn; 'Reid Nelson'
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Comments from National Trust on Draft PA for Honolulu Transit Project

Attached are comments from the National Trust for Historic Preservation on the most recent Draft PA. Please let us know if you have any questions or would like additional information.

Sincerely,

Elizabeth S. Merritt, Deputy General Counsel, National Trust for Historic Preservation
1785 Massachusetts Ave. NW, Washington, DC 20036 Phone: (202) 588-6026 | Fax: (202) 588-6272
The National Trust's Legal Defense Fund works with local preservation advocates around the country to protect historic and cultural resources.

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Tuesday, October 20, 2009 8:54 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; Betsy Merritt; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Consulting Parties Meeting Update

Aloha Section 106 Parties,

This is a reminder that there will be a consulting party meeting on October 21 at 8:30 a.m. The meeting will be a status meeting with an opportunity to discuss resolution of comments and provide consulting parties an opportunity to make final statements. We have received several sets of comments on the last version of the PA and, aside from NPS comments received late yesterday, they have all been considered and where appropriate incorporated into the attached version of the PA. ACHP is preparing final guidance and comments that will be incorporated into a final PA version along with consideration of the

NPS comments. This version will be presented next week on Monday October 26 at 8:00 a.m. Honolulu time. Signatory parties will have an opportunity to make concluding comments to the group at the Monday meeting.

You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400.
Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

Mahalo!

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October 22, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Re: Comments on Draft Programmatic Agreement (PA) for
Honolulu High-Capacity Transit Corridor Project

Dear Mr. Rogers and Mr. Yoshioka:

The National Trust for Historic Preservation submits the following comments on the Draft Programmatic Agreement (PA) for the Honolulu High-Capacity Transit Corridor Project.

**Failure to Identify Native Hawaiian Burials Prior to Selecting Alternatives
Violates Section 4(f).**

We remain extremely concerned by the City's decision to defer detailed identification of historic properties within the Phase 4 alignment, which is the section that has a known high concentration of unmarked Native Hawaiian burials. We have reviewed the letter from the O'ahu Island Burial Council (OIBC), which has unanimously opposed the decision to defer an Archaeological Inventory Survey (AIS) Plan. In our view, the City's decision renders the project legally vulnerable under Section 4(f) of the Department of Transportation Act, pursuant to *Corridor H Alternatives, Inc. v. Slater*, 166 F.3d 368 (D.C. Cir. 1999). The City has already stated publicly that it expects a final decision approving the transit project will be challenged in court. In light of this prediction, it is surprising that the City would not act to reduce this legal vulnerability by completing the AIS prior to making a final decision on the project. We urge the Federal Transit Administration (FTA) to consider this issue in the context of its own legal sufficiency review for this project.

The *Corridor H* case, like this one, involved a long, linear transportation project that was the subject of a Programmatic Agreement (PA) under Section 106 of the National Historic Preservation Act. The PA deferred the identification of certain historic properties to the future. Although the PA was adequate for purposes of compliance with Section 106, the court found it was not adequate to comply with Section 4(f). In *Corridor H*, the historic resources at stake were large rural historic landscapes and battlefields, which could not be avoided without going outside the alignment that had been studied for the project. As a result, the agency could not document that it had made a meaningful evaluation of whether the project would

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require the "use" of historic properties under Section 4(f), unless and until it had sufficient information on whether historic properties existed within the corridor.¹

Deferring the identification of historic properties may be acceptable where the nature and scope of the resources would allow them to be easily avoided, as in the case of archaeological sites that are only significant under National Register Criterion D. However, resources such as traditional cultural properties (TCPs) and Native Hawaiian burials require an entirely different approach, because they have in-place significance, and the project may not be able to avoid harm to these resources without selecting a different alternative.² If a determination of National Register eligibility would influence the agency's selection of alternatives under Section 4(f) (and Section 106 and NEPA as well), then the identification of those historic properties, and the project's potential effects on them, must be evaluated at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed.

The assurances in the PA that consultation regarding TCPs will be completed "prior to commencement of construction" (PA, II.B.) are not adequate, in our view, to ensure that avoidance alternatives have not been foreclosed. The City seems to assume that adverse effects to burials can be avoided because alterations -- such as relocating guideway columns, using straddle-bent supports, or modifying span length -- should allow most burials to be preserved in place. (PA, III.E.2.b.). However, the OIBC rightly disagrees. The City cannot conclude with certainty that it will avoid burial sites.

The Draft PA Does Not Adequately Address the Foreseeable Indirect and Cumulative Effects of the Project.

Historic Hawaii Foundation and the National Trust have both expressed concern that, without local land use regulation that includes historic preservation,³ the transit project is likely to generate nearby development that could harm or destroy historic

¹ In fact, a large rural historic district was later determined eligible for the National Register, which required a major reroute of the proposed highway.

² See National Register Bulletin #38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, which defines a TCP as "one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community."

³ We recognize that the Transit Oriented Development (TOD) ordinance calls for the development of regulations that include "controls to protect and enhance" historic, scenic, and cultural resources. Ordinance 09-4, § 21-9.100-4(f). However, until those regulations are developed, we have no assurance as to how effective they may be in protecting historic properties from demolition or incompatible alteration.

properties. These are reasonably foreseeable indirect and cumulative effects, which must be taken into account under Section 106. (36 C.F.R. § 800.5(a)(1); 40 C.F.R. § 1508.8(b).) We proposed specific language for a stipulation that would not only monitor such adverse effects on historic properties, but would also spell out consequences if the level of such adverse effects rises too high in the future.

The City's proposed stipulation (IX.C.) is simply not adequate. It requires nothing more than the City providing a list every six months of demolition permits already granted for historic properties within the APE. Even if every historic property were demolished, no mitigation would be required - only after-the-fact reporting. Without some consequences imposed for demolitions, transit-oriented development could have profound impacts to historic properties in Honolulu.

We reiterate our request to develop a mitigation measure that will provide: (1) a timely way for these indirect and cumulative effects to be monitored; and (2) meaningful consequences if the effects turn out to be significant. Our previous proposal was to adopt a moratorium if demolitions began to rise substantially (using the Washington Convention Center MOA as a model), as a way of "avoiding" and "minimizing" adverse effects. However, another approach could be to increase funding to the Historic Preservation Committee (HPC) - for example, by adding \$100,000 for each demolition or incompatible alteration that is approved by the City within the APE or in development areas surrounding transit stations -- as a way of "mitigating" the adverse effects. As a third alternative, demolitions could trigger a consultation process that would develop specific mitigation to include strengthened local land use regulations or other programs to enhance historic resource protection.

We would also like to ensure that this stipulation includes:

- Notice of permits for major alterations in addition to demolition, as requested in our original proposal;
- Notice of permit applications at the time they are filed, and not just after they have already been granted; and
- The area subject to monitoring should include the full 2,000-foot radius around stations.

The PA Should Not Restrict Subsequent Consultation to "Concurring" Parties.

In many places throughout the PA, there is an opportunity for subsequent input to some degree by stakeholders as specific plans or mitigation measures are developed. Unfortunately, however, the PA in many places restricts the opportunity for comment exclusively to those consulting parties that are willing to formally "concur" in the PA. We recognize that this approach is often used as a way to encourage parties to concur in Section 106 agreements, by offering extra "benefits" for concurring parties. However, we believe this restriction is inappropriate here. The primary stakeholders

that are likely to be excluded by this restriction are Native Hawaiian organizations that may be unwilling to concur in the PA. For example, the OIBC voted unanimously not to concur, as a matter of conscience.

The following mitigation measures in the Draft PA are subject to the restriction that only "concurring parties" can review and comment, or otherwise participate:

- Review of Preliminary Engineering Design Plans (IV.C.)
- Scope of work for Historic Context Studies (V.A.)
- Scope of work for Cultural Landscape Reports (V.B.)
- Kick-off meeting for Interpretive Plan (VII.A.1)**
- Kick-off meeting for historical brochure (VII.B.1)**
- Review of materials for children (VII.C.2.)
- Kick-off meeting for Humanities Program (VII.D.)**
- Kick-off meeting for educational program to encourage rehabilitation (VII.E.)**
- Coordination with Project Architectural Historian (IX.A.1.)
- Participation in Annual informational meeting (XIII.C.3.)

** Four of these stipulations do allow input from all consulting parties, but only *after* an initial opportunity for comments and/or a special "kick-off" meeting that is limited to concurring parties only. This highlights the "second-class" status to which conscientious objectors such as the OIBC would be relegated.

Many of these mitigation measures involve the preparation of plans or studies or interpretive materials that would especially benefit from active involvement at every step by Native Hawaiian organizations. In our view, it would be wrong to force the consulting parties to have to choose between meaningful involvement in developing mitigation measures and a principled decision not to "endorse" the PA.

Specific Comments

We also support the comments submitted by the National Park Service and Historic Hawaii Foundation. We would especially like to reiterate the following:

- We share the concerns raised by the Park Service that premature issuance of the RFP may have unlawfully "restrict[ed] the subsequent consideration of alternatives to avoid, minimize or mitigate the [project's] adverse effects on historic properties" under Section 106. 36 C.F.R. § 800.1(c). We urge the FTA to consider this issue in connection with its legal sufficiency review, and to incorporate safeguards to address it.

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 5

- We agree with both the Park Service and HHF that the requirement for consistency with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* should not be limited to project elements "within the boundary" of a historic property (IV.A.), but should also include project elements that are adjacent to historic properties.
- We also agree with HHF that additional mitigation should be provided if the design review process does not result in a design that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (IV.C.). This is especially important for the anticipated impacts to the Dillingham Transportation Building and courtyard.

In addition, we recommend the following minor revisions for clarification:

- At the end of Stipulation VII.D.3. (p.15), add "whichever occurs later."
- In Stipulation VIII.D.4. (p.17), change "parks improvements" to "implementation of the park improvement plan."

Finally, we reiterate our prior comment to add the following provision to Stipulation VI.B., regarding the update to the National Historic Landmark (NHL) nomination for Pearl Harbor:

The work shall be carried out and approved by persons meeting the professional qualifications for Historical Architect or Architectural Historian in *The Secretary of the Interior's Historic Preservation Professional Qualification Standards*, 62 Fed. Reg. 33,713-14, 33,719-20 (June 20, 1997).

This higher professional qualification requirement would apply if the Navy were the agency commissioning the NHL update. The City and FTA should be required to meet the same standard.

Thank you again for the opportunity to comment on the Draft PA.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 6



Brian Turner
Regional Attorney

cc: James Barr, FTA
Theodore Matley, FTA
Blythe Semmer, Charlene Vaughn, and Reid Nelson, ACHP
Elaine Jackson-Retondo and Frank Hays, National Park Service
John Muraoka, Navy Region Hawaii
Pua Aiu, Nancy McMahan, and Susan Tasaki,
Hawaii State Historic Preservation Division
Kawika McKeague, Chair, Oahu Island Burial Council
Faith Miyamoto, City & County of Honolulu
Lawrence Spurgeon, Parsons Brinckerhoff
Spencer Leineweber
Kiersten Faulkner, Historic Hawaii Foundation

From: Miyamoto, Faith [fmiyamoto@honolulu.gov]
Sent: Friday, October 30, 2009 1:08 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Foell, Stephanie; Judy Aranda; Tam, Ryan; Patterson, Kaleo; N Dahl
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Hi Everyone -

Just wanted to update you on what has been happening with the PA.

On Tuesday, the Honolulu City Council voted to authorize the Director of the Department of Transportation Services to sign the Section 106 PA.

Yesterday, we received final comments on the PA. Early next week, we will be transmitting the version of the PA that responds to those comments, along with a matrix that lists all of the comments that were received from Day 1 and our responses to those comments. Needless to say, the matrix will be a very big document.

At this time, we would like to thank each of you for all the time and effort you devoted to getting the PA to where it is today. Although it may not have been openly expressed, we certainly appreciated your active involvement in the development of the PA. Outside of the 11 meetings of the consulting parties, we know that you have spent days reviewing the PA. The comments and discussion that resulted from that review have made the PA a better document. Please convey our thanks to the other people in your organization who also contributed to this effort.

The process is not over yet and so we are counting on your continued involvement.

Again, our sincerest thanks.

Faith Miyamoto
Rapid Transit Division
Department of Transportation Services
City and County of Honolulu

From: Spurgeon, Lawrence
Sent: Tuesday, November 03, 2009 5:51 PM
To: 'Miyamoto, Faith'; 'bsemmer@achp.gov'; 'Pua.Aiu@hawaii.gov'; 'theodore.matley@fta.dot.gov'
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



Section 106
early-start activi...



Honolulu PA.pdf
(208 KB)



PA Review
omments Matrix.pdf

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions. Also included is the response matrix of comments received since July and their disposition. Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

From: Kehau Abad [keabad@ksbe.edu]
Sent: Wednesday, November 04, 2009 6:16 AM
To: Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
Cc: Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulankruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



Section 106
early-start activi...



Honolulu PA.PDF
(205 KB)



PA Review
omments Matrix.pdf

Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
- 2) "A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to the locations of columns, stations, traction power substations, and utility relocations." (Pages 8-9, OIBC 10/18 letter)
- 3) "Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan." (Page 9, OIBC 10/18 letter)

We ask that you please add the above OIBC comments in the matrix and include an explanation of how these comments were addressed.

Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

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1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Wednesday, November 04, 2009 6:56 AM
To: Spurgeon, Lawrence
Cc: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia; Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; alicegreenwood60@yahoo.com
Subject: Re: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Lawrence, The matrix also does not address the drafting errors of the boundaries of the historic districts in the Exhibits that many people could not open. Could you also add that to the matrix resolution list?
Thanks, Spencer

On Wed, Nov 4, 2009 at 6:48 AM, Spencer Leineweber <aspencer@hawaii.edu> wrote:
Lawrence,

Several times within the matrix document the reference has been made to 36 CFR 800.4(b)(2). This federal requirement notes the possibility for a phased approach. This provision 36 CFR 800.4(b)(2) also requires that you take into the account the comments of the consulting parties concerning phasing.

Many consulting parties have stated that the phased approach is not appropriate for the determination of archaeological resources in the corridor because it will be too late to make any substantive changes to the technology or route. Could you specifically address this issue in more detail in the matrix and PA.

Several times AIA has also brought up the issue of adequacy of alternatives evaluation which could lessen the substantial adverse effect of the selected elevated line on the setting and integrity of historic resources. This also does not seem to be addressed anywhere in the matrix.

Thank you,

Spencer Leineweber

On Wed, Nov 4, 2009 at 6:16 AM, Kehau Abad <keabad@ksbe.edu> wrote:
Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
- 2) "A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to the locations of columns, stations, traction power substations, and utility relocations." (Pages 8-9, OIBC 10/18 letter)
- 3) "Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan." (Page 9, OIBC 10/18 letter)

We ask that you please add the above OIBC comments in the matrix and include an explanation of how these comments were addressed.

Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
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1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686
Conference ID 3784294

A hui ho,
Lawrence

From: Kehau Abad [keabad@ksbe.edu]
Sent: Thursday, November 05, 2009 11:00 AM
To: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
Cc: Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulankruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no Faith and Lawrence,

I'm hoping to offer some clarification to my earlier email. Please note that there seems to have been an assumption on the City's part that the OIBC intended each of our suggested PA amendments to be included as "whereas" clauses. This is not the case (please review pages 8-9 of our 10/18 letter). The OIBC intended some of our PA amendments (repeated in Items 2 and 3 in the email below) to be addressed in the stipulations of the PA.

Hence, we do not believe the comments in the matrix appropriately or adequately address our items 2 and 3 below.

Because the PA is in many ways a "plan to plan," our comments were intended to have the PA include stipulations that such plans would need to incorporate, as addressed in Item 2 below. Similarly, the decision making regarding such plans currently includes only consultation with the OIBC. The OIBC is requesting, in Item 3 below, to have a role in the decision making regarding such plans--not merely a voice in consultation.

Again, because the City plans to forward a project through a corridor of known high concentration of iwi kupuna, it is imperative that the OIBC--which has a statutory role in such matters--be allowed to engage in decisions that will affect these highly significant traditional cultural properties.

Moreover, because the City's timing of the project limits the alternatives that the OIBC and City will have when iwi kupuna are encountered, we feel it is reasonable to request a more meaningful role for the OIBC in decision making related to the AISP, AIS, MP, and BTP.

We assumed that your team would prefer to craft the language to address our comments, and hence did not offer specific wording. However, if you would like us to develop appropriate language, we would be happy to do so. In either case, please let us know how the final PA will address our comments.

Mahalo nui loa,
Kehau

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

From: Kehau Abad
Sent: Wednesday, November 04, 2009 6:16 AM

To: 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jnn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamelat.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; 'Alan Murakami'; Moses K Haia
Cc: 'Kawika McKeague'; 'bridgesc@polynesia.com'; 'leimaile.q@gmail.com'; 'akeliikoa@hbws.org'; 'kiha@hawaii.rr.com'; 'kehaulnikruse@msn.com'; 'aaronmahi@aol.com'; 'kawikam@hawaii.rr.com'; 'taahine.hina@gmail.com'; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
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Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.
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1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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From: Halealoha [halealoha@wave.hicv.net]
Sent: Thursday, November 05, 2009 11:19 AM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
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Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

To All Involved:

Hui Malama I Na Kupuna O Hawai'i Nei, after considering the clarifying comments contained below from Dr. Kehaunani Abad on behalf of the O'ahu Island Burial Council, hereby supports those comments wholeheartedly and hereby requests the City to address the OIBC's comments in the final PA, mahalo.

Ola na iwi,
Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

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

From: Kehau Abad [mailto:keabad@ksbe.edu]
Sent: Thursday, November 05, 2009 11:00 AM
To: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
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Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no Faith and Lawrence,

I'm hoping to offer some clarification to my earlier email. Please note that there seems to have been an assumption on the City's part that the OIBC intended each of our suggested PA amendments to be included as "whereas" clauses. This is not the case (please review

pages 8-9 of our 10/18 letter). The OIBC intended some of our PA amendments (repeated in Items 2 and 3 in the email below) to be addressed in the stipulations of the PA.

Hence, we do not believe the comments in the matrix appropriately or adequately address our items 2 and 3 below.

Because the PA is in many ways a "plan to plan," our comments were intended to have the PA include stipulations that such plans would need to incorporate, as addressed in Item 2 below. Similarly, the decision making regarding such plans currently includes only consultation with the OIBC. The OIBC is requesting, in Item 3 below, to have a role in the decision making regarding such plans--not merely a voice in consultation.

Again, because the City plans to forward a project through a corridor of known high concentration of iwi kupuna, it is imperative that the OIBC--which has a statutory role in such matters--be allowed to engage in decisions that will affect these highly significant traditional cultural properties.

Moreover, because the City's timing of the project limits the alternatives that the OIBC and City will have when iwi kupuna are encountered, we feel it is reasonable to request a more meaningful role for the OIBC in decision making related to the AISP, AIS, MP, and BTP.

We assumed that your team would prefer to craft the language to address our comments, and hence did not offer specific wording. However, if you would like us to develop appropriate language, we would be happy to do so. In either case, please let us know how the final PA will address our comments.

Mahalo nui loa,
Kehau

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Kehau

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A hui ho,
Lawrence

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From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Thursday, November 05, 2009 12:59 PM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
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Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



HHFComments_Tra
nsitPA_110209.p...

Aloha k-kou,
Please see the attached comments from Historic Hawai'i Foundation on the Transit PA draft of 11/2/09. Please let me know if you have any questions.

Thank you,
Kiersten Faulkner

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
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A hui ho,
Lawrence

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From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Sunday, November 08, 2009 9:49 AM
To: Miyamoto, Faith
Cc: Halealoha; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Foell, Stephanie; Judy Aranda; Tam, Ryan; Patterson, Kaleo; Souki, Jesse K.
Subject: Section 4(f) and the Programmatic Agreement

Faith,

In the first meeting I attended for the Section 106 Consultation (meeting #2) I asked the question about Section 4(f), and that question has not yet been answered. As you know Section 106 is a mitigation procedure but Section 4(f) is an avoidance procedure. In the City's Alternatives Analysis Report November 2006 page 4-1 states "The Fixed Guideway Alternative would require more displacements and affect more potentially historic structures than the other alternatives."

Since the fixed guideway was the only actual rail system evaluated in the DEIS, it seems an essential step was missed, thoroughly evaluating an alternative at the EIS level that did not impact the historic sites. Could you address a specific answer to this question to all the consulting parties before we wrap up the PA? It would appear that decisions in the resolution of Section 4(f) would impact the Programmatic Agreement. The PA cannot absolve any disparity that hasn't been addressed in Section 4 (f). Thank you.

Spencer Leineweber FAIA

November 23, 2009

Leslie T. Rogers,
Regional Administrator
Federal Transit Administration
201 Mission St., Suite 1650
San Francisco, CA 94105

NATIONAL
TRUST
FOR
HISTORIC
PRESERVATION®

Wayne Yoshioka, Director
Department of Transportation Services
City & County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Re: Comments on Draft PA for Honolulu Rapid Transit Project

Dear Mr. Rogers and Mr. Yoshioka:

As a follow-up to the Section 106 consultation meeting and conference call on Friday, November 13, 2009, the National Trust submits the following comments regarding the most recent Draft Programmatic Agreement (PA).

The Area of Potential Effects (APE) Map is Erroneous and Needs to be Corrected.

On November 12, the consulting parties received an e-mail from PBWorld with a link to an FTP site where we could download the current copy of the APE Maps, which will be Attachment 1 to the PA. The map document on the FTP site was dated November 5, 2009. However, the individual map panels within the 44-page document are each dated July 24, 2008! Needless to say, the Section 106 determinations have changed dramatically since that time. This set of maps will be crucial to the implementation of the PA. Given their importance, we were surprised to discover that this document is so incomplete, inaccurate, and out of date. It needs to be substantially revised before the PA can be finalized:

- **The APE Map Fails to Delineate the APE.**

First, the map does not actually outline the boundary of the APE, but simply shows a thin colored line representing the guideway itself. The APE needs to be added to the map, as well as the 2,000-foot radius around each station, so that the document clearly delineates exactly what is and is not included within the APE and the 2,000-foot radius.

- **The APE Map Fails to Illustrate the Proposed Footprint of the Stations and Related Infrastructure.**

Second, each station is indicated by a red rectangular icon on the map, which does not correspond with the actual size and footprint of the station structure. The maps

provide no information at all regarding the proposed location or size of the structures that would provide pedestrian access to the elevated platforms.

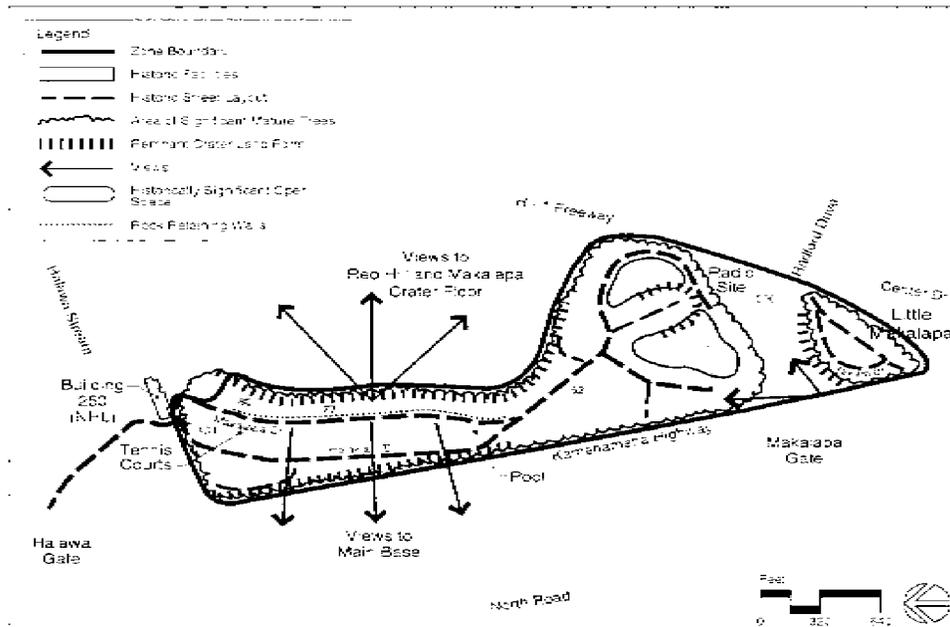
- **The Maps Should Not Include an Alternative Route that Has Already Been Rejected.**

The delineation of the Salt Lake Boulevard alternative should be removed from the document, including pages 22-27 of the 44-page electronic document (map panes 27-32). These only cause confusion.

In addition, the maps should be sequenced from west to east, rather than the current organization, which jumps back and forth from Aloha Stadium to the downtown section and back to Aloha Stadium again.

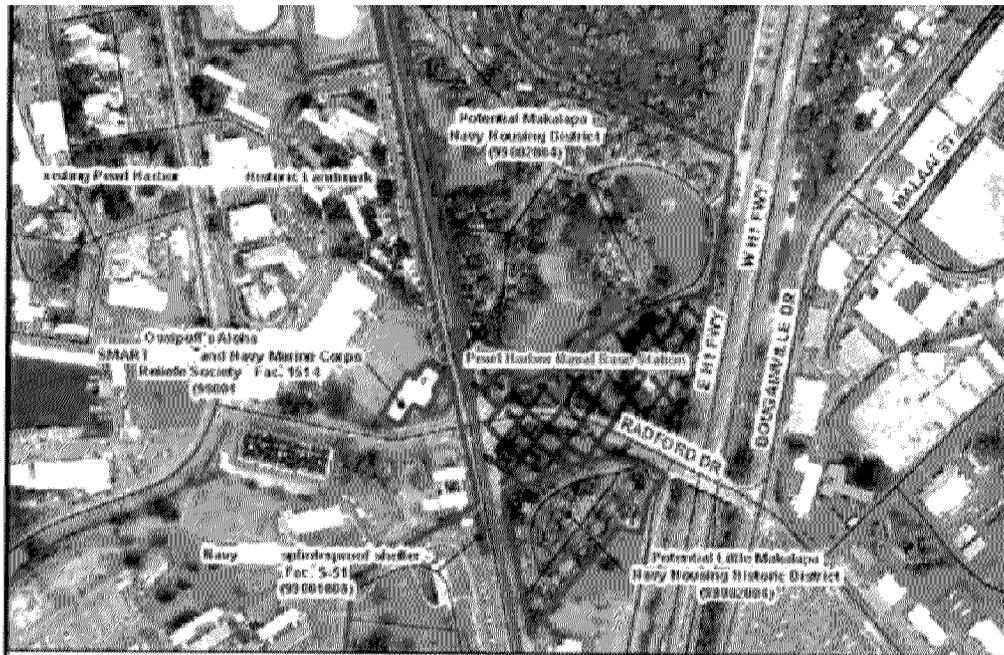
- **Historic District Boundaries for Makalapa, Adjacent to the Pearl Harbor Stop, are Inaccurate.**

The APE maps also show inaccurate historic district boundaries at the Pearl Harbor stop for the Makalapa housing district. The Makalapa housing areas are owned by the Navy, and are directly addressed in the Integrated Cultural Resources Management Plan (ICRMP) issued by the Navy in 2002. The ICRMP shows the entire complex of Makalapa and Little Makalapa as a single, integrated historic zone:

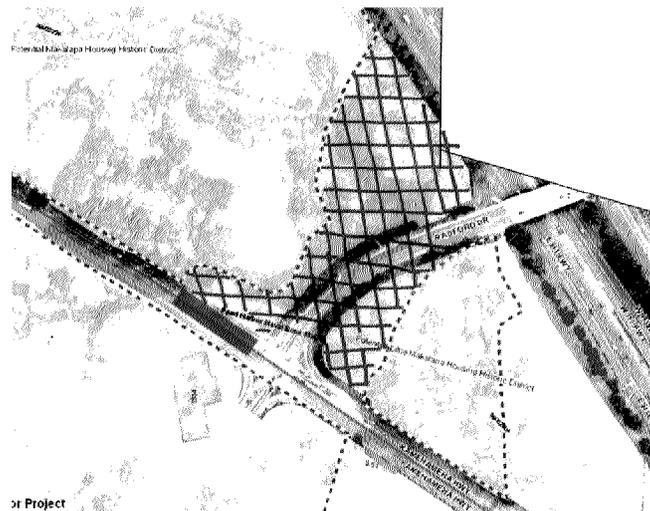


(From Navy Region Hawaii, ICRMP, Pearl Harbor Naval Complex, p. 3-222 (2002).) Note the key views from the Makalapa Gate toward the landscape across the Kamehameha Highway (indicated by arrows).

By contrast, the City has proposed two separate historic districts for Makalapa and Little Makalapa, and has carved out most of the landscape across from the Makalapa Gate in an apparent effort to downplay or deny the substantial adverse impacts of the rapid transit project – including direct, physical encroachment – on the historic landscape and setting for Makalapa.



(From Historic Effects Report, p.153 (April 15, 2009))
 (cross-hatched area indicates landscape improperly excluded from district)



(From APE maps, pp. 37-38/ panes 41-42)
 (cross-hatched area indicates landscape improperly excluded from district)

This manipulation of the Makalapa boundaries cannot be justified, especially since the Navy, which owns this land, and will be required to comply with Section 106 prior to approving any use of the land for the transit project, has already determined in its 2002 ICRMP that the landscape and open space are integral components and character-defining features of the Makalapa Housing Zone.

These incorrect boundaries also call into question the City's "No Adverse Effect" determination for its proposed Little Makalapa historic district. This determination needs to be revised. Instead, the determination should be "Adverse Effect" for the entire unified Makalapa historic district.

Specific Comments on the Programmatic Agreement

In the week following our consultation meeting on November 13, the National Trust conferred with several of the other preservation partners in developing a specific proposal for revised language regarding two provisions – the stipulation describing the design review process, and the provision for monitoring potential secondary and cumulative effects of the transit project. We had commented during the conference call that we would recommend additional detail for both of these. Our specific proposals for revised language are attached, but this letter will outline and summarize our concerns and recommendations.

- **The Draft Stipulation for Design Review Needs Additional Clarification..**
 - It is not clear whether the *Design Language Pattern Guidebook* has been prepared yet. (For example, we cannot find this document on the project website.) If the *Guidebook* has not yet been issued, the PA should specify a clear deadline for completing the *Guidebook*, and should explain the proposed relationship between the *Guidebook* and the design workshops. Is the *Guidebook* supposed to be a resource for the design workshops? If so, further design workshops should be deferred until after the *Guidebook* is completed. Alternatively, if the *Guidebook* is supposed to be prepared after design workshops are completed, then the PA should explain how the *Guidebook* would be used to influence the preliminary engineering design plans.
 - The draft provision for Design Review needs to be more specific in describing the procedure for resolving disputes. We anticipate that most of the stations in the vicinity of historic properties and districts will *not* be consistent with the *Secretary's Standards*. More detail is needed regarding who will make the determination regarding consistency with the *Standards*, how disputes will be resolved, and what kind of "treatment" measures will be adopted to address the resulting adverse effects (i.e., ways to minimize and mitigate harm, since the adverse effect will not be avoided).

- **The Draft Stipulation for Monitoring Future City Permits to Address Secondary and Cumulative Impacts Needs Strengthening.**

At our informal consultation meeting on October 26, 2009, where we discussed the concept for monitoring City permits, Historic Hawaii Foundation and the National Trust suggested several procedures, which were not incorporated into the most recent draft. These include:

- Monitoring permit applications for major alterations, in addition to demolition permits, since transit-generated projects involving adverse effects to historic properties would not be limited to those involving complete demolition;
- Notice of permit applications at the time of filing with the City, so that consulting parties can use the City's existing land use review process to influence the outcome of the permit decision, rather than simply waiting for after-the-fact notification, when it's too late to avoid or minimize the adverse effect; and
- Consultation regarding the issue of whether the permit application is related to or caused by the transit project, with an opportunity to resort to dispute resolution procedures in the event of a disagreement regarding causation or the treatment plan. (The most recent draft of the PA does not spell out a procedure for making the causation determination.)

We have suggested specific revised language to incorporate these requested provisions. At this point, we have proposed including alteration permits as part of the ongoing notice requirement to consulting parties, but not as part of the quantitative analysis that would trigger mandatory consultation, in light of the added complexity. Notice would at least allow the consulting parties to monitor alteration permits themselves, and to invoke the dispute resolution procedures if unanticipated effects arise. However, if other consulting parties feel strongly that alteration permits should be included in the quantitative analysis, we would be amenable to such a provision.

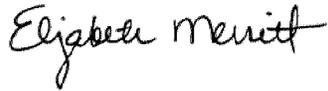
Historic Hawaii Foundation's Comments Warrant a More Thoughtful Response.

We support the request of the Historic Hawaii Foundation in an e-mail to FTA dated November 17, 2009, for a more thoughtful response to its comments on the previous draft PA. We agree that the City's response was surprisingly dismissive, in light of HHF's history of constructive consultation on this undertaking.

Leslie T. Rogers, FTA
Wayne Yoshioka, City & County of Honolulu
November 23, 2009
Page 6

Thank you again for the opportunity to provide written follow-up comments on the draft PA following our November 13 consultation meeting.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

cc: Ted Matley, FTA
James Barr, FTA
Faith Miyamoto, City & County of Honolulu
Lawrence Spurgeon, Parsons Brinkerhoff
Stephanie Foell, Parsons Brinkerhoff
John Muraoka, Navy Region Hawaii
Charlene Vaughn, ACHP
Blythe Semmer, ACHP
Frank Hays, NPS
Elaine Jackson-Retondo, NPS
Pua Aiu, SHPD
Susan Tasaki, SHPD
Oahu Island Burial Council
Kiersten Faulkner, Historic Hawaii Foundation
Katie Kastner, Historic Hawaii Foundation
Spencer Leinweber, AIA
Brian Turner, NTHP

From: Muraoka, John T CIV NAVREGHAWAII N45 [john.muraoka@navy.mil]
Sent: Wednesday, December 30, 2009 2:29 PM
To: Ted.Matley@dot.gov; Assum-Dahleen, Laura; Miyamoto, Faith
Subject: Honolulu Transit Programatic Agreement
Signed By: There are problems with the signature. Click the signature button for details.



High Capacity Rail
Project Com...

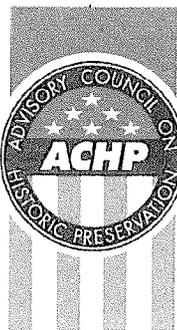
Aloha All,

Attached are the Navy's revised comments on the proposed PA for the Honolulu Rail Transit Project. We have deleted the request for the Navy to be an invited signatory to the PA. Please let us know if there are any questions or problems.

Reviewer:
 Agency, Organization/Code: NAVFAC Hawaii (NFH); Navy Region Hawaii (NRH)
 Project Title: Honolulu High Capacity Transit Corridor Project

No.	Page	Para., Line	Com. By:	COMMENT	Action/Response
1.	2	1	CNRH	"CINCPAC Headquarters Building NHL" should be changed to "COMPACFLT Headquarters Building 250 NHL"	
2.	2	5	CNRH	"Makalapa Navy Housing Historic District" should be changed to "Makalapa Navy Housing Historic District, to include the Little Makalapa Housing area."	
3.	11	V.B.4	CNRH	Navy would like to review draft CLR's for Navy properties	
4.	12	V.I.B	CNRH	"CINCPAC Headquarters Building NHL" should be changed to "COMPACFLT Headquarters Building 250 NHL"	
5.	12	V.I.B	CNRH	Insert the following: "The City shall reimburse the Navy for personnel and other costs that are required by the Navy to support the completion of any requirement of this Programmatic Agreement."	
6.	13	V.I.F	CNRH	The Navy reserves the right to approve the inclusion of any Navy historic properties in any public database.	
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26.					

Deleted: CNRH
 Deleted: The Navy is requesting to be an invited signatory to the Programmatic Agreement



Preserving America's Heritage

January 27, 2009

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105-1839

*RE: Honolulu High-Capacity Transit Corridor Project
Honolulu, Hawaii*

Dear Mr. Rogers:

Consulting parties have recently contacted the Advisory Council on Historic Preservation (ACHP) with concerns about the effects of the referenced undertaking on historic properties, particularly visual effects that may result to the Pearl Harbor National Historic Landmark (NHL). The extent and complexity of the planned undertaking calls for the Federal Transit Administration (FTA) to provide appropriate guidance and oversight to its applicant, the City and County of Honolulu Department of Transportation Services (City) to ensure that consulting parties and other stakeholders are involved in consultation in keeping with the spirit and intent of the Section 106 implementing regulations, "Protection of Historic Properties" (36 CFR Part 800).

We would like to confirm our understanding that the FTA has not yet circulated a finding of effect for this undertaking as the City is presently conducting additional study and analysis of effects to historic properties in response to comments received from consulting parties during the recent circulation of a Draft Environmental Impact Statement (DEIS) for the project. Should the FTA conclude, following the results of this additional analysis and consultation with the Hawaii SHPO and other consulting parties, that the undertaking will adversely affect historic properties, or that the development of a Programmatic Agreement is necessary, the agency must notify the ACHP and provide the documentation detailed at 36 CFR § 800.11(e). The Hawaii State Historic Preservation Office (SHPO) has raised concerns about the proposed development of two Section 106 agreement documents should adverse effects result from the proposed undertaking. It is unclear to us how the FTA has proceeded to this point without ongoing consultation with all consulting parties. Further, we wish to clarify that, per the provisions of §800.6 of our regulations, a Section 106 agreement document should address all the adverse effects that may result from an undertaking. It therefore is inconsistent per 36 CFR Part 800 for the FTA to develop two agreement documents for this single undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

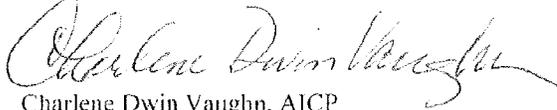
644

AR00005112

We request an update on the status of the Section 106 consultation for the Honolulu High-Capacity Transit Corridor as well as information about how the FTA is providing oversight to the City regarding the coordination of the historic preservation review and consultation with all consulting parties, including Native Hawaiian organizations. This information will help us respond to inquiries from consulting parties and members of the public who express concerns about the FTA's Section 106 coordination. We will also be able to better advise the FTA regarding interpretation of the regulations and procedural requirements.

We look forward to your response and to assisting the FTA with its responsibilities under the National Historic Preservation Act. If you have any questions, please contact Blythe Semmer by telephone at (202) 606-8552 or by e-mail at bsemmer@achp.gov.

Sincerely,

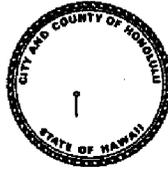


Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUF1 HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323201

Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, D.C. 20004

Dear Ms. Semmer:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

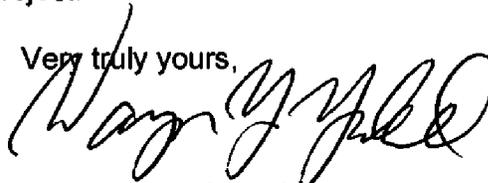
Ms. Blythe Semmer, Program Analyst
Page 2
July 14, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", written over a white background.

WAYNE Y. YOSHIOKA
Director

Attachment



U S Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona California
Hawaii Nevada Guam
American Samoa
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Mr. Nelson:

This letter serves to notify the Advisory Council on Historic Preservation that the Honolulu High-Capacity Transit Corridor Project will have an adverse effect on historic resources within the City and County of Honolulu.

The City and County of Honolulu, Department of Transportation Services (DTS), in cooperation with the Federal Transit Administration (FTA), is proposing the project, which will construct an approximately 20-mile elevated guideway transit system between East Kapolei and Ala Moana Center in Honolulu, Hawaii.

At this time, the FTA has determined that the project will have an adverse effect on historic resources. Twenty-two resources of the 81 within the Area of Potential Effect that are eligible for or listed in the National Register of Historic Places will be adversely affected. The Hawaii State Historic Preservation Division (SHPD) has concurred with the adverse effect determinations on all 22 resources. However, SHPD also responded to the effects determinations by stating it believes 13 additional resources are adversely impacted. Of these 13 resources, one previously was determined to be not eligible by SHPD and another is approximately one mile away from the project vicinity and is well outside the Area of Potential Effect. Therefore, the effects determinations on 11 resources remain unresolved. The project team is currently consulting with SHPD and considering comments from other consulting parties to resolve these effects determinations.

Last month, SHPD invited project team members to an informal meeting with Ms. Charlene Dwin Vaughn from your office. Ms. Vaughn questioned the need for the scrutiny of individual resources since the project team has determined that the project will have an adverse effect on historic resources. However, this is necessary to evaluate concerns relating to Section 4(f) of the U.S. Department of Transportation Act of 1966.

At that time, Ms. Vaughn advised the City and FTA to schedule a consulting parties meeting to discuss the draft Programmatic Agreement, which contains mitigation for adverse effects as well as information relating to archaeological and Native Hawaiian concerns. We have scheduled this meeting for July 28, 2009 and would be pleased to have you join us should you choose to participate. Additional details and an invitation have been sent by the DTS

We look forward to resolving the outstanding effects determinations and continuing coordination with the consulting parties as we finalize the Programmatic Agreement.

We are enclosing copies of the *Historic Resources Technical Report* (which contains eligibility determinations), the *Addendum to the Historic Resources Technical Report*, and the *Historic Effects Report* (errata sheet forthcoming), and a copy of the draft Programmatic Agreement for your review should your office decide to participate in this project.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590.

Thank you for your interest in this project

Sincerely,


For Leslie T. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services



Preserving America's Heritage

August 12, 2009

Mr Leslie I. Rogers
Regional Administrator
Federal Transit Administration Region IX
201 Mission St , Suite 1650
San Francisco, CA 94105-1839

*RE Honolulu High-Capacity Transit Corridor Project
Honolulu, Hawaii*

Dear Mr. Rogers:

On August 4, 2009, the Advisory Council on Historic Preservation (ACHP) participated in a teleconference to discuss the draft Programmatic Agreement (PA) for the referenced undertaking. The ACHP is actively participating in the Section 106 consultation process in accordance with 36 CFR §800.6(b)(2) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). We offer the following comments on the consultation for this undertaking based on the teleconference and the meeting notes circulated afterwards by the City and County of Honolulu Department of Transportation Services (City).

FTA and the City should ensure that all consulting parties have access to relevant background information that informs the recent revisions made to the PA draft. This includes the *Design Pattern Guidebook* referenced in the preamble of the PA draft and any effect findings revised by FTA in response to comments provided by the Hawaii State Historic Preservation Officer (SHPO) and other consulting parties. Additional comments received by FTA and the City should be shared with all consulting parties to ensure that all have the opportunity to review subsequent historic preservation issues that may surface.

During a subsequent teleconference on August 11 with FTA staff, the applicant, and the Hawaii SHPO, we shared our observations regarding the Section 106 consultation for this undertaking. We understand that FTA and the City will provide additional information to all consulting parties about how the agency has considered avoidance, minimization, and mitigation measures brought forward by consulting parties. We also understand that FTA and the City will provide clarification about how cumulative effects on historic properties have been addressed for this undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

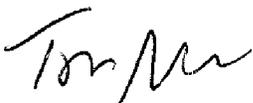
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AR00005118

The ACHP is enclosing general comments on the August 4 draft PA that should be addressed when the draft is revised. As you know, a number of issues raised have not yet been addressed by FTA. Accordingly, upon receipt of the additional information to be provided by FTA and the City and after review of any other consulting party comments on the draft, we will be able to continue our review of the PA.

We appreciate your consideration of the ACHP's recommendations, along with the comments of the Hawaii SHPO other consulting parties for this undertaking. If you have any questions, please contact Blythe Semmer at 202-606-8552 or via e-mail at bsemmer@achp.gov.

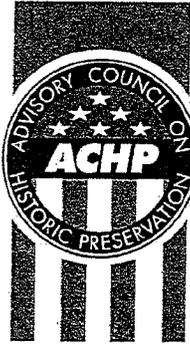
Sincerely,



2

Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

Enclosure



Preserving America's Heritage

September 15, 2009

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105-1839

*RE: Honolulu High-Capacity Transit Corridor Project
Honolulu, Hawaii*

Dear Mr. Rogers:

The Advisory Council on Historic Preservation (ACHP) participated in a series of consultation teleconferences on September 2, 3, and 11, 2009, with the Federal Transit Administration (FTA), the City and County of Honolulu (City), Hawaii State Historic Preservation Officer (SHPO), and other consulting parties to discuss the draft Programmatic Agreement (PA) for the referenced undertaking. We thank FTA for involving staff at the headquarters and regional levels in these consultation meetings. Their input was helpful in responding to several concerns raised by consulting parties. We believe the City's use of a facilitator gave additional structure to the discussion and ensured that previously unresolved issues were systematically addressed. While the consulting parties have not yet reached consensus on all measures to be included in the PA, we believe that the consultation process has progressed significantly since the first consultation meeting on July 28, 2009.

We understand that the City and FTA will review comments provided during this series of teleconferences, and develop a revised draft of the PA to be circulated to all consulting parties soon. While the consultation process is moving forward, certain issues remain to be addressed by FTA and the City. We have prepared a summary of these issues for your consideration.

More specific protocols are needed to describe how FTA and the City will consult with Native Hawaiian organizations (NHOs) and other consulting parties. Identification and evaluation of traditional cultural properties and the assessment of effects to any such properties meeting the National Register of Historic Places eligibility criteria has yet to be completed. As indicated during the teleconferences, this information is critical to the Section 106 review.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202 406 9502 • Fax: 202 406 8617 • achp@achp.gov • www.achp.gov

652

AR00005120

FTA and the City should propose measures for addressing consulting party concerns about the indirect and cumulative effects of the transit project on historic properties, particularly historic districts. While consulting parties have generated suggestions, the City is in the best position to propose solutions likely to succeed within its organizational framework. The City recently added whereas clauses to the preamble of the draft PA referencing the City's use of overlay districts to preserve historic properties and guide the preparation of new overlay zones for transit-oriented development. However, these planning tools are not substantively linked to the terms of the PA. The result of this effort should replace Stipulation IX.B. and be more definitive and measurable.

In addition to comments shared by the ACHP as a participant in the last teleconferences, we offer the following recommendations to assist FTA and the City in revising the draft PA:

- The PA draft should be reorganized to track the chronological progression of how stipulations will be implemented and to ensure the document is easily understandable for a cold reader. A suggested approach to restructuring the PA is enclosed for your consideration (see Attachment 1).
- The City should provide additional detail about the timing of each provision in the PA in relationship to the project schedule and the plan for phased construction: When will each provision be initiated, and by when must each conclude? Where are these milestones documented?
- Add a whereas clause stating that subsequent phases of the transit corridor that are currently in preliminary planning and not yet federally funded will be guided by the approaches to the treatment of historic properties included in this initial phase of the project.
- Discovery provisions should be consolidated into a single stipulation that provides specific instruction for who will stop work in case of a discovery, who will be notified and within what timeframe, how interim protection for the discovery will be provided, how the discovery will be assessed, and how a treatment plan (if needed) will be developed. The stipulation should also explain how all contractors and subcontractors who might encounter a discovery situation will be made aware of these procedures. FTA needs to include specific guidelines about coordinating the treatment of human remains in this section.
- Include a stipulation that allows other federal actions related to this undertaking to comply with Section 106 under the terms of this PA if the agency notifies the ACHP and SHPO in writing in advance of approving this action.
- Provide a specific duration for the PA with a statement acknowledging that signatories may consult to consider extending the duration prior to the expiration date.
- A sample stipulation for an emergency provision is enclosed (see Attachment 2).

We appreciate your consideration of the ACHP's recommendations, along with the comments of the Hawaii SHPO and other consulting parties for this undertaking. If you have any questions, please contact Blythe Semmer at 202-606-8552 or via e-mail at bsemmer@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

Enclosures (2)

PA Outline Draft for Honolulu High-Capacity Transit Corridor
ACHP staff comments
September 14, 2009

TITLE

PREAMBLE

STIPULATIONS

- I. Roles and Responsibilities
 - a. FTA
 - b. Hawaii SHPO
 - c. ACHP
 - d. City and County of Honolulu
 - e. Professional qualifications statement
 - f. Project architectural historian
- II. Traditional Cultural Properties
 - a. Procedure for identification and evaluation
 - b. Assessment of effects
 - c. Procedure for developing a treatment plan for any TCPs determined eligible for the National Register
- III. Protection of Archaeological Sites
 - a. Procedure for identification and evaluation
 - i. Phasing
 - b. Assessment of effects
 - c. Procedure for developing an archaeological treatment plan
 - i. Consultation protocol
 - ii. Required elements for data recovery plans
 - iii. Curation requirements
 - d. Procedure for developing burial treatment plans
 - i. Role of OIBC
 - ii. Consultation procedure
 - e. Monitoring
- IV. Design Standards
- V. Documentation (*include specific milestones for completion of all*)
 - a. Historic context studies
 - b. Cultural Landscape Reports
 - c. HABS/HAER/HALS
 - d. National Register nominations
 - e. Documentation standards for properties not included in (c) or (d) above
 - f. Videography
 - g. Public availability of documentation
- VI. Interpretive Materials and Signage
 - a. (*specific descriptions of provisions, including who will prepare materials, how consulting parties will participate in development and review, what deliverables will be prepared, distribution plan, and when materials will be complete/installed*)
- VII. Lava Rock Curbstones
 - a. (*specific procedures: who will remove, who will store and where, who will reinstall and at what time*)
- VIII. Measures to Resolve Reasonably Foreseeable Indirect and Cumulative Effects

- a. *(preservation fund or other provisions developed through consultation)*
 - b. Integration of historic preservation component into TOD area plans
- IX. Construction Protection Plan
- X. Discoveries
- XI. Public Involvement
 - a. How the public will be kept informed about PA implementation
 - b. Resolving objections raised by a member of the public
- XII. Administrative Provisions
 - a. Dispute resolution
 - b. Monitoring and reporting
 - c. Emergency situations
 - d. Coordination with other federal involvement
 - e. Amendment
 - f. Termination

The following is one example of a stipulation to address emergencies:

EMERGENCY SITUATIONS

In the event that during construction of the Project, an emergency situation should occur (such as a natural disaster), which represents an immediate threat to public health, safety, life or property creating a hazardous condition in relation to an Historic Property, the [applicant] shall notify the [federal agency], Advisory Council, and SHPO of the condition which has initiated the situation and the measures to be taken to respond to the emergency or hazardous condition. The [federal agency] and SHPO may submit additional measures to resolve Adverse Effects within seven days of the notification. Should the nature of the emergency warrant immediate attention, the [applicant] shall consult with the [federal agency] and SHPO via [telephone/email/facsimile/etc.]. Should the SHPO or the [federal agency] desire to provide technical assistance to [applicant] in responding to such condition, they shall submit comments within five days from notification, if the nature of the emergency or hazardous condition allows for such coordination.

From: Blythe Semmer [bsemmer@achp.gov]
Sent: Friday, September 25, 2009 12:05 PM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Hogan, Steven; Spurgeon, Lawrence; Foell, Stephanie; Van Epps, James
Subject: RE: Section 106 Consulting Parties Reminders

All,

At the conclusion of Wednesday's consultation meeting, the project team requested that consulting parties provide any additional comments on the Sept. 16 PA draft by Friday. Please find attached a redline version of the PA with the ACHP's recommendations for changes. These edits do NOT include those stipulations for which the working group constituted on 9/21/09 or the project team is preparing revised language in response to comments received during the meetings. These proposed revisions are offered for FTA's and the City's consideration in preparing a revised draft of the PA. Given that several stipulations are yet to be modified in response to consulting party comments, they should not be considered exhaustive or final.

I would like to note one correction to the September 21 meeting notes circulated yesterday. On page 7, in reference to Stipulation II, my comment was about the need to define a consultation procedure for this stipulation, not the Archaeological Inventory Surveys.

I look forward to speaking to you all during the next meeting on September 30.

Sincerely,

Blythe Semmer
Program Analyst
Advisory Council on Historic Preservation
202.606.8552
202.606.5072 fax

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Wednesday, September 23, 2009 10:33 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org;

elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultlc.com; fmiyamoto@co.honolulu.hi.us; Hogan, Steven; Spurgeon, Lawrence; Foell, Stephanie; Van Epps, James

Subject: Section 106 Consulting Parties Reminders

Aloha Section 106 Consulting Parties!

Just a couple of reminders:

Please send your comments on the remaining sections of the September 16 Draft Programmatic Agreement to us by 5 pm on Friday, September 25. Please send your comments to entire group as noted above.

Our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 to 11:30 am, Wednesday, September 30. You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294. Please rsvp or regrets directly to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo for your continued participation and cooperation.

Aloha!

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From: Blythe Semmer [bsemmer@achp.gov]
Sent: Monday, October 05, 2009 11:41 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: RE: Section 106 Meeting Schedule

All:

This proposed schedule does not allow consulting parties, including the ACHP, adequate time to review the revised draft distributed late Friday. We encourage FTA and the City to provide an opportunity for consulting parties to provide written comments on the draft prior to convening another consultation meeting.

I am unavailable for a meeting until October 14.

Best regards,

Blythe Semmer
Advisory Council on Historic Preservation
202.606.8552

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, October 05, 2009 3:57 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Section 106 Meeting Schedule

Aloha Section 106 Consulting Parties!

The City and FTA would like to hold a concluding meeting to discuss the Section 106 PA that was distributed on Friday.
Please provide feedback if you are not available either Tuesday October 6 or Wednesday October 7 at 8:30

Honolulu Time (11:30 Pacific):
The selected time will be distributed by the end of today.

Mahalo!

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

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DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00453

AIA Honolulu
119 Merchant Street
Suite 402
Honolulu, Hawaii 96813-4452

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

AIA Honolulu
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

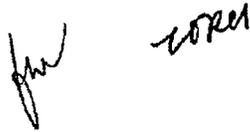
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276158

American Institute of Architects
The Honolulu Chapter
119 Merchant Street
Suite 402
Honolulu, Hawaii 96813-4452

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, DTS would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed is one (1) printed copy of the Historical Resources Technical Report along with one (1) CD containing the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

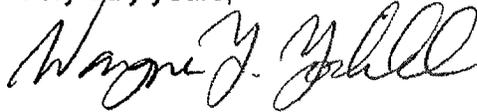
Any formal written comments are requested by September 17, 2008, and should be addressed to:

American Institute of Architects
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, written over a white background.

Wayne Y. Yoshioka
Director

Enclosures:

Historical Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

fax

strategy
plumbing
architecture
interiors

WATG

Date: September 17, 2008
Fax #: 523-4730
To: WAYNE YOSHIOKA, Department of Transportation Services
From: SID CHAR
Project: Section 106 Coordination for the Honolulu High Capacity Transit Project
Project #: AIA
of Pages: 3

If you do not receive all pages, please let us know.

Aloha:

Attached is correspondence from Sidney Char directed to Wayne Yoshioka, Director of Department of Transportation Services.

Please deliver.

Many mahalos.

WATG
700 Bishop Street, Suite 1600
Honolulu, Hawaii 96813 USA
+1 (808) 521 8888 tel
+1 (808) 521 3888 fax
watg.com

100 ②

08/17/2008 08:04 FAX 666

AR00005134

AIA Honolulu

A Chapter of The American Institute of Architects



17 September 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka,

RE: Section 106 Coordination for the Honolulu High Capacity Transit Corridor Project

On behalf of the American Institute of Architects (AIA), we thank you for the opportunity to review the Historic Resources Technical Report for the Honolulu High - Capacity Transit Corridor Project dated August 1, 2008. As architects, we are pleased that the City of Honolulu is taking positive measures in considering possible effects to historic buildings and sites along the transit corridor. The report covers a broad area of many structures along the entire proposed transit corridor and attempts to address areas of potential effect, as well as whether any adverse effects impact specific sites or structures.

We found that many of the sites are not listed on the National Register of Historic Places and the agreement on the eligibility has not been determined by the State Historic Preservation Division and therefore it may be premature to comment on these. More information and clarification on the potential effects to each site would be helpful for evaluations.

We did note that the report discussed the Local Historic Regulations and the City's Land Use Ordinance (LUO) providing special objectives for preserving historic significance and architectural characteristics listed for the Chinatown and Hawaii Capital Special Districts and this included the waterfront precinct around Aloha Tower. This reiterates the National Register nomination wording about the historic importance of the Chinatown connection to the waterfront and the LUO objective to "retain makai view corridors as a visual means of maintaining the historic link between Chinatown and the harbor". This is very consistent with some of the concerns of the AIA and we believe that the report's assessment of effects as "No Adverse effect" is not consistent with the aforementioned objectives.

AIA Honolulu
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813-4452
Phone: 808.545.4242
Fax: 808.545.4243
Website: www.aiahonolulu.org

17 September 2008
Mr. Wayne Yoshioka, Director
Page 2

In addition, adverse effects as defined in the Section 106 regulations include the following: "Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" and introduction of

visual, atmospheric or audible elements that diminish the integrity of the property's historic features". We believe that these criteria should be applied in the consideration of the elevated transit structure in close proximity to the Chinatown and Aloha Tower waterfront areas. The report does not address mitigation measures for these important historic areas as it did not consider there are adverse effects.

We also observed that the section on assessments of effects identified six historic properties with proposed adverse effects but the report did not provide much information on these properties nor sufficient photographic documentation for these areas. We believe that the report should relook at the issues related to the Chinatown and Waterfront area as the visual impacts may be contrary to the historic and City's LUO objectives.

We look forward to the comments by others to the subject report as well as further information on mitigation measures. We have circulated the report to other members of our AIA Transit Task Force for their information and comment. We are also interested in any effects as identified by the Draft EIS and any effects to the environment. Once again, we appreciate being included in the review of this design process for this extremely important project for the City of Honolulu.

Aloha!



Sidney Char, AIA
President

cc: Mayor Mufi Hanneman
Wayne Hashiro
Trudi Saito
David Akinaka
Amy Blagriff

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305840

AIA Honolulu
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

AIA Honolulu
Page 2
March 31, 2009

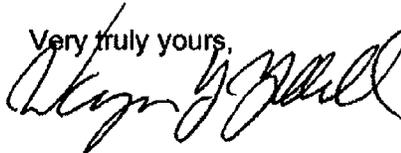
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322902

AIA Honolulu
119 Merchant Street, Suite 402
Honolulu, Hawaii 96813

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

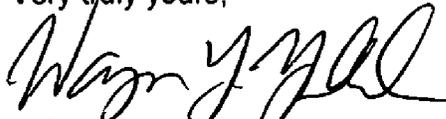
AIA Honolulu
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Monday, September 14, 2009 1:18 PM
To: Assum-Dahleen, Laura
Cc: Melia_Lane-Kamahele@nps.gov; Amy Blagriff; Brian_Turner@nthp.org; Blythe Semmer; chazinhawaii@aol.com; deepak@hcdaweb.org; Elaine_Jackson-Retondo@nps.gov; Elizabeth_Merritt@nthp.org; frank_hays@nps.gov; hhammatt@culturalsurveys.com; james.barr@fta.dot.gov; Jeff; john.muraoka@navy.mil; katie@historichawaii.org; Kawika McKeague; Kehau Abad; keolal@oha.org; Kiersten Faulkner; Sokugawa, Kathy K.; lani@aukahi.com; malamapono@aol.com; mmcdermott@culturalsurveys.com; Nancy.A.McMahon@hawaii.gov; pamela.takara@navy.mil; pua.aiu@hawaii.gov; Sherry Campagna; Susan.Y.Tasaki@hawaii.gov; Hinaleimoana Falemei; theodore.matley@fta.dot.gov; Ware, Terrance; "Faith Miyamoto (Honolulu DTS)"@nps.gov
Subject: Re: Programmatic Agreement revisions and proposed stipulations

It is not reasonable to request us to give you any required changes or revisions with such a very short deadline particularly when we are three meetings behind in the minutes of the meetings. I would propose that the meetings minutes be sent to everyone by tomorrow and then we bring the preliminary revisions to the next meeting. Spencer Leineweber

On Mon, Sep 14, 2009 at 12:49 PM, <Melia_Lane-Kamahele@nps.gov> wrote:

Laura, would you please transmit the official meeting minutes for the past three PA meetings to all parties? We have not received any notes from any of the sessions and they would help all of us frame our potential proposed stips or revisions - thanks, melia.

M. Melia Lane-Kamahele
Management Assistant, PWRH
National Park Service
Pacific West Region, Honolulu Office
300 Ala Moana Boulevard, Box 50165, Room 6-226
Honolulu, Hawaii 96850
(808)541-2693 x729 voice
(808)541-3696 fax

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"Assum-Dahleen,

Laura"
 <Dahleen@pbworld.com> To
 Jeff <jeff@jn-architects.com>, Amy
 Blagriff <amy@aiahonolulu.org>,
 09/14/2009 12:24 <aspencer@hawaii.edu>, Kiersten
 PM Faulkner
 <Kiersten@historichawaii.org>,
 <katie@historichawaii.org>,
 <chazinhawaii@aol.com>, Sherry
 Campagna
 <sherry_campagna@hotmail.com>,
 <frank_hays@nps.gov>,
 <Elaine Jackson -Retondo@nps.gov>,
 <Melia Lane -Kamahele@nps.gov>,
 Hialeimoana Falemei
 <taahine.hina@gmail.com>, Kehau
 Abad <keabad@ksbe.edu>, Kawika
 McKeague <kawikam@hawaii.rr.com>,
 <pua.aiu@hawaii.gov>,
 <Nancy.A.McMahon@hawaii.gov>,
 <Susan.Y.Tasaki@hawaii.gov>, Blythe
 Semmer <bsemmer@achp.gov>,
 <theodore.matley@fta.dot.gov>,
 <james.barr@fta.dot.gov>,
 <deepak@hcdaweb.org>,
 <keolal@oha.org>,
 <malamapon@aol.com>,
 <lani@aukahi.com>,
 <Brian_Turner@nthp.org>,
 <Elizabeth_Merritt@nthp.org>,
 <john.muraoka@navy.mil>,
 <pamela.takara@navy.mil>, "Ware,
 Terrance" <tware@honolulu.gov>,
 "Sokugawa, Kathy K."
 <ksokugawa@honolulu.gov>,
 <mmcdermott@culturalsurveys.com>,
 <hhamatt@culturalsurveys.com>

cc

"Faith Miyamoto (Honolulu DTS)"

Subject

Programmatic Agreement revisions
and proposed stipulations

Aloha Section 106 Consulting Parties!

In preparation for next week's Section 106 Consulting Parties meeting, proposed stipulations or any revisions to the draft Programmatic Agreement (PA) are requested by tomorrow, September 15, 2009. A new draft PA will then be transmitted on Thursday, September 17, 2009 to the consulting parties. This draft will be discussed at the Monday, September 21, 2009 meeting. Your continuing efforts in this matter are greatly appreciated. Thanks.

Everyone, any comments/revisions are welcomed. Please send to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo!

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From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Wednesday, November 04, 2009 6:56 AM
To: Spurgeon, Lawrence
Cc: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia; Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; alicegreenwood60@yahoo.com
Subject: Re: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Lawrence, The matrix also does not address the drafting errors of the boundaries of the historic districts in the Exhibits that many people could not open. Could you also add that to the matrix resolution list?
Thanks, Spencer

On Wed, Nov 4, 2009 at 6:48 AM, Spencer Leineweber <aspencer@hawaii.edu> wrote:
Lawrence,

Several times within the matrix document the reference has been made to 36 CFR 800.4(b)(2). This federal requirement notes the possibility for a phased approach. This provision 36 CFR 800.4(b)(2) also requires that you take into the account the comments of the consulting parties concerning phasing.

Many consulting parties have stated that the phased approach is not appropriate for the determination of archaeological resources in the corridor because it will be too late to make any substantive changes to the technology or route. Could you specifically address this issue in more detail in the matrix and PA.

Several times AIA has also brought up the issue of adequacy of alternatives evaluation which could lessen the substantial adverse effect of the selected elevated line on the setting and integrity of historic resources. This also does not seem to be addressed anywhere in the matrix.

Thank you,

Spencer Leineweber

On Wed, Nov 4, 2009 at 6:16 AM, Kehau Abad <keabad@ksbe.edu> wrote:
Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
- 2) "A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to the locations of columns, stations, traction power substations, and utility relocations." (Pages 8-9, OIBC 10/18 letter)
- 3) "Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan." (Page 9, OIBC 10/18 letter)

We ask that you please add the above OIBC comments in the matrix and include an explanation of how these comments were addressed.

Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.
Also included is the response matrix of comments received since July and their disposition.
Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686
Conference ID 3784294

A hui ho,
Lawrence

From: spencer.leineweber@gmail.com on behalf of Spencer Leineweber [aspencer@hawaii.edu]
Sent: Sunday, November 08, 2009 9:49 AM
To: Miyamoto, Faith
Cc: Halealoha; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Foell, Stephanie; Judy Aranda; Tam, Ryan; Patterson, Kaleo; Souki, Jesse K.
Subject: Section 4(f) and the Programmatic Agreement

Faith,

In the first meeting I attended for the Section 106 Consultation (meeting #2) I asked the question about Section 4(f), and that question has not yet been answered. As you know Section 106 is a mitigation procedure but Section 4(f) is an avoidance procedure. In the City's Alternatives Analysis Report November 2006 page 4-1 states "The Fixed Guideway Alternative would require more displacements and affect more potentially historic structures than the other alternatives."

Since the fixed guideway was the only actual rail system evaluated in the DEIS, it seems an essential step was missed, thoroughly evaluating an alternative at the EIS level that did not impact the historic sites. Could you address a specific answer to this question to all the consulting parties before we wrap up the PA? It would appear that decisions in the resolution of Section 4(f) would impact the Programmatic Agreement. The PA cannot absolve any disparity that hasn't been addressed in Section 4 (f). Thank you.

Spencer Leineweber FAIA

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00465

Association of Hawaiian Civic Clubs
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

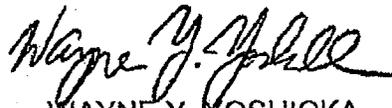
The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Association of Hawaiian Civic Clubs
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,

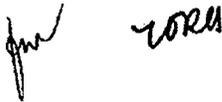


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

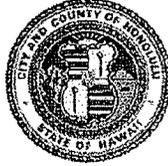
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275916

Association of Hawaiian Civic Clubs
c/o Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well. The individual Hawaiian Civic Clubs are also being sent identical information.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Association of Hawaiian Civic Clubs
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

May 12, 2009

RT3/09-305841

Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawaii 96803

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Association of Hawaiian Civic Clubs
Page 2
May 12, 2009

Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322905

Association of Hawaiian Civic Clubs
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

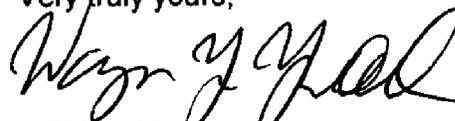
Association of Hawaiian Civic Clubs
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

From: malamapono@aol.com
Sent: Tuesday, September 22, 2009 4:55 PM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Lawrence@aol.com
Cc: Van Epps, James
Subject: Re: Section 106 PA Meeting Reminder

Aloha mai kakou,

E kalamai, my apologies, but I will be unable to attend tomorrow morning's meeting due to a conflict - another meeting at the same time. I wish you all the best in working through the remaining issues as positively and flexibly as possible, and will see you at the next meeting.

Malamapono,
Mahealani Cypher
Association of Hawaiian Civic Clubs

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; pua.aiu@hawaii.gov; nancy.s.mcmahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; carl.bausch@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; ksokugaw@honolulu.gov; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; antoinet@hawaii.edu; ailaw001@hawaii.rr.com; Aranda@infraconsultllc.com; fmiyamoto@co.honolulu.hi.us; Spurgeon; Lawrence; Hogan; Steven; Foell; Stephanie
Cc: Van Epps, James <VanEpps@pbworld.com>
Sent: Tue, Sep 22, 2009 4:33 pm
Subject: Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow

morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Miyamoto, Faith [fmiyamoto@honolulu.gov]
Sent: Thursday, October 08, 2009 12:48 PM
To: malamapono@aol.com
Cc: Assum-Dahleen, Laura; Spurgeon, Lawrence
Subject: FW: naming of transit stations

Hi Mahealani --

DTS did receive a copy of the resolution from the Association of Hawaiian Civic Clubs earlier this year and a response should have been sent out or will be sent out in the next few days.

By copy of this email, I am sending your recommendation regarding Stipulation 7A to Laura and Lawrence.

Thanks.

Faith

From: malamapono@aol.com [mailto:malamapono@aol.com]
Sent: Thursday, October 08, 2009 10:29 AM
To: Miyamoto, Faith
Cc: jwl3@hawaii.rr.com; jlapilio@hotmail.com
Subject: naming of transit stations

Aloha Faith,

The O`ahu Council, Association of Hawaiian Civic Clubs, has asked me to inquire as to why there is no mention in the P.A. (perhaps it's some place else?) of the request by the Association to include the Ewa-Pu`uloa Hawaiian Civic Club in deciding the names of transit stations in their area. The Association's House of Delegates, meeting in convention last year, approved a resolution urging the city to consult with Ewa-Pu`uloa (and perhaps other civic clubs?) in the naming of transit stations, to ensure the cultural heritage of the station location was properly identified. They really don't want a mainland-ish imprint on the station naming.

Can you please let me know if you or the city ever received any communication, either from the Ewa-Pu`uloa club or the Association of Hawaiian Civic Clubs, about this matter? If not, can we please insert some language about that issue in Stipulation 7A? I'm not sure what language you folks would be comfortable with, but the existing language doesn't seem to adequately respond to the Hawaiian Civic Clubs' request for "special" consideration on the station naming issue.

Mahalo for any assistance you can give on this request.

Mahealani Cypher, Association Director
Association of Hawaiian Civic Clubs, O`ahu Council

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com;

frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov;
taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov;
Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov;
theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov;
Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com;
lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil;
pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K. <ksokugawa@honolulu.gov>;
mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com;
halealoha@wave.hicv.net
Cc: Leland Chang <gnlchang@hawaii.rr.com>; Spurgeon, Lawrence <Spurgeon@pbworld.com>;
Hogan, Steven <Hogan@pbworld.com>; Miyamoto, Faith <fmiyamoto@honolulu.gov>; Foell,
Stephanie <Foell@pbworld.com>; Judy Aranda <Aranda@infraconsultllc.com>; rtam1@honolulu.gov;
kpatterson@honolulu.gov; N Dahl <ndahl@hawaii.rr.com>
Sent: Mon, Oct 5, 2009 1:33 pm
Subject: Meeting Notes 9-30-09 meeting

Aloha Section 106 Consulting Parties!

Attached are the Meeting Notes from the September 30, 2009 meeting.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com
808-768-6179 (no voice mail)

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From: malamapono@aol.com
Sent: Tuesday, October 20, 2009 8:48 PM
To: Assum-Dahleen, Laura
Subject: Re: Consulting Parties Meeting Update

Aloha Laura,

Since I did not hear back from either Faith or Lawrence, I am forwarding to you our suggested changes to the P.A. regarding interpretive signage, as recommended by the delegates of the Association of Hawaiian Civic Clubs, which meet in convention last year. If this is meant for general distribution, please forward or distribute in the morning.

Mahalo,
Mahealani Cypher
Association of Hawaiian Civic Clubs

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

From: Assum-Dahleen, Laura <Dahleen@pbworld.com>
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K. <ksokugawa@honolulu.gov>; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang <gnlchang@hawaii.rr.com>; Spurgeon, Lawrence <Spurgeon@pbworld.com>; Hogan, Steven <Hogan@pbworld.com>; Miyamoto, Faith <fmiyamoto@honolulu.gov>; Foell, Stephanie <Foell@pbworld.com>; JudyAranda <Aranda@infraconsultllc.com>; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl <ndahl@hawaii.rr.com>
Sent: Tue, Oct 20, 2009 2:53 pm
Subject: Consulting Parties Meeting Update

Aloha Section 106 Parties,

This is a reminder that there will be a consulting party meeting on October 21 at 8:30 a.m. The meeting will be a status meeting with an opportunity to discuss resolution of comments and provide consulting parties an opportunity to make final statements. We have received several sets of comments on the last version of the PA and, aside from NPS comments received late yesterday, they have all been considered and where appropriate incorporated into the attached version of the PA. ACHP is preparing final guidance and comments that will be incorporated into a final PA version along with consideration of the NPS comments. This version will be presented next week on Monday October 26 at 8:00 a.m. Honolulu time. Signatory parties will have an opportunity to make concluding comments to the group at the Monday meeting.

You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400.
Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

Mahalo!

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

October 21, 2009

To: Meeting of Concurring Parties, Rail Transit Project

From: Mahealani Cypher, Association of Hawaiian Civic Clubs

Subject: Proposed language changes to Stipulation VII relating to interpretive programs and signage

We proposed the following language changes to Stipulation VII, Educational and Interpretive Programs, Materials, and Signage:

Amendment to subsection A.1, second sentence, to read as follows: "The City will circulate a draft of the interpretive plan to consulting and concurring parties following the kick-off meeting..."

Amendment to subsection B.1, second sentence, to read as follows: "The City will circulate a draft of the brochure plan to consulting and concurring parties following the kick-off meeting..."

Amendment to subsection D.1, second sentence, to read as follows: "The City will circulate a draft of the program plan to consulting and concurring parties following the kick-off meeting..."

Mahalo for this opportunity to offer our comments and recommended amendments.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00444

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
P.O. Box 700007
Kapolei, Hawaii 96709-007

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,

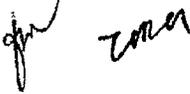


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



MUFI HANNEMANN
MAYOR

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
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WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR



August 25, 2008

RT8/08-275905

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
P.O. Box 700007
Kapolei, Hawaii 96709-007

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical

Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
Page 2
August 25, 2008

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305839

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
P.O. Box 700007
Kapolei, Hawaii 96709

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
Page 2
March 31, 2009

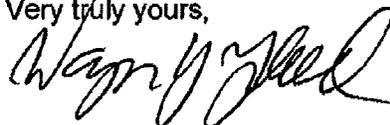
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

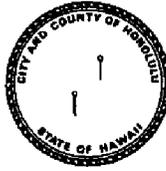
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 98813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322901

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
P.O. Box 700007
Kapolei, Hawaii 96709

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Ahahui Siwila Hawaii O Kapolei
Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00445

Ali'i Pauahi Hawaiian Civic Club
P. O. Box 2965
Aiea, Hawaii 96701

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

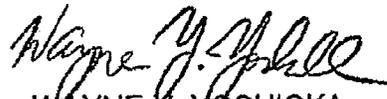
The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ali'i Pauahi Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

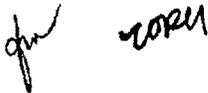
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275906

Ali'i Pauahi Hawaiian Civic Club
P.O. Box 2965
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Ali'i Pauahi Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested.

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Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:
Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 - Fax: (808) 523-4730 - Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305916

Alii Pauahi Hawaiian Civic Club
99-045 Nalopaka Place
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

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Alii Pauahi Hawaiian Civic Club
Page 2
March 31, 2009

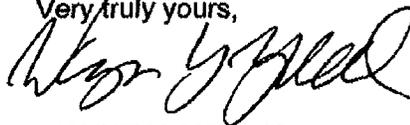
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We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

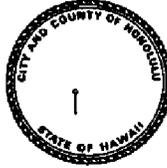
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322904

Alii Pauahi Hawaiian Civic Club
P.O. Box 1135
Honolulu, Hawaii 96807

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

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Alii Pauahi Hawaiian Civic Club
Page 2
July 13, 2009

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Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00446

Hawaiian Civic Club of 'Ewa-Pu'uloa
91-1450 Renton Road, #3
Ewa Beach, Hawaii 96706-4202

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Hawaiian Civic Club of 'Ewa-Pu'uloa
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

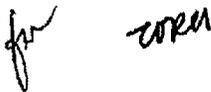
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

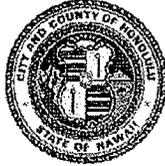
dc (F. Miyamoto)



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CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-275797

Hawaiian Civic Club of 'Ewa-Pu'uloa
91-1450 Renton Road, #3
Ewa Beach, Hawaii 96706-4202

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement in Fall 2008. We appreciated your inviting us to provide information about the project on August 5, 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well. Any formal written comments on these three documents are requested by September 17, 2008, and should be addressed to:

Hawaiian Civic Club of 'Ewa-Pu'uloa
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff would also be available to brief your organization at any time about the project if requested.

Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNEY YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305848

Hawaiian Civic Club of Ewa-Puuloa
91-1450 Renton Road, #3
Ewa Beach, Hawaii 96706-4202

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Hawaiian Civic Club of Ewa-Puuloa
Page 2
March 31, 2009

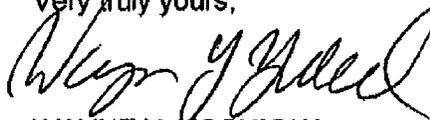
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322909

Hawaiian Civic Club of Ewa-Puuloa
91-221 Keaalii Way
Ewa Beach, Hawaii 96706

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

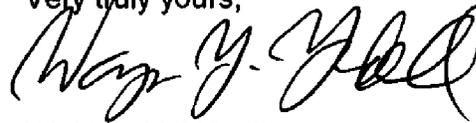
Hawaiian Civic Club of Ewa-Puuloa
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

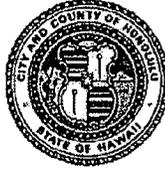
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00448

Hawaiian Civic Club of Honolulu
P. O. Box 1513
Honolulu, Hawaii 96806

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Hawaiian Civic Club of Honolulu
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

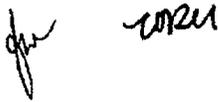
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

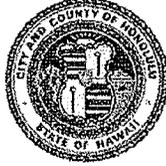
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275922

Hawaiian Civic Club of Honolulu
P.O. Box 1513
Honolulu, Hawaii 96806

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Hawaiian Civic Club of Honolulu
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305919

Hawaiian Civic Club of Honolulu
P. O. Box 1513
Honolulu, Hawaii 96806

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

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Hawaiian Civic Club of Honolulu
Page 2
March 31, 2009

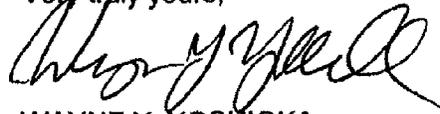
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In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

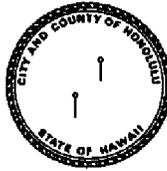
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322910

Hawaiian Civic Club of Honolulu
P.O. Box 1513
Honolulu, Hawaii 96806

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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Hawaiian Civic Club of Honolulu
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with a large, stylized "W" and "Y".

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00470

Hawaiian Civic Club of Wahiawa
931 Peach Street
Wahiawa, Hawaii 96786-2019

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Hawaiian Civic Club of Wahiawa
December 5, 2007
Page 2

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Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

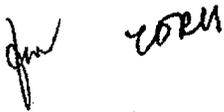
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

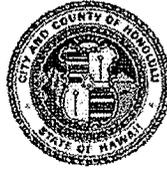
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-275875

Hawaiian Civic Club of Wahiawa
931 Peach Street
Wahiawa, Hawaii 96786-2019

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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Hawaiian Civic Club of Wahiawa
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff would also be available to brief your organization at any time about the project if requested.

Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305849

Hawaiian Civic Club of Wahiawa
931 Peach Street
Wahiawa, Hawaii 96786-2019

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

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- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Hawaiian Civic Club of Wahiawa
Page 2
March 31, 2009

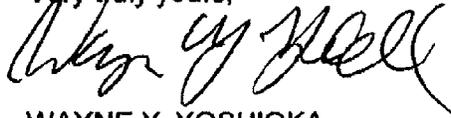
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We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322911

Hawaiian Civic Club of Wahiawa
931 Peach Street
Honolulu, Hawaii 96786

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

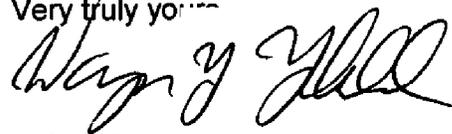
Hawaiian Civic Club of Wahiawa
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



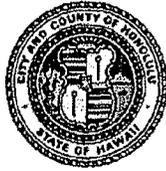
WAYNE Y. Y. I
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00449

Ka Lei Maile Ali'i Hawaiian Civic Club
2505-C Lai Road
Honolulu, Hawaii 96816

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

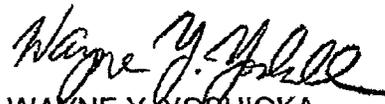
The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ka Lei Maile Ali'i Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,

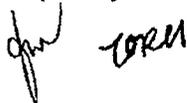


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275907

Ka Lei Maile Ali'i Hawaiian Civic Club
2505-C Lai Road
Honolulu, Hawaii 96816

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Ka Lei Maile Ali'i Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested.

Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305885

Ms. Lynette Cruz, President
Ka Lei Maile Alii Hawaiian Civic Club
45-659 Lohiehu Street
Kaneohe, Hawaii 96744

Dear Ms. Cruz:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Pursuant to Section 106 of the National Historic Preservation Act, the Department of Transportation Services (DTS), on behalf of the Federal Transit Administration, invited your organization to be a Consulting Party for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP), in a letter dated December 5, 2007. As of the date of this letter, no response has been received to this invitation. The purpose of this letter is to request acknowledgement that your organization has either accepted or declined this invitation.

In the meantime, during the course of the HHCTCP, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ms. Lynette Cruz, President
Page 2
March 31, 2009

In addition, with this letter, we are providing a CD containing the *Archaeology Sampling Plan* for your review and request your comments, if any.

We continue to seek your organization's input, in an official capacity, regarding concerns and questions about the HHCTCP, including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

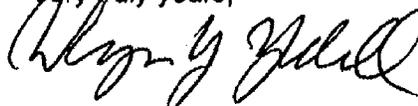
If your organization wishes to continue as a Section 106 Consulting Party to the project, please confirm, in writing, by April 30, 2009, to:

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If we do not receive written correspondence back from your organization by this date, we will remove your organization from our Section 106 consultation list. If you choose not to be a Consulting Party, your organization is still welcome to provide comments to the project either in writing to Mr. Yoshioka, or on our Project website at www.honolulustransit.org.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322915

Ka Lei Maile Alii Hawaiian Civic Club
45-659 Lahiehu Street
Kaneohe, Hawaii 96744

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

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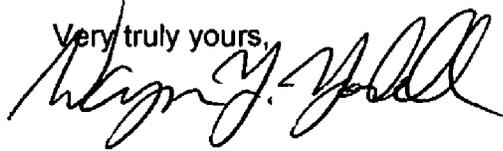
Ka Lei Maile Alii Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wayne Y. Yoshioka', written in a cursive style.

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00450

Kalihi-Palama Hawaiian Civic Club
21 South Kuakini Street, #339
Honolulu, Hawaii 96813

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Kalihi-Palama Hawaiian Civic Club
December 5, 2007
Page 2

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Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

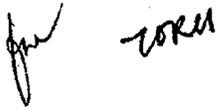
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

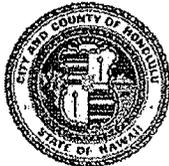
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275921

Kalihi-Palama Hawaiian Civic Club
21 South Kuakini Street, #339
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Kalihi-Palama Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305886

Kalihi-Palama Hawaiian Civic Club
94-223 Kupuna Loop
Waipahu, Hawaii 96797

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
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Kalihi-Palama Hawaiian Civic Club
Page 2
March 31, 2009

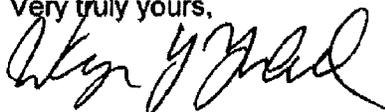
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YDSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322916

Kalihi-Palama Hawaiian Civic Club
94-223 Kupuna Loop
Honolulu, Hawaii 96797

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

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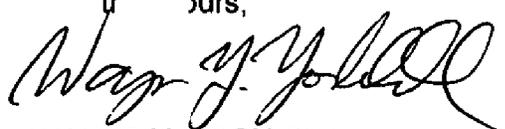
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Kalihi-Palama Hawaiian Civic Club
Page 2
July 13, 2009

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Yours,

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00447

King Kamehameha Hawaiian Civic Club
98-505 Kaamilo Street
Aiea, Hawaii 96701

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

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King Kamehameha Hawaiian Civic Club
December 5, 2007
Page 2

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Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

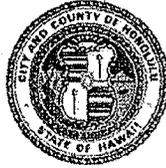
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275908

King Kamehameha Hawaiian Civic Club
98-505 Kaamilo Street
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

King Kamehameha Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is available to brief your organization about the project if requested.
Should you have any questions regarding this matter, please contact Ms. Stephanie
Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305921

King Kamehameha Hawaiian Civic Club
98-055 Kaamilo Street
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

King Kamehameha Hawaiian Civic Club
Page 2
March 31, 2009

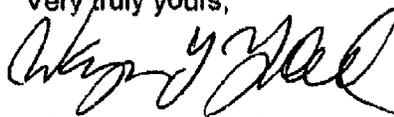
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322917

King Kamehameha Hawaiian Civic Club
98-505 Kaamilo Street
Aiea, Hawaii 96701

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

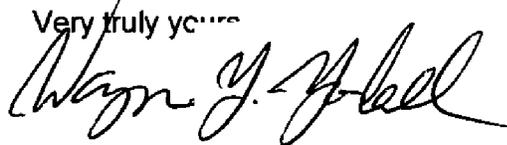
King Kamehameha Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00466

Merchant Street Hawaiian Civic Club
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Merchant Street Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

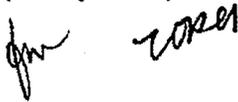
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

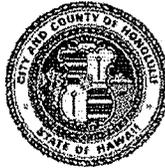
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275917

Merchant Street Hawaiian Civic Club
c/o Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Merchant Street Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

May 12, 2009

RT3/09-305887

Ms. Tamar DeFries, Pelekikena
Merchant Street Hawaiian Civic Club
2031 Haalelea Place
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

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Merchant Street Hawaiian Civic Club
Page 2
May 12, 2009

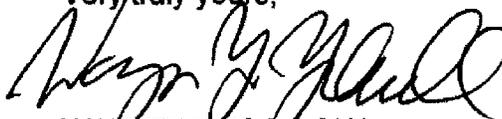
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In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

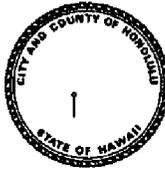
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322919

Merchant Street Hawaiian Civic Club
2031 Haalelea Place
Honolulu, Hawaii 96813

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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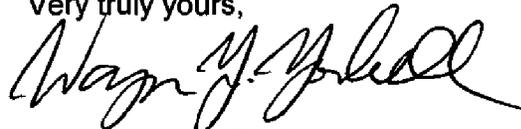
Merchant Street Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", written in a cursive style.

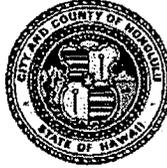
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00467

Nanaikapono Hawaiian Civic Club
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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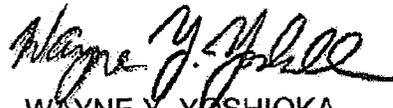
The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Nanaikapono Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,



WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

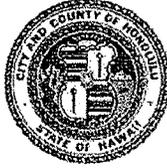
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-275827

Nanaikapono Hawaiian Civic Club
c/o Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement in Fall 2008. We appreciated your inviting us to provide information about the project on August 7, 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well. Any formal written comments on these three documents are requested by September 17, 2008, and should be addressed to:

Nanaikapono Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff would also be available to brief your organization at any time about the project if requested.

Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305852

Ms. Ruby Maunakea
Nanaikapono Hawaiian Civic Club
89-137 Nanakuli Avenue
Waianae, Hawaii 96792

Dear Ms. Maunakea:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

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- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ms. Ruby Maunakea
Page 2
March 31, 2009

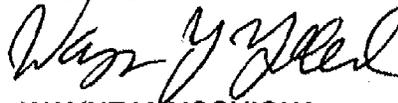
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In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

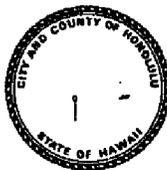
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIDKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322920

Nanaikapono Hawaiian Civic Club
89-137 Nanakuli Avenue
Waianae, Hawaii 96792

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

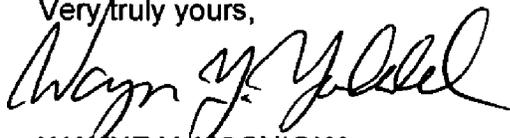
Nanaikapono Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00451

Pearl Harbor Hawaiian Civic Club
P. O. Box 66
Aiea, Hawaii 96701

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikiki. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Pearl Harbor Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

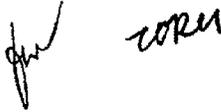
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275909

Pearl Harbor Hawaiian Civic Club
P.O. Box 66
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Pearl Harbor Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305860

Pearl Harbor Hawaiian Civic Club
P. O. Box 66
Aiea, Hawaii 96701

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Pearl Harbor Hawaiian Civic Club
Page 2
March 31, 2009

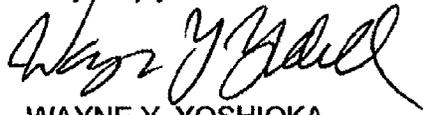
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

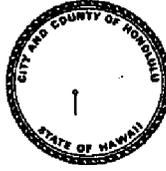
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322924

Pearl Harbor Hawaiian Civic Club
P.O. Box 66
Aiea, Hawaii 96701

Dear Sir or Madam:

Subject: **Honolulu High-Capacity Transit Corridor Project**
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Pearl Harbor Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00452

Prince Kuhio Hawaiian Civic Club
PO Box 4278
Honolulu, Hawaii 96812

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Prince Kuhio Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

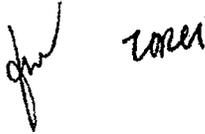
Very truly yours,


WAYNE V. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

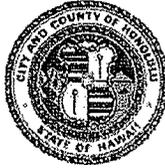
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275910

Prince Kuhio Hawaiian Civic Club
P.O. Box 4278
Honolulu, Hawaii 96812

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Prince Kuhio Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305889

Prince Kuhio Hawaiian Civic Club
P. O. Box 4278
Honolulu, Hawaii 96812

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Pursuant to Section 106 of the National Historic Preservation Act, the Department of Transportation Services (DTS), on behalf of the Federal Transit Administration, invited your organization to be a Consulting Party for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP), in a letter dated December 5, 2007. As of the date of this letter, no response has been received to this invitation. The purpose of this letter is to request acknowledgement that your organization has either accepted or declined this invitation.

In the meantime, during the course of the HHCTCP, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Prince Kuhio Hawaiian Civic Club
Page 2
March 31, 2009

In addition, with this letter, we are providing a CD containing the *Archaeology Sampling Plan* for your review and request your comments, if any.

We continue to seek your organization's input, in an official capacity, regarding concerns and questions about the HHCTCP, including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

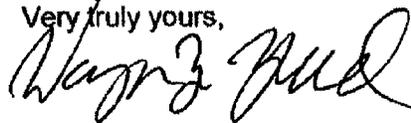
If your organization wishes to continue as a Section 106 Consulting Party to the project, please confirm, in writing, by April 30, 2009, to:

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If we do not receive written correspondence back from your organization by this date, we will remove your organization from our Section 106 consultation list. If you choose not to be a Consulting Party, your organization is still welcome to provide comments to the project either in writing to Mr. Yoshioka, or on our Project website at www.honolulutransit.org.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322925

Prince Kuhio Hawaiian Civic Club
P.O. Box 4278
Honolulu, Hawai'i 96812

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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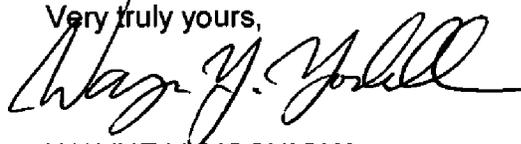
Prince Kuhio Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

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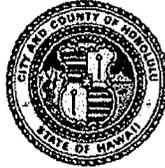
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00469

Princess Kai'ulani Hawaiian Civic Club
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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Princess Kai'ulani Hawaiian Civic Club
December 5, 2007
Page 2

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Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,

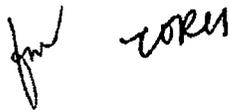


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275919

Princess Kai'ulani Hawaiian Civic Club
c/o Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Princess Kai'ulani Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

660 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

May 12, 2009

RT3/09-305920

Princess Kaiulani Hawaiian Civic Club
2072 Alewa Drive
Honolulu, Hawaii 96817

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Princess Kaiulani Hawaiian Civic Club
Page 2
May 12, 2009

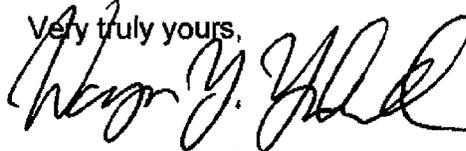
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

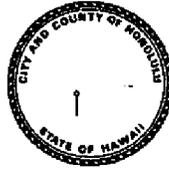
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone (808) 768-8305 • Fax (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322926

Princess Kaiulani Hawaiian Civic Club
2072 Alewa Drive
Honolulu, Hawaii 96817

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

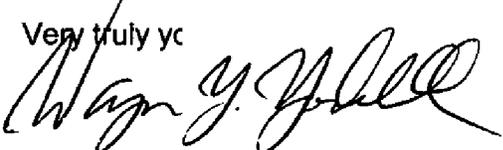
We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Princess Kaiulani Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours

WAYNE Y. [unclear]
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00468

Waianae Hawaiian Civic Club
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Waianae Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

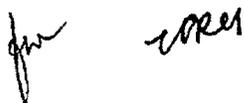
Very truly yours,


WAYNE Y. NOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

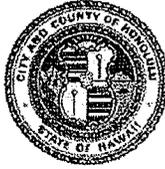
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275918

Waianae Hawaiian Civic Club
c/o Office of Hawaiian Affairs
711 Kap'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Waianae Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305901

Waianae Hawaiian Civic Club
P. O. Box 687
Waianae, Hawaii 96792

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- *Honolulu High-Capacity Transit Corridor Project Archaeological Resources Technical Report - 2008*
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Waianae Hawaiian Civic Club
Page 2
March 31, 2009

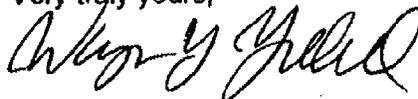
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In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322930

Waianae Hawaiian Civic Club
P.O. Box 687
Waianae, Hawaii 96792

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

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Waianae Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

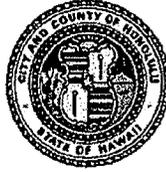
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00471

Waikīkī Hawaiian Civic Club
P. O. Box 8602
Honolulu, Hawaii 96730

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Waikiki Hawaiian Civic Club
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,


WAYNE T. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275920

Waikīkī Hawaiian Civic Club
P.O. Box 8602
Honolulu, Hawaii 96730

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

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Waikīkī Hawaiian Civic Club
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

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Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305925

Ms. Malia Nobrega, President
Waikiki Hawaiian Civic Club
2847 Waialae Avenue, #509
Honolulu, Hawaii 96826

Dear Ms. Nobrega:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

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- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ms. Malia Nobrega
Page 2
March 31, 2009

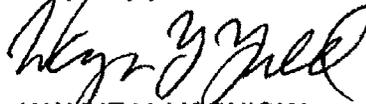
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We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

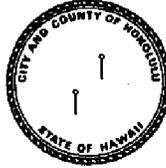
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322932

Waikiki Hawaiian Civic Club
2847 Waialae Avenue, #509
Honolulu, Hawaii 96826

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

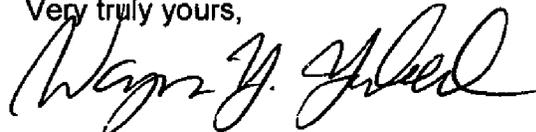
Waikiki Hawaiian Civic Club
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



Polly Cosson
Mason Architects
119 Merchant Street, Suite 501
Honolulu, HI 96813

Historic Hawai'i Foundation

Via email to Polly Cosson [pc@masonarch.com]

March 14, 2006

RE: Honolulu High-Capacity Transit Corridor Project Historic Resources Inventory Methodology Report

Dear Ms. Cosson:

Thank you for providing information on the planned methodology for the Historic Resources Inventory for the Honolulu High-Capacity Transit Corridor Project. I have reviewed the methodology report and I am concerned about some of the basic assumptions for the Project.

The methodology indicates that an inventory of historic resources is to be prepared, which will be used in an alternatives analysis, which will lead to selection of a Locally-Preferred Alternative. That alternative will then be taken into a formal environmental analysis as required by the National Environmental Policy Act (NEPA), including review of impacts to historic properties as required by Section 106 of the Historic Preservation Act.

This chronology of events is fatally flawed. NEPA is not to be used to rubber-stamp decisions that are already made. It is to gather all relevant information, disclose and evaluate it, and use it as a basis for sound decision-making that weighs all potential impacts and benefits. The proposed methodology leads to a decision prior to gathering relevant information and then tries to justify that decision through later processes. This is an unacceptable attempt to circumvent the data-gathering and analysis phase of NEPA, which is to occur prior to decision-making. This process does not capture or evaluate potential impacts that would arise from certain actions. Neither does it allow for eliminating an action alternative that has egregious impacts; it merely allows for potential mitigation of those impacts at a later stage. A full inventory of resources, and an evaluation of the potential impacts, is also difficult without knowing the transit technology, station locations or auxiliary land uses (potential development and parking, primarily). Typically, the alternatives and analysis are iterative so that as more information is known, the impacts and mitigation can be captured, which leads to refined alternatives. The proposed process leads to a path that will be difficult to adjust as new information is available.

If the Honolulu High-Capacity Transit Corridor Project management team is determined to follow this ill-advised process, then the elements of that process have an increased duty to be thorough. While the methodology outlined for the historic resources inventory could be acceptable for a baseline survey, it is not acceptable as an historic analysis to be used for determining a Locally-Preferred Alternative. Given the purpose for which the inventory will be used, I strongly urge a more complete study and evaluation. Simply listing the buildings along a potential route, along with a preliminary determination of potential eligibility as historic landmarks, cannot substitute for a preservation analysis or recommendations.

Elements of a more thorough preservation analysis should include:

- An inventory of buildings as described in the methodology report;
- Context studies of the subdivisions and housing tracts, particularly those built after WWII. This is a critical piece of understanding the historic significance of the potentially-impacted areas. Very little research has been done on the development patterns and forms of tract housing and subdivisions of the 1950s and 1960s. Context studies should evaluate how these developments relate to the planning and urban design movements of that era; if they contain exemplary examples of architecture, landscape architecture or historic themes; if they are associated with significant developers, architects or historic persons; or if they demonstrate pioneering construction methods. The context studies will provide basic information about when these neighborhoods were developed, how they started, how they fit with the urban growth patterns of Honolulu and broader historic themes of suburbanization of America. This will help determine potential historic significance and integrity at a level much deeper than mere age of structures. To determine impacts, we need to understand these neighborhoods and how they fit with recent history;
- An inventory of other historic resources, including view sheds, structures, archeological sites, cultural landscapes, and potential historic districts, which derive their significance from overall integrity rather than individual building merit;
- Evaluation of the architectural, historic and geographic significance of buildings, sites, districts, cultural landscapes, view sheds and other historic resources;
- Characterization and quantification of potential impacts from the action and no-action alternatives, including cumulative impacts;
- Evaluation of avoidance options as well as minimization and mitigation options;
- Recommendations for eliminating or revising the action alternatives to avoid, minimize or mitigate impacts; and
- Use of the historic resources report, along with studies of environmental and community impact analysis, when narrowing the action alternatives.

Historic Hawaii Foundation will continue to be involved in the public process for this project. I will be happy to review reports and alternatives or to assist in other ways as needed. Please contact me at 808-523-2900 or Kiersten@historichawaii.org if you have any questions.

Very truly yours,

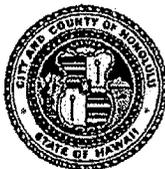


Kiersten Faulkner
Executive Director

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00455

Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
Dole Office Building Tower, Suite 690
The Dole Cannery, 680 Iwilei Road
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ms. Kiersten Faulkner, Executive Director
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

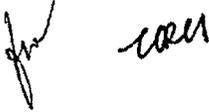
Very truly yours,


WAYNE Y. YOSHITOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276160

Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
680 Iwilei Road
Dole Office Building Tower, Suite 690
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

Although we heard many of your concerns during a meeting between you and project staff on June 18, 2008, as part of the Section 106 process, DTS would like to seek any additional input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed is one (1) printed copy of the Historical Resources Technical Report along with one (1) CD containing the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

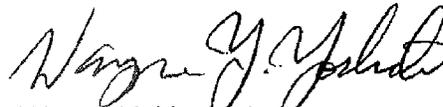
Ms. Kierstan Faulkner, Executive Director
Page 2
August 25, 2008

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,



Wayne Y. Yoshioka
Director

Enclosures:

Historical Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

HISTORIC HAWAII FOUNDATION

September 15, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Section 106 Consultation for the Honolulu High-Capacity Transit Corridor Project & Review of Historic Resources Technical Report

Dear Mr. Yoshioka:

Thank you for referring the above-mentioned project to Historic Hawai'i Foundation for consultation under Section 106 of National Historic Preservation Act. We also look forward to seeing the Draft Environmental Impact Statement and reviewing it for additional information about potential historic, cultural, archeological, visual and environmental effects from the project.

Interests of Historic Hawai'i Foundation

Since 1974, Historic Hawai'i Foundation (HHF) has been a statewide leader for historic preservation. HHF's mission is to preserve and encourage the preservation of Hawaii's historic buildings, places, objects and communities. HHF's interest in this undertaking is in assisting the project team to avoid, minimize and mitigate effects to historic properties from the Transit Corridor Project.

Methodology

HHF recognizes the immense scope of this undertaking and the extensive research that has been done. We concur with the methodology that was used and appreciate the succinct and concise presentation of findings and recommendations. We also concur with the phased approach of first determining the Area of Potential Effect (APE), followed by the determination of eligibility, the assessment of effects, and finally the package of mitigation measures. We anticipate being a consulting and concurring party to the Memorandum of Agreement that will memorialize the final agreements.

Determination of National Register Eligibility

The overview of historic resources and the determination of National Register eligibility for each parcel appear to be substantive and accurate. HHF has not conducted independent research or evaluation of the sites and will defer to State Historic Preservation Division (SHPD) for concurrence or challenge to the determination of eligibility.

Page 1 of 5



680 Iwilei Road, Suite 690 / Honolulu, Hawai'i 96817 / Tel (808) 523-2900 / Fax (808) 523-0800⁸²¹
Email preservation@historichawaii.org / Web www.historichawaii.org

AR00005289

Assessment of Effects

Historic Hawai'i Foundation has concerns regarding the determination of effect for properties along the planned transit route. The Historical Resources Technical Report states that: as described in 36CFR 800.16(i), "effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register." Alteration of a property's historic characteristics includes changes that affect any of the seven aspects of historic integrity. These are feeling, association, workmanship, design, setting, location and materials. The technical report accurately notes that the following activities constitute an adverse effect:

- Physical destruction of or damage to all or part of the resource;
- Alteration of a resource, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous-material remediation, and provision of handicapped access, that is not consistent with the secretary's standards for the treatment of historic properties (36 CFR 68) and applicable guidelines;
- Removal of the resource from its historic location;
- Change of the character of the resources' use or of physical features within the setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features; or
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance.

We are concerned that contrary to this definition of adverse effect, the technical report states that there is no effect at all to a number of historic bridges when the guideway passes over them. The presence of the guideway over the historic bridges introduces visual, atmospheric, and audible elements that diminish their historic integrity, most notably their setting, feeling, and association. We feel strongly that these impacts should be acknowledged and appropriate mitigation commitments should be proposed.

Likewise, it is inappropriate that a "no adverse effect" determination is proposed for numerous structures, for which there is "no direct impact to the parcel." Again, it is possible for an indirect impact, such as the visual, atmospheric and audible, to constitute an adverse effect to historic properties.

The technical report identifies only six adverse effects to historic resources. HHF disagrees with this determination, as the adverse impacts to historic properties are much greater than just the direct impacts that are occurring in the six instances identified. We are particularly concerned about impacts to the Chinatown Historic District, the Pearl Harbor National Historic Landmark, the Nu'uuanu Bridge, and the Dillingham Transportation Building. We are also concerned about impacts from the future extensions to Kalaeloa, University and Waikiki. Although we recognize that those segments are not part of the current undertaking, they are reasonably foreseeable as a result of the project and system-wide decisions being determined at this stage.

Issues such as view planes, setting, and the feeling associated with a historic property must be taken into consideration to accurately assess the full impact of the project on historic structures, sites and objects. The visual impacts to historic properties extend beyond the impacts identified in this report. We recommend that these indirect impacts be addressed and appropriate mitigation be proposed.

In addition, the cumulative effect to the collective of historic resources is greater than the sum of impacts to individual parcels. The scale of the project is such that it will irreparably change both the rural and urban landscapes through which it passes. The overall effect on the entire corridor should be acknowledged.

Mitigation Measures

HHF appreciates that care has been taken to avoid or minimize direct impacts to many historic properties, especially by using existing right of way and transportation corridors wherever possible. This allows for minimizing new land acquisition and subsequent direct impacts to historic properties, structures, trees and other sites. We also appreciate that site decisions for station areas and parking facilities have considered impacts to historic structures and adjustments have been made to avoid those impacts.

However, even with these modifications, the scale of the effect is immense. Mitigation measures need to be proportional to the impact and to take into account both the direct and cumulative effects on the corridor. The technical report notes several categories of potential mitigating actions and states that additional discussions and consultation will result in a full determination of mitigation.

HHF concurs with the general categories of mitigation outlined in the report, including documentation, seeking opportunities for historic and architectural interpretation, and cultural landscape reports. We also recommend that the mitigation consultation consider additional measures, such as:

1. Public access to documentation: The research into the history, architecture, events and patterns of development along the corridor is important information that could have multiple applications beyond the immediate project. This information, especially the site-specific inventory sheets, should be made available in an accessible form to other researchers. One possibility is to develop a web-based research platform with all the historic inventory information. It should be interactive, searchable, geo-coded and serve as the foundation for later additions from other research. Especially if combined with the State's inventory of all historic resources on O'ahu, this could be a powerful tool for historic preservation projects throughout the City & County. Joint hosting with the State Department of Land and Natural Resources or the State Office of Planning could be explored. Other potential partners could include the Office of Hawaiian Affairs and the Department of Defense, which also maintain inventories of historic resources.
2. National Register Nominations: The technical study has identified 76 parcels or districts that are eligible for designation on the National Register of Historic Places. Nominations for these resources should be prepared and submitted for formal designation. In addition, several

existing historic districts adjacent to the transit corridor, such as the Chinatown District and the Pearl Harbor National Historic Landmark, should have updates to the district nomination forms.

3. City & County of Honolulu Preservation Program: The City & County of Honolulu is the only local government in the state that lacks a comprehensive preservation program, including a preservation commission, integration with comprehensive land use planning and permitting, and review of impacts to historic buildings and sites. With the expected impacts not only from the transit project, but also from associated transit-oriented development, the City needs to be prepared to educate, evaluate and integrate preservation considerations into land use decisions. The National Historic Preservation Act and its implementing regulations through the National Park Service provide local governments with flexibility and local decision-making powers for addressing these issues through the Certified Local Government (CLG) Program. The City & County of Honolulu should establish a local preservation program consistent with the CLG requirements and apply for CLG designation, appoint a qualified preservation commission, staff the commission adequately, and provide for its on-going training and effective participation in land use matters.
4. Main Street Program: Main Street is a national program that works with local communities to achieve economic development goals through historic preservation, especially by means of rehabilitation of historic buildings, use of tax incentives and grant programs, public education programs, and marketing for heritage tourism. Hawai'i is one of only five states that lacks a Main Street coordinator and dedicated funding for Main Street programs. The City & County should support the re-establishment of the Main Street program, either by serving as the coordinator or cooperating with another coordinating agency, and providing dedicated funds for its successful implementation throughout the life of the transit project. In addition to the communities directly impacted by transit that could benefit from the Main Street program (Waipahu, 'Aiea, Kalihi, Chinatown, Mō'ili'ili), this program would also serve other O'ahu communities, such as Hale'iwa, Kahuku and Kailua.
5. Restoration of Historic Irwin Park: Irwin Park is a historic site between Aloha Tower and Ala Moana Boulevard. Despite being a dedicated park, it is being used as a parking lot for Aloha Tower Marketplace. Irwin Park should be restored as an urban green space, offering visual relief and passive recreation for the nearby station area.
6. Station Design and Context Sensitive Solutions: architectural and landscape designs for the stations and the guideway infrastructure should be responsive to and compatible with each area's history, culture and architectural context. Each segment should be differentiated and unique for increased compatibility with the local communities.

Additional mitigation opportunities may develop throughout the consultation process. We look forward to a full discussion about how to integrate the transit corridor into the existing settings and to mitigate the impacts to historic resources.

Thank you for the opportunity to comment. Please let me know if you have any questions or comments. We look forward to the next phase of review and consultation.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

Laura Thielen, State Historic Preservation Officer & Chair, DLNR
Pua Aiu, Administrator, State Historic Preservation Division
Astrid Liverman, Architectural Branch Chief, SHPD
Elaine Jackson-Retondo, National Park Service
Frank Hays, National Park Service
Melia Lane-Kamahele, National Park Service
Betsy Merritt, National Trust for Historic Preservation
Brian Turner, National Trust for Historic Preservation
Kelly Yasaitis Fanizzo, Advisory Council on Historic Preservation
Blythe Semmer, Advisory Council on Historic Preservation
Lawrence Spurgeon, Parson Brinckerhoff
Ann Yoklavich, Mason Architects, Inc.
Henry Eng, Department of Planning and Permitting

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305851

Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
680 Iwilei Road, Suite 690
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation (CD and DVD) - November 2008*

Ms. Kiersten Faulkner, Executive Director
Page 2
March 31, 2009

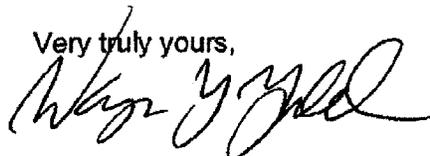
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

HISTORIC HAWAII FOUNDATION

July 9, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai'i 96813

RE: Honolulu High Capacity Rapid Transit Project, Historic Effects Reports, Letter in Response to the State Historic Preservation Division (SHPD) Comments

Dear Mr. Yoshioka:

Historic Hawai'i Foundation (HHF) was copied on your response to SHPD's comments on the Historic Effects Report dated June 22, 2009; HHF submitted similar comments in a letter to your office dated May 12, 2009. Although HHF has not yet received a direct response to our comments and concerns, we would like to respond to the Transit Team's letter to SHPD. We also wish to express our concerns that the project team appears to be excluding HHF from involvement in Section 106 consultation, despite its federal mandate to involve consulting.

HHF has concerns regarding the manner in which Section 106 consultation on this project has proceeded to date. Since HHF formally accepted the invitation to be a consulting party to the Section 106 process December 17, 2007, there has been only one briefing and one consultation meeting, held in December 2008. There have been no written responses to HHF's comments on the Determination of Effects (May 12, 2009) or the Historic Preservation Technical Report (September 15, 2008). However, it has come to our attention that there have been a number of meetings involving only SHPD, with deliberate exclusion of the consulting parties.

It is most productive to meet with all of the consulting parties so that you may accurately gauge the collective and individual concerns of the various parties, leading toward the execution of a programmatic agreement. 36 CFR 800.2 (a)(4) states that "The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement..." Given the impact that this project will have to a large portion of the island of O'ahu, coordinated consultation meetings are integral to the success of this project.

We strongly encourage you to initiate consultation immediately, with the intention of a full, productive discussion with all of the consulting parties, to address the anticipated effects to historic resources, and ways in which adverse effects may be avoided, minimized and mitigated over the life the project. In earlier communications, HHF suggested various mitigation proposals that should be given full consideration. City and federal officials authorized to address those proposals should be included in the consultations.



680 Iwilei Road, Suite 690 / Honolulu, Hawai'i 96817 / Tel (808)523-2900 / Fax (808)523-0800
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828

AR00005296

HISTORIC HAWAII FOUNDATION

Specifically on the issue of determination of effects, HHF was disturbed by the transit team's letter to SHPD in which it continues to propose a determination of "no adverse effect" for a number of eligible historic properties, primarily based on the assertion that altering the setting of a historic resource does not cause a direct effect. This logic is flawed. The assessment of the integrity of these structures must include the indirect impact of this project both to individual structures and larger districts, including setting, context, feeling and association.

Most concerning is the project team's proposed determination of "no adverse effect" to the Pearl Harbor National Historic Landmark (NHL) and the CINCPAC NHL. A letter from Leslie T. Rogers of the Federal Transit Administration to Secretary of the Interior Dirk Kempthorne dated December 11, 2008 states that "Implementation of the project may have an adverse effect on the Pearl Harbor NHL, a large parcel of land in some of the most densely populated areas in Honolulu. Despite measures to minimize harm, if the project is to serve these population areas, it would impact the Pearl Harbor NHL..." We agree with Mr. Rogers' statement and we are concerned that the transit team's assertions contradict this.

Your June 22, 2009 letter to SHPD states that "the redesign now avoids even minor direct impacts." Regardless of whether or not there is a direct impact, the indirect visual impact, especially on a district, is significant and affects the integrity of the district. Although Kamehameha Highway is already present, its impact to the setting of the Pearl Harbor NHL is not comparable to the large visual intrusion to the historic district that will result from the construction of the elevated guideway. As stated in the National Register Bulletin 15, *How to Evaluate a Property for Listing on the National Register*, "when evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance." Due to the size and scale of this guideway, it will have a significant impact on the integrity of the district.

The indirect impact of the project on the CINCPAC NHL is another issue with which we continue to have concerns. Further, we maintain that discussion is necessary regarding the effects to other historic properties, including Irwin Park, the Tong Fat Building, the Merchant Street Historic District, and Aloha Tower. The elevated guideway could have an adverse effect on each of these historic resources. The project team's letter to SHPD maintains that previous changes to the historic settings are severe enough that all integrity of setting has been lost. This position is disingenuous. While setting changes over time, each of the sites retains elements of integrity related to setting, including location, geography, views to and from the site, physical features, natural features, landscapes and other considerations.

We note that you would like to have a meeting with SHPD and other consulting parties to discuss in detail the concerns with the effect determinations to attempt to resolve these concerns. HHF would welcome the opportunity to participate in such a meeting and looks forward to the opportunity to discuss our concerns in person. Please contact our office at 808-523-2900 to schedule this meeting.



HISTORIC HAWAII FOUNDATION

We look forward to the opportunity for further discussions regarding this project.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies:

Mr. Leslie T. Rogers, Regional Administrator, Federal Transit Authority Region IX 201
Mission Street, Suite 1650, San Francisco, CA 94105-1839
Ms. Laura H. Thielen, SHPO and Chairperson, Department of Land and Natural Resources
Dr. Pua Aiu, Ms. Nancy McMahon, and Ms. Susan Tasaki, SHPD
Dr. Elaine Jackson-Retondo and Mr. Frank Hays, NPS
Mr. Brian Turner and Ms. Betsy Merritt, NTHP
Ms. Blythe Semmer, ACHP
Mr. Lawrence Spurgeon, Parson Brinkerhoff



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Email preservation@historichawaii.org / Web www.historichawaii.org

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322912

Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
680 Iwilei Road, Suite 690
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Ms. Kiersten Faulkner, Executive Director
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours


WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 24, 2009

RT7/09-322658R

Ms. Kiersten Faulkner, AICP
Executive Director
Historic Hawaii Foundation
680 Iwilei Road, Suite 690
Honolulu, Hawaii 96817

Dear Ms. Faulkner:

Subject: Honolulu High-Capacity Transit Corridor Project

We have received your letter dated July 9, 2009 regarding our response to the State Historic Preservation Division's comments on the Historic Effects Report and would like to address the concerns that you outline therein.

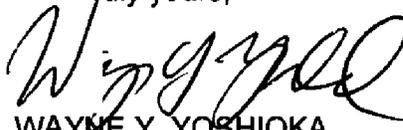
Please note that all comments received as part of this project have been reviewed and responses have been formulated. Per standard National Environmental Policy Act procedures, responses to comments on the Draft Environmental Impact Statement (EIS) will be included with the Final EIS. Your organization will receive those responses when the Final EIS is distributed. Section 106 does not state that formal responses must be given to consulting parties, only that the comments received must be considered. Please be aware that the project has generated about 3,000 comments; and while we take responding to each of these comments very seriously, the responses may not be immediate.

We take exception to your statement that your organization is not being included in consultation. Historic Hawaii Foundation has been invited to relevant meetings and field views, including one in January 2009, relating to the project throughout the Section 106 process. We have also included you on all relevant correspondence and you have received copies of all Section 106-related reports and documents. Consultation can take many forms, including written correspondence and the opportunity to review and comment on documents produced as part of the Section 106 process. The Federal Transit Administration (FTA) and the City engage directly in agency-to-agency consultation with the Hawaii State Historic Preservation Division as appropriate.

Ms. Kiersten Faulkner, AICP
Page 2
July 24, 2009

The FTA has openly stated that this project will have an adverse effect on historic resources. Section 106 of the National Historic Preservation Act of 1966 (as amended) requires that we consider comments from consulting parties. Clearly, based on the changes to the project design and the changes to effects assessments made between the Draft EIS and the Historic Effects Report, we have considered such comments and made substantial changes to the project and to the effect determinations. At this point, we are engaging in agency-to-agency consultation with the SHPD to resolve the remaining determinations of effect.

We realize the importance of having a meeting with all consulting parties present. A consulting parties meeting has been scheduled for July 28, 2009, to discuss the Programmatic Agreement. The Advisory Council on Historic Preservation supported this as our next step at this time. You should have received the invitation for this meeting. Please let us know immediately if you have not received this information.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

cc: Mr. Ted Matley, Federal Transit Administration,
Region IX
Dr. Pua Aiu, State Historic Preservation
District
Dr. Elaine Jackson-Retondo, National Parks
Service
Mr. Frank Hays, National Parks Service
Mr. Brian Turner, National Trust for
Historic Preservation
Ms. Betsy Merritt, National Trust for
Historic Preservation
Ms. Blythe Semmer, Advisory Council on
Historic Preservation

HISTORIC HAWAII FOUNDATION

August 17, 2009

Ms. Faith Miyamoto
Department of Transportation Services
City & County of Honolulu
Honolulu, HI 96813

Via Email: fmiyamoto@honolulu.gov

RE: Corrections to Notes of Section 106 Consulting Party Meetings of July 28 & August 4, 2009

Dear Ms. Miyamoto:

Thank you for circulating the meeting notes of the consultation meetings of July 28 and August 4, 2009 related to the Honolulu High Capacity Transit Corridor Project Programmatic Agreement.

Please amend the administrative record to capture the following additions and corrections to the general discussion from the meetings:

July 28, 2009

1. In the discussion about the timeline for developing and executing the PA, the transit team presented its intention to have a final PA prepared by the following week, August 4, 2009. Kiersten Faulkner, HHF, stated that timeframe was unrealistically ambitious and did not allow sufficient time for review or discussion. Brian Turner, NTHP, stated that the PA must include discussion of alternatives to avoid and minimize effect prior to mitigation. Blythe Semmer, ACHP, stated that ACHP had only received the notice and invitation to participate the previous day and that ACHP has 15 days to determine its involvement; that statutory timeline exceeds the amount of time the transit team has provided. Elaine Jackson-Retondo, NPS, and Kehau Abad, OIBC, also concurred that the compressed timeline was too tight.
2. In the discussion of the Whereas clause related to ACHP involvement, Kiersten Faulkner, HHF, asked why the draft PA indicated that ACHP declined to participate. Lawrence Spurgeon stated that it was a remnant from a model PA and did not indicate an assumption that ACHP would not participate or that their participation was unwanted. Kehau Abad, OIBC, asked why the notice was provided so late.
3. In the discussion about Navy participation, Blythe Semmer, ACHP, asked if Navy itself has Section 106 responsibilities, and, if so, if it has been invited to use the FTA process to satisfy those responsibilities.
4. In the discussion of mitigation for the effects on Navy properties, the transit team stated that the Navy has disputed the adverse effect to the NHL and will not allow any access or participation for those mitigation measures.



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5. In the general discussion about a proposed Certified Local Government, Mahealani Cypher, Koolaupoko Hawaiian Civic Club, noted that the City already has enabling legislation that would permit the establishment of a preservation commission and integrated program from 1992, so this could be implemented by the Administration without further City Council action.

August 4, 2009

1. In the discussion about the "Design Pattern Guidebook," there was a request that additional means of commenting on station design be provided in addition to neighborhood meetings, especially to accommodate consulting parties located off island. There was also a request to include parameters and opportunities for avoiding and minimizing impacts to historic and cultural resources, not only to mitigate them.
2. In the general discussion, Elaine Jackson-Retondo, NPS, requested that a stipulation be added related to post-construction noise monitoring and effects on the National Historic Landmarks.
3. Pua Aiu, SHPD, and Spencer Leineweber, AIA, stated that they remain concerned that the PA has not addressed cumulative effects and mitigation other than documentation.
4. Spencer Leineweber, AIA, asked for a report on the status of the project's compliance with Section 4F. Lawrence Spurgeon replied that the transit team is working on that now and it had been delayed until the concurrence on the determination of adverse effects. He stated that 4F is a separate process and the effects would be discussed directly with the resource managers and the relevant agencies. He stated that the 4F report will be included in the Final Environmental Impact Statement.
5. Frank Hays, NPS, stated that a collaborative process will be needed to determine the appropriate number and the selection of which sites will be subject to some of the documentation, especially the NR nominations. Pua Aiu, SHPD, stated that if the PA needs to include a limitation on the number of sites, the process for determining those details will need to be completed prior to execution of the PA so that the conclusions may be included in the PA. Faith Miyamoto stated that they will discuss that issue with SHPD separately. Aiu stated that the other consulting parties should also have input.
6. Spencer Leineweber, AIA, requested a separate meeting in which to discuss the cumulative effects and appropriate mitigation. Kiersten Faulkner, HHF, asked that the City and FTA provide its list of proposed mitigation for the indirect, cumulative and foreseeable effects that will result from the undertaking. Faulkner stated that since the City has rejected the mitigation measures proposed by HHF, NTHP and SHPD out of hand, it should have an offer of its own to address these issues. Frank Hays, NPS, added that a separate meeting would be needed to focus on the larger issues of mitigation, not merely to wordsmith the draft PA, which is both too limiting and too time-consuming. He stated that would be a more efficient use of time to focus on the bigger unresolved issues and requested that the consulting parties have input on the agenda for the meeting. Elaine Jackson-Retondo, NPS, agreed with that approach.
7. Kiersten Faulkner, HHF, and Pua Aiu, SHPD, requested that at all future consultation meetings include a representative from the City & County of Honolulu who has the authority to discuss and commit to mitigation measures outside the narrow parameters previously described. Aiu stated that the consultation process can only work if the

appropriate people at a sufficient level of authority to speak for their organizations participate in the process and that it is unproductive to have to take the issues "under advisement." Aiu further stated that at the next meeting, the City needs to be able to have a meaningful participation on other mitigation measures and be in a position to say "yes."

These additions will improve the accuracy of the meeting notes by including the content and tone of these important issues. Please let me know if you have any questions.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

Transit Team: Lawrence Spurgeon, Stephanie Foell
FTA: Ted Matley
SHPD: Pua Aiu, Nancy McMahon
ACHP: Blythe Semmer and Charlene Vaughan
AIA: Jeff Nishi, Amy Blagtiff, Spencer Leineweber
NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele
NTHP: Betsy Merritt, Brian Turner
OIBC: Kawika McKeagan, Hinalaimoana Falemei
Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski
Koolaupoko Hawaiian Civic Club: Mahealani Cypher
Alu Scientific: Carl Campagna

HISTORIC HAWAII FOUNDATION

October 9, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawai'i 96813

**RE: Section 106 Consultation for the Honolulu High-Capacity Transit Corridor Project,
Review of the draft Programmatic Agreement**

Dear Mr. Yoshioka:

Thank you for the opportunity to comment on the draft Programmatic Agreement (PA) for the Honolulu High-Capacity Rapid Transit project. Historic Hawai'i Foundation (HHF) has the following comments regarding the draft PA:

Whereas Clauses

- The fifth Whereas Clause on page 3 of the October 2, 2009 draft states that all built components will follow the Project's Design Language Pattern Guidebook. We feel that the whereas clause should include language that the Secretary of the Interior's Standards will be followed where historic properties are present.

Section II. Traditional Cultural Properties

- This section should include more information regarding who is doing the study. The person undertaking the studies should have experience in ethnographic research, as detailed in National Register Bulletin 38.
- While there is a timeline for when the TCP studies will be undertaken and eligible TCPs will be identified, it is unclear when the TCP nominations will be completed and submitted to SHPD for review.

Section IV. Design Guidelines

- HHF's previously proposed stipulation on alternative mitigation plans in the event the SOI standards are not met should be included. This is especially important for the two direct effects on Dillingham and OR&L, which refer back to the design review section. Design review should also apply to station areas and all construction adjacent to and abutting historic properties, not just within the boundary.



HISTORIC HAWAII FOUNDATION

- Instead of stating that the City shall ensure design consistency with the tenets set forth in the Secretary of the Interior's Standards. It should read that "the City will follow the Secretary of the Interior's Standards."

Section VI. National Register Nominations

- A.1. states that "The City will consult with property owners to obtain access and determine that owners consent to the proposed listing." What is the procedure if the owners do not consent? Will the City proceed with listing the properties anyways? This section should be clearer about the process if the owner objects to the listing.

Section VII. Educational and Interpretive Program, Materials, and Signage

- The section should include a stipulation that the project architectural historian will develop and implement a distribution plan for the materials developed per this section.

Section VIII. Mitigation of Specific Resources,

- Letter B. states that the City will apply the tenets set forth in Secretary of the Interior's Standards. It should state that they will follow the Secretary of the Interior's Standards.

Section IX. Measures to address Reasonably Foreseeable Indirect and Cumulative Effects Caused by the Project

- Letter C in this section states that the City shall monitor the loss of eligible or listed resources within the APE. Additionally, the monitoring should include a 2000 foot radius around the station areas, corresponding with the area designated for transit oriented development. HHF feels that this section needs to be stronger. The purpose and intent of the monitoring and reporting need to be outlined in the PA.
- If, as a result of the monitoring and reporting, the City's existing measures to preserve historic resources are found to be insufficient, there should be language that states that the City shall initiate additional consultation to address this issue, and/or amendments to the PA.
- Overall this section needs to be stronger and the intent and purpose of the section needs to be clearer, we believe that further discussion is necessary to develop this section.

Regarding context studies, CLRS, and TCPs, while concurring parties are involved in kick-off meeting and developing scopes of work, only the SHPD is given the opportunity to comment on



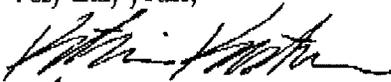
HISTORIC HAWAII FOUNDATION

completed drafts. HHF feels that all concurring parties should be given the opportunity to comment on drafts of the above-mentioned studies prior to finalization.

HHF would like to reiterate our objection to the short timeline for review and response on the draft PA. We feel that allowing more time would be appropriate in order for all parties to have the opportunity to review and provide substantive comments. We request that there be an additional opportunity for review following the addition of changes submitted by the signatories and consulting parties to ensure that the PA addresses any outstanding issues.

Thank you for the opportunity to comment, and we look forward to the continued opportunity to participate in consultation on this project.

Very truly yours,



KF
Kiersten Faulkner, AICP
Executive Director



From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Thursday, November 05, 2009 12:59 PM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamaponono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
Cc: 'Kawika McKeague'; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



HHFComments_Tra
nstPA_110209.p...

Aloha kākou,
Please see the attached comments from Historic Hawai'i Foundation on the Transit PA draft of 11/2/09. Please let me know if you have any questions.

Thank you,
Kiersten Faulkner

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.

Also included is the response matrix of comments received since July and their disposition.

Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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HISTORIC HAWAII FOUNDATION

November 5, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Honolulu High Capacity Rapid Transit Programmatic Agreement (PA) Nov. 2, 2009

Dear Mr. Yoshioka:

Thank you for providing the opportunity to comment on the November 2, 2009 draft PA for the Honolulu Transit undertaking. Overall, Historic Hawai'i Foundation believes that substantial progress on the mitigation stipulations has been made since September. We appreciate the transit team's response to Historic Hawai'i Foundation's proposed mitigation measures to address the direct and indirect effects on historic properties.

Historic Hawai'i Foundation has the following comments, questions and concerns about the current draft of the PA. We hope that these comments may be resolved in a timely manner.

	Page/Section	11/2/09 Draft PA	HHF Comment
1	1, 4 th Whereas Clause	List of 31 consulting parties	Are all of the listed entities actual consulting parties? Did they ask to be included or accept an invitation to be consulting parties? Many did not attend meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties and included on the matrix of comments. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, should it be listed as a consulting party?
2	2, 3 rd Whereas Clause	Reference to Attachment 1, APE	Attachment 1 was not provided. If this is the same map that was included in the Historic Resources Technical Report of Sept. 2008, there are errors to historic district boundaries that need to be corrected.
3	2, 5 th Whereas Clause	Adverse effect determinations	An exhibit should be provided that summarizes the nature of the adverse effect,



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Email preservation@historichawaii.org / Web www.historichawaii.org

	Page/Section	11/2/09 Draft PA	HHF Comment
			including demolition, physical occupation of the site, damage from noise or vibration, effect on setting, feeling or association, etc.
4	4, 1 st Whereas Clause	States "the Project will cross lands controlled or owned by the Federal Government..."	Which Federal agency(s) owns the land? By providing a right of access, that Federal agency may have its own undertaking, in which case it will need to comply with Section 106 for that undertaking. Are those federal agencies invited signatories to this PA? Will another PA need to be developed? How will that affect the project schedule and final clearances?
5	6, Stipulation III	Identification and Protection of Archeological Sites and Burials	Methodology for approving the surveys and plans should be included. HHF defers to OIBC on this matter, and notes that OIBC has requested "inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archeological Monitoring Plan, and Burial Treatment Plan."
6	6, Stipulation III.A.2	Archeological Inventory Survey (AIS)	Methodology for conducting the survey should be included. HHF defers to OIBC and SHPD on appropriate methodology, but notes that OIBC has requested that the AIS "include a 100% subsurface investigation by archaeological excavation (rather than by ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including but not limited to the locations of columns, stations, traction power substations, and utility relocations."
7	9, Stipulation IV. A.	States that "the city shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties..."	Should change this to say that the City shall follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.
8	10 and 11, Stipulation V.	Allows for SHPD opportunity to comment on both Historic Context Studies and CLR's, but only requires the City to consider comments while preparing the final version.	The City should need SHPD's concurrence on the final drafts before they are complete.

	Page/Section	11/2/09 Draft PA	HHF Comment
9	12, Stipulation VI. A.1.	States that SHPD will determine appropriate listing procedures if owner objects according the Hawai'i Administrative rules for owners who do not consent	Cite the appropriate HAR sections of: 13-197 Practice and Procedure before the Hawai'i Historic Places Review Board and 13-198 The Hawai'i and National Registers of Historic Places Programs.
10	13, Stipulation VI. C. 2.	The City will submit draft nomination forms to the SHPD for review and SHPD will provide comments within 30 days for receipt.	Submissions should be phased or more review time given to SHPD, as reviewing all of the nominations in 30 days and at one time may not be feasible.
11	13, Stipulation VI. F	Took out from the October 15, 2009 version the following: "The City will add links to the documentation included in this PA to the website as it is approved by the appropriate review agency. Culturally sensitive materials related to stipulation III will not be posted for the general public. However, if the consulting parties agree, it may be included in a password-protected mode."	What is the reason for excluding this section? Is it replaced by XII.B?
12	15, Stipulation VII. G. and H.	Changed requirement for a kick-off meeting under each individual educational and interpretive program, materials, and signage to one kick-off meeting for all of them to develop: "a work plan, content for deliverables, and schedule for all projects required within Stipulation VII. The City will circulate a draft of the work plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The city will consider all comments received within 30 days while preparing the	Developing and referencing a standard process for consultation on all of the educational and interpretive materials makes sense. However, that standard process should be triggered separately for each of the stipulations. For example, the interpretive program would not have the same kick-off meeting as the humanities program. Instead, each of the stipulations should state that the standard process will be used for each of the stipulations individually, or that one or more of the meetings may be combined at the request of FTA and concurrence by SHPD.

	Page/Section	11/2/09 Draft PA	HHF Comment
		final work plan and schedule in consultation with the SHPD.”	
13	15, Stipulation VIII. C.	Replanting of true kamani trees	Specify that the replacement trees shall be at least 12-inch caliper when planted. Can kaula be taken from the current trees and then planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan (showing current location and proposed new locations, and size and species specifications).
14	16, Stipulation VIII. D. 1. And 4.	Allows for consulting parties, property owners, and other stakeholders to participate in kick-off meetings regarding adversely effected parks.	Signatories should be included.
15	20, Stipulation XIII.C.	Duration states that PA is in effect until completion of construction	Several stipulations are to be complete prior to beginning revenue service operations, which will be after construction. Stip IX.B. is to be complete 3 years after completion of the Project. Therefore, the Duration of the PA should continue until the completion of all Stipulations, which may be after construction is completed.
16	20, Stipulation XIII. D.3.	Changed from previous version stating that the City shall conduct annual meetings of signatories and consulting parties to “FTA shall conduct an annual meeting of signatories and consulting parties...”	Should state that FTA shall conduct a meeting with signatories and consulting parties as least annually over the duration of the PA.
17	57, Attachments	Attachment 1: APE Attachment 2: Information on Historic Resources with Adverse Effect Determinations	The attachments are missing and should be provided, with corrections as noted in comment 2 above. Also provide Attachment 3 with the summary of cause of adverse effect (see comment 3 above) and Attachment 4 with the landscape plan for kamani trees (see comment 13 above).

Please let me know if you have any questions about any of these issues or questions. Thank you for the opportunity to comment on the draft PA.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

DTS: Faith Miyamoto

FTA: Ted Matley, Jim Barr

SHPD: Pua Aiu, Nancy McMahon, Susan Tasaki

ACHP: Blythe Semmer

PB: Lawrence Spurgeon, Stephanie Foell

AIA: Jeff Nishi, Amy Blagriff, Spencer Leineweber

NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele

NTHP: Betsy Merritt, Brian Turner

OIBC: Kehau Abad, Kawika McKeagan, Hinalaimoana Falemei

Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski

Koolaupoko Hawaiian Civic Club: Mahealani Cypher

Alu Scientific: Carl Campagna

HUI MĀLAMA: Edward Halealoha Ayau

HCD: Deepak Neupane

OHA: Keola Lindsey

HISTORIC HAWAII FOUNDATION

November 5, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Honolulu High Capacity Rapid Transit Programmatic Agreement (PA) Nov. 2, 2009

Dear Mr. Yoshioka:

Thank you for providing the opportunity to comment on the November 2, 2009 draft PA for the Honolulu Transit undertaking. Overall, Historic Hawai'i Foundation believes that substantial progress on the mitigation stipulations has been made since September. We appreciate the transit team's response to Historic Hawai'i Foundation's proposed mitigation measures to address the direct and indirect effects on historic properties.

Historic Hawai'i Foundation has the following comments, questions and concerns about the current draft of the PA. We hope that these comments may be resolved in a timely manner.

	Page/Section	11/2/09 Draft PA	HHF Comment
1	1, 4 th Whereas Clause	List of 31 consulting parties	Are all of the listed entities actual consulting parties? Did they ask to be included or accept an invitation to be consulting parties? Many did not attend meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties and included on the matrix of comments. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, should it be listed as a consulting party?
2	2, 3 rd Whereas Clause	Reference to Attachment 1, APE	Attachment 1 was not provided. If this is the same map that was included in the Historic Resources Technical Report of Sept. 2008, there are errors to historic district boundaries that need to be corrected.
3	2, 5 th Whereas Clause	Adverse effect determinations	An exhibit should be provided that summarizes the nature of the adverse effect,



	Page/Section	11/2/09 Draft PA	HHF Comment
			including demolition, physical occupation of the site, damage from noise or vibration, effect on setting, feeling or association, etc.
4	4, 1 st Whereas Clause	States “the Project will cross lands controlled or owned by the Federal Government...”	Which Federal agency(s) owns the land? By providing a right of access, that Federal agency may have its own undertaking, in which case it will need to comply with Section 106 for that undertaking. Are those federal agencies invited signatories to this PA? Will another PA need to be developed? How will that affect the project schedule and final clearances?
5	6, Stipulation III	Identification and Protection of Archeological Sites and Burials	Methodology for approving the surveys and plans should be included. HHF defers to OIBC on this matter, and notes that OIBC has requested “inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan.”
6	6, Stipulation III.A.2	Archeological Inventory Survey (AIS)	Methodology for conducting the survey should be included. HHF defers to OIBC and SHPD on appropriate methodology, but notes that OIBC has requested that the AIS “include a 100% subsurface investigation by archaeological excavation (rather than by ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including but not limited to the locations of columns, stations, traction power substations, and utility relocations.”
7	9, Stipulation IV. A.	States that “the city shall be guided by the Secretary of the Interior’s Standards for the Treatment of Historic Properties...”	Should change this to say that the City shall follow the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
8	10 and 11, Stipulation V.	Allows for SHPD opportunity to comment on both Historic Context Studies and CLRs, but only requires the City to consider comments while preparing the final version.	The City should need SHPD’s concurrence on the final drafts before they are complete.

	Page/Section	11/2/09 Draft PA	HHF Comment
9	12, Stipulation VI. A.1.	States that SHPD will determine appropriate listing procedures if owner objects according the Hawai'i Administrative rules for owners who do not consent	Cite the appropriate HAR sections of: 13-197 Practice and Procedure before the Hawai'i Historic Places Review Board and 13-198 The Hawai'i and National Registers of Historic Places Programs.
10	13, Stipulation VI. C. 2.	The City will submit draft nomination forms to the SHPD for review and SHPD will provide comments within 30 days for receipt.	Submissions should be phased or more review time given to SHPD, as reviewing all of the nominations in 30 days and at one time may not be feasible.
11	13, Stipulation VI. F.	Took out from the October 15, 2009 version the following: "The City will add links to the documentation included in this PA to the website as it is approved by the appropriate review agency. Culturally sensitive materials related to stipulation III will not be posted for the general public. However, if the consulting parties agree, it may be included in a password-protected mode."	What is the reason for excluding this section? Is it replaced by XII.B?
12	15, Stipulation VII. G. and H.	Changed requirement for a kick-off meeting under each individual educational and interpretive program, materials, and signage to one kick-off meeting for all of them to develop: "a work plan, content for deliverables, and schedule for all projects required within Stipulation VII. The City will circulate a draft of the work plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The city will consider all comments received within 30 days while preparing the	Developing and referencing a standard process for consultation on all of the educational and interpretive materials makes sense. However, that standard process should be triggered separately for each of the stipulations. For example, the interpretive program would not have the same kick-off meeting as the humanities program. Instead, each of the stipulations should state that the standard process will be used for each of the stipulations individually, or that one or more of the meetings may be combined at the request of FTA and concurrence by SHPD.

	Page/Section	11/2/09 Draft PA	HHF Comment
		final work plan and schedule in consultation with the SHPD.”	
13	15, Stipulation VIII. C.	Replanting of true kamani trees	Specify that the replacement trees shall be at least 12-inch caliper when planted. Can keiki be taken from the current trees and then planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan (showing current location and proposed new locations, and size and species specifications).
14	16, Stipulation VIII. D. 1. And 4.	Allows for consulting parties, property owners, and other stakeholders to participate in kick-off meetings regarding adversely effected parks.	Signatories should be included.
15	20, Stipulation XIII.C.	Duration states that PA is in effect until completion of construction	Several stipulations are to be complete prior to beginning revenue service operations, which will be after construction. Stip IX.B. is to be complete 3 years after completion of the Project. Therefore, the Duration of the PA should continue until the completion of all Stipulations, which may be after construction is completed.
16	20, Stipulation XIII. D.3.	Changed from previous version stating that the City shall conduct annual meetings of signatories and consulting parties to “FTA shall conduct an annual meeting of signatories and consulting parties...”	Should state that FTA shall conduct a meeting with signatories and consulting parties as least annually over the duration of the PA.
17	57, Attachments	Attachment 1: APE Attachment 2: Information on Historic Resources with Adverse Effect Determinations	The attachments are missing and should be provided, with corrections as noted in comment 2 above. Also provide Attachment 3 with the summary of cause of adverse effect (see comment 3 above) and Attachment 4 with the landscape plan for kamani trees (see comment 13 above).

Please let me know if you have any questions about any of these issues or questions. Thank you for the opportunity to comment on the draft PA.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

DTS: Faith Miyamoto
FTA: Ted Matley, Jim Barr
SIIPD: Pua Aiu, Nancy McMahon, Susan Tasaki
ACHIP: Blythe Semmer
PB: Lawrence Spurgeon, Stephanie Foell
AIA: Jeff Nishi, Amy Blagriff, Spencer Leineweber
NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele
NTHP: Betsy Merritt, Brian Turner
OIBC: Kehau Abad, Kawika McKeagan, Hinaleimoana Falemei
Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski
Koolaupoko Hawaiian Civic Club: Mahealani Cypher
Alu Scientific: Carl Campagna
HUI MĀLAMA: Edward Halealoha Ayau
HCDA: Deepak Neupane
OHA: Keola Lindsey

From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Thursday, November 05, 2009 12:59 PM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
Cc: 'Kawika McKeague'; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulankruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



HHFComments_Tra
nsitPA_110209.p...

Aloha k-kou,
Please see the attached comments from Historic Hawai'i Foundation on the Transit PA draft of 11/2/09. Please let me know if you have any questions.

Thank you,
Kiersten Faulkner

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.
Also included is the response matrix of comments received since July and their disposition.
Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00464

Hui Malama I Na Kupuna O Hawai'i Nei
c/o OHA
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Hui Malama I Na Kupuna O Hawai'i Nei
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

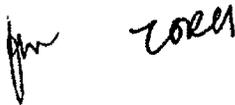
Very truly yours,


WAYNE Y. VOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275915

Hui Malama I Na Kupuna O Hawai'i Nei
c/o Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Hui Malama I Na Kupuna O Hawaii Nei
Page 2
August 28, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8306 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305884

Hui Malama I Na Kupuna O Hawaii Nei
P. O. Box 365
Hoolehua, Hawaii 96729

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Hui Malama I Na Kupuna O Hawaii Nei
Page 2
March 31, 2009

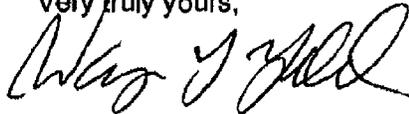
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

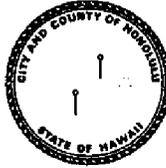
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322914

Hui Malama I Na Kupuna O Hawaii Nei
P.O. Box 365
Hoolehua, Hawaii 96729

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

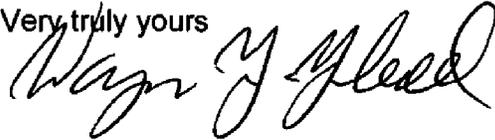
Hui Malama I Na Kupuna O Hawaii Nei
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours



WAYNE Y. YOSHIOKA
Director

Attachment

From: Halealoha [mailto:halealoha@wave.hicv.net]
Sent: Tuesday, September 15, 2009 11:27 PM
To: Assum-Dahleen, Laura
Subject: FW: PA mtg

Aloha,

This is to confirm that two members from our organization Hui Malama I Na Kupuna O Hawaii Nei will be attending the meeting including our Board President William Aila, Jr and my self. Please provide us any information relevant to the meeting agenda, mahalo.

Ola na iwi,
Edward Halealoha Ayau
Executive Director

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Friday, September 11, 2009 5:00 PM
To: Jeff; Amy Blagriff; aspencer@hawaii.edu; Kiersten Faulkner; katie@historichawaii.org; chazinhawaii@aol.com; Sherry Campagna; frank_hays@nps.gov; Elaine_Jackson-Retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; Hinaleimoana Falemei; Kehau Abad; Kawika McKeague; pua.aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Susan.Y.Tasaki@hawaii.gov; Blythe Semmer; theodore.matley@fta.dot.gov; james.barr@fta.dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapon@aol.com; lani@aukahi.com; Brian_Turner@nthp.org; Elizabeth_Merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com
Cc: Spurgeon, Lawrence; Leland Chang; Hogan, Steven; N Dahl; kpatterson@honolulu.gov; rtam1@honolulu.gov; Van Epps, James; Zaref, Amy; Judy Aranda; Foell, Stephanie; jsouki@honolulu.gov
Subject:

Aloha 106 consulting parties,

Our next meeting is scheduled for Monday, September 21, 2009 starting at 8:30 am (HST) and hope to conclude in about 3 hours. We'll be meeting at the same location and phone number that we used this week. 1001 Bishop Street, Suite 2400.

Phone 1-888-742-8686

ID: 3784294

As discussed in our meeting today, attached is the Resource List identified through collaboration with SHPD.

Please let me know if you plan to attend, whether in person or by telephone, by Thursday, September 17.

Mahalo for your participation and cooperation!

Laura Assum-Dahleen

Project Assistant / Quality Facilitator

HHCTCP

808-768-6179 (no voice mail)

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From: Halealoha [halealoha@wave.hicv.net]
Sent: Thursday, November 05, 2009 11:19 AM
To: 'Kehau Abad'; 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; 'Ware, Terrance'; 'Sokugawa, Kathy K.'; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; 'David Kimo Frankel'; 'Camille Kalama'; 'Alan Murakami'; 'Moses K Haia'
Cc: 'Kawika McKeague'; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

To All Involved:

Hui Malama I Na Kupuna O Hawai'i Nei, after considering the clarifying comments contained below from Dr. Kehaunani Abad on behalf of the O'ahu Island Burial Council, hereby supports those comments wholeheartedly and hereby requests the City to address the OIBC's comments in the final PA, mahalo.

Ola na iwi,
Edward Halealoha Ayau
Executive Director
Hui Malama I Na Kupuna O Hawai'i Nei

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

From: Kehau Abad [mailto:keabad@ksbe.edu]
Sent: Thursday, November 05, 2009 11:00 AM
To: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
Cc: Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulanikruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no Faith and Lawrence,

I'm hoping to offer some clarification to my earlier email. Please note that there seems to have been an assumption on the City's part that the OIBC intended each of our suggested PA amendments to be included as "whereas" clauses. This is not the case (please review

pages 8-9 of our 10/18 letter). The OIBC intended some of our PA amendments (repeated in Items 2 and 3 in the email below) to be addressed in the stipulations of the PA.

Hence, we do not believe the comments in the matrix appropriately or adequately address our items 2 and 3 below.

Because the PA is in many ways a "plan to plan," our comments were intended to have the PA include stipulations that such plans would need to incorporate, as addressed in Item 2 below. Similarly, the decision making regarding such plans currently includes only consultation with the OIBC. The OIBC is requesting, in Item 3 below, to have a role in the decision making regarding such plans--not merely a voice in consultation.

Again, because the City plans to forward a project through a corridor of known high concentration of iwi kupuna, it is imperative that the OIBC--which has a statutory role in such matters--be allowed to engage in decisions that will affect these highly significant traditional cultural properties.

Moreover, because the City's timing of the project limits the alternatives that the OIBC and City will have when iwi kupuna are encountered, we feel it is reasonable to request a more meaningful role for the OIBC in decision making related to the AISP, AIS, MP, and BTP.

We assumed that your team would prefer to craft the language to address our comments, and hence did not offer specific wording. However, if you would like us to develop appropriate language, we would be happy to do so. In either case, please let us know how the final PA will address our comments.

Mahalo nui loa,
Kehau

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

From: Kehau Abad
Sent: Wednesday, November 04, 2009 6:16 AM
To: 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jrn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahale@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; 'Alan Murakami'; Moses K Haia
Cc: 'Kawika McKeague'; 'bridgesc@polynesia.com'; 'leimaile.q@gmail.com'; 'akeliikoa@hbws.org'; 'kiha@hawaii.rr.com'; 'kehaulanikruse@msn.com'; 'aaronmahi@aol.com'; 'kawikam@hawaii.rr.com'; 'taahine.hina@gmail.com'; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
- 2) "A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that

would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to, the locations of columns, stations, traction power substations, and utility relocations." (Pages 8-9, OIBC 10/18 letter)

3) "Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan."
(Page 9, OIBC 10/18 letter)

We ask that you please add the above OIBC comments in the matrix and include an explanation of how these comments were addressed.

Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.
Also included is the response matrix of comments received since July and their disposition.
Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

September 29, 2008

RT9/08-281093

Ms. Elizabeth S. Merritt
Deputy General Counsel, Law Department
National Trust for Historic Preservation
1785 Massachusetts Avenue N.W.
Washington, D.C. 20036

Dear Ms. Merritt:

Subject: Honolulu High-Capacity Transit Corridor Project

As requested by the Hawaii State Historic Preservation Division (SHPD), enclosed is one (1) DVD copy of the documents that have been sent to the SHPD as part of our coordination under the National Environmental Policy Act of 1966, as amended and Section 106 of the National Historic Preservation Act. The DVD includes the Purpose and Need and Alternatives chapters of the Draft Environmental Impact Statement (EIS), along with electronic copies of the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

Project staff is currently in the process of contacting all Section 106 consulting parties requesting to update agencies and organizations on the Project's status as well as discuss questions and/or concerns about archaeological, cultural, and/or historic resources.

Should you have any questions or need further information regarding this matter, please contact Ms. Faith Miyamoto at (808) 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wayne Y. Yoshioka', is written over the typed name.

WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Dr. Pua Aiu, Administrator, Department of Land and Natural Resources
State Historic Preservation Division
Ms. Kiersten Faulkner, Executive Director
Historic Hawaii Foundation
Ms. Blythe Semmer, Office of Federal Agency Programs,
Advisory Council on Historic Preservation

**NATIONAL
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PRESERVATION**

October 6, 2008

Mr. Wayne Yoshioka, Director
Dept of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Re: Honolulu High-Capacity Transit Corridor Project

Dear Mr. Yoshioka,

The National Trust for Historic Preservation is concerned with the potential adverse effects on historic properties associated with the High-Capacity Transit Corridor project on the island of Oahu. While we recognize that expanding transit alternatives is essential to reducing congestion in and around Honolulu; the magnitude of this project puts the integrity of many sites of architectural and archaeological significance at risk. As such, the National Trust requests to participate in the review process as a "consulting party" under Section 106 of the National Historic Preservation Act (NHPA), pursuant to 36 C.F.R. § 800.2.(c)(5) and 800.3(f)(3).

We appreciate the efforts by the Department of Transportation Services to analyze adverse effects on historic properties for a project of such grand scale. We do have concerns, however, that the definition of "adverse effect" was improperly applied in the Historical Resources Technical Report, as it indicates only six adverse effects to historic resources associated with this twenty-mile-long project. In addition, given the magnitude of the undertaking, it is improper to assess effects solely on a parcel by parcel basis. Rather, it is essential that indirect, secondary, and cumulative effects be taken into account in a more holistic manner. The National Trust for Historic Preservation also strongly supports the request by the Historic Hawaii Foundation to include extensive mitigation measures as this project proceeds.

In addition to our concerns about the preliminary assessment of effects, we received a letter today raising a new issue - the announced intention to invoke 36 C.F.R. § 800.8(c) in order to use the process and documentation prepared under the National Environmental Policy Act

Mr. Wayne Yoshioka
October 3, 2008
Page 2

(NEPA) for purposes of Section 106. We have questions about whether § 800.8(c) is properly invoked in this case, and we would like more information from the Advisory Council on Historic Preservation (ACHP) as to whether § 800.8(c) is applicable here. For example, does the City and County of Honolulu qualify as an "agency official" under § 800.2(a), for purposes of invoking this regulation? Does a notice issued at this point in the ongoing consultation process constitute notice "in advance" under the terms of § 800.8(c)? This provision in the Section 106 regulations is not used very often by federal agencies, so we are less familiar with the ACHP's expectations as to how it typically operates. We would be open to proceeding under § 800.8(c), but only if the ACHP will be actively involved in the consultation and determines that the regulatory criteria are met.

Interests of the National Trust

The National Trust for Historic Preservation was chartered by Congress in 1949 as a private nonprofit organization for the purpose of furthering the historic preservation policies of the United States and facilitating public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. With the support of our 280,000 members nationwide, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. The Trust has nine regional and field offices around the country, including a Western Office in San Francisco, which is specifically responsive to preservation issues in Hawaii.

The Trust has a particular interest in enforcing federal agency compliance with the National Historic Preservation Act, since the Chairman of the Trust has been designated by Congress as a member of the federal Advisory Council on Historic Preservation. *Id.* § 470i(a)(8). In addition, the Trust has a long history of involvement in transportation issues, both at the national policy level and with respect to individual undertakings, including enforcement of Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, which we believe is applicable to this project. We think the National Trust could play a constructive role in the consultation process for the proposed undertaking, by bringing our national perspective and experience to the table.

Mr. Wayne Yoshioka
October 3, 2008
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Please include both of the following representatives of the National Trust on your list of consulting parties, and for the distribution of all notices and information prepared under Section 106, NEPA, and Section 4(f):

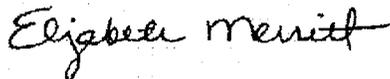
Elizabeth Merritt, Deputy General Counsel National Trust for Historic Preservation 1785 Massachusetts Ave. NW Washington, DC 20036 betsy_merritt@nthp.org 202-588-6035	Brian R. Turner, Legal Fellow National Trust for Historic Preservation 5 Third Street, Suite 707 San Francisco, CA 94103 brian_turner@nthp.org 415-947-0692
---	---

Thank you for including us in the review process; we look forward to participating as the consultation moves forward for the proposed construction of the Honolulu High-Capacity Transit Corridor on the island of Oahu, Hawaii.

Sincerely,



Brian R. Turner
Legal Fellow, Western Office



Elizabeth S. Merritt
Deputy General Counsel

cc: Leslie T. Rogers, Regional Administrator, Region IX, FTA
Raymond Sukys, Director of Planning & Program Development,
Region IX, FTA
Christopher Van Wyk, Office of Planning & Environment, FTA
Julie Atkins, Office of Planning & Environment, FTA
Blythe Semmer, ACHP
Kelly Fanizzo, ACHP
Elaine Jackson-Retondo, NPS

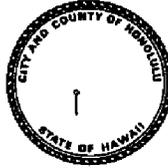
Mr. Wayne Yoshioka
October 3, 2008
Page 4

Laura Thielen, SHPD
Nancy A. McMahon, SHPD
Astrid Liverman, SHPD
Kiersten Faulkner, Historic Hawai'i Foundation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323211

Ms. Elizabeth S. Merritt, Deputy General Counsel
National Trust for Historic Preservation
1785 Massachusetts Avenue, NW
Washington, D.C. 20036-2117

Dear Ms. Merritt:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

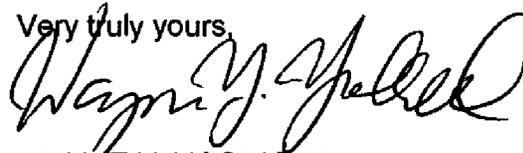
Ms. Elizabeth S. Merritt
Page 2
July 14, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

cc: Mr. Brian R. Turner, Legal Fellow
Mr. Ted Matley, FTA Region IX

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October 22, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Re: Comments on Draft Programmatic Agreement (PA) for
Honolulu High-Capacity Transit Corridor Project

Dear Mr. Rogers and Mr. Yoshioka:

The National Trust for Historic Preservation submits the following comments on the Draft Programmatic Agreement (PA) for the Honolulu High-Capacity Transit Corridor Project.

Failure to Identify Native Hawaiian Burials Prior to Selecting Alternatives Violates Section 4(f).

We remain extremely concerned by the City's decision to defer detailed identification of historic properties within the Phase 4 alignment, which is the section that has a known high concentration of unmarked Native Hawaiian burials. We have reviewed the letter from the O'ahu Island Burial Council (OIBC), which has unanimously opposed the decision to defer an Archaeological Inventory Survey (AIS) Plan. In our view, the City's decision renders the project legally vulnerable under Section 4(f) of the Department of Transportation Act, pursuant to *Corridor H Alternatives, Inc. v. Slater*, 166 F.3d 368 (D.C. Cir. 1999). The City has already stated publicly that it expects a final decision approving the transit project will be challenged in court. In light of this prediction, it is surprising that the City would not act to reduce this legal vulnerability by completing the AIS prior to making a final decision on the project. We urge the Federal Transit Administration (FTA) to consider this issue in the context of its own legal sufficiency review for this project.

The *Corridor H* case, like this one, involved a long, linear transportation project that was the subject of a Programmatic Agreement (PA) under Section 106 of the National Historic Preservation Act. The PA deferred the identification of certain historic properties to the future. Although the PA was adequate for purposes of compliance with Section 106, the court found it was not adequate to comply with Section 4(f). In *Corridor H*, the historic resources at stake were large rural historic landscapes and battlefields, which could not be avoided without going outside the alignment that had been studied for the project. As a result, the agency could not document that it had made a meaningful evaluation of whether the project would

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require the "use" of historic properties under Section 4(f), unless and until it had sufficient information on whether historic properties existed within the corridor.¹

Deferring the identification of historic properties may be acceptable where the nature and scope of the resources would allow them to be easily avoided, as in the case of archaeological sites that are only significant under National Register Criterion D. However, resources such as traditional cultural properties (TCPs) and Native Hawaiian burials require an entirely different approach, because they have in-place significance, and the project may not be able to avoid harm to these resources without selecting a different alternative.² If a determination of National Register eligibility would influence the agency's selection of alternatives under Section 4(f) (and Section 106 and NEPA as well), then the identification of those historic properties, and the project's potential effects on them, must be evaluated at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed.

The assurances in the PA that consultation regarding TCPs will be completed "prior to commencement of construction" (PA, II.B.) are not adequate, in our view, to ensure that avoidance alternatives have not been foreclosed. The City seems to assume that adverse effects to burials can be avoided because alterations -- such as relocating guideway columns, using straddle-bent supports, or modifying span length -- should allow most burials to be preserved in place. (PA, III.E.2.b.). However, the OIBC rightly disagrees. The City cannot conclude with certainty that it will avoid burial sites.

The Draft PA Does Not Adequately Address the Foreseeable Indirect and Cumulative Effects of the Project.

Historic Hawaii Foundation and the National Trust have both expressed concern that, without local land use regulation that includes historic preservation,³ the transit project is likely to generate nearby development that could harm or destroy historic

¹ In fact, a large rural historic district was later determined eligible for the National Register, which required a major reroute of the proposed highway.

² See National Register Bulletin #38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, which defines a TCP as "one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community."

³ We recognize that the Transit Oriented Development (TOD) ordinance calls for the development of regulations that include "controls to protect and enhance" historic, scenic, and cultural resources. Ordinance 09-4, § 21-9.100-4(f). However, until those regulations are developed, we have no assurance as to how effective they may be in protecting historic properties from demolition or incompatible alteration.

properties. These are reasonably foreseeable indirect and cumulative effects, which must be taken into account under Section 106. (36 C.F.R. § 800.5(a)(1); 40 C.F.R. § 1508.8(b).) We proposed specific language for a stipulation that would not only monitor such adverse effects on historic properties, but would also spell out consequences if the level of such adverse effects rises too high in the future.

The City's proposed stipulation (IX.C.) is simply not adequate. It requires nothing more than the City providing a list every six months of demolition permits already granted for historic properties within the APE. Even if every historic property were demolished, no mitigation would be required - only after-the-fact reporting. Without some consequences imposed for demolitions, transit-oriented development could have profound impacts to historic properties in Honolulu.

We reiterate our request to develop a mitigation measure that will provide: (1) a timely way for these indirect and cumulative effects to be monitored; and (2) meaningful consequences if the effects turn out to be significant. Our previous proposal was to adopt a moratorium if demolitions began to rise substantially (using the Washington Convention Center MOA as a model), as a way of "avoiding" and "minimizing" adverse effects. However, another approach could be to increase funding to the Historic Preservation Committee (HPC) - for example, by adding \$100,000 for each demolition or incompatible alteration that is approved by the City within the APE or in development areas surrounding transit stations -- as a way of "mitigating" the adverse effects. As a third alternative, demolitions could trigger a consultation process that would develop specific mitigation to include strengthened local land use regulations or other programs to enhance historic resource protection.

We would also like to ensure that this stipulation includes:

- Notice of permits for major alterations in addition to demolition, as requested in our original proposal;
- Notice of permit applications at the time they are filed, and not just after they have already been granted; and
- The area subject to monitoring should include the full 2,000-foot radius around stations.

The PA Should Not Restrict Subsequent Consultation to "Concurring" Parties.

In many places throughout the PA, there is an opportunity for subsequent input to some degree by stakeholders as specific plans or mitigation measures are developed. Unfortunately, however, the PA in many places restricts the opportunity for comment exclusively to those consulting parties that are willing to formally "concur" in the PA. We recognize that this approach is often used as a way to encourage parties to concur in Section 106 agreements, by offering extra "benefits" for concurring parties. However, we believe this restriction is inappropriate here. The primary stakeholders

that are likely to be excluded by this restriction are Native Hawaiian organizations that may be unwilling to concur in the PA. For example, the OIBC voted unanimously not to concur, as a matter of conscience.

The following mitigation measures in the Draft PA are subject to the restriction that only "concurring parties" can review and comment, or otherwise participate:

- Review of Preliminary Engineering Design Plans (IV.C.)
- Scope of work for Historic Context Studies (V.A.)
- Scope of work for Cultural Landscape Reports (V.B.)
- Kick-off meeting for Interpretive Plan (VII.A.1)**
- Kick-off meeting for historical brochure (VII.B.1)**
- Review of materials for children (VII.C.2.)
- Kick-off meeting for Humanities Program (VII.D.)**
- Kick-off meeting for educational program to encourage rehabilitation (VII.E.)**
- Coordination with Project Architectural Historian (IX.A.1.)
- Participation in Annual informational meeting (XIII.C.3.)

** Four of these stipulations do allow input from all consulting parties, but only *after* an initial opportunity for comments and/or a special "kick-off" meeting that is limited to concurring parties only. This highlights the "second-class" status to which conscientious objectors such as the OIBC would be relegated.

Many of these mitigation measures involve the preparation of plans or studies or interpretive materials that would especially benefit from active involvement at every step by Native Hawaiian organizations. In our view, it would be wrong to force the consulting parties to have to choose between meaningful involvement in developing mitigation measures and a principled decision not to "endorse" the PA.

Specific Comments

We also support the comments submitted by the National Park Service and Historic Hawaii Foundation. We would especially like to reiterate the following:

- We share the concerns raised by the Park Service that premature issuance of the RFP may have unlawfully "restrict[ed] the subsequent consideration of alternatives to avoid, minimize or mitigate the [project's] adverse effects on historic properties" under Section 106. 36 C.F.R. § 800.1(c). We urge the FTA to consider this issue in connection with its legal sufficiency review, and to incorporate safeguards to address it.

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 5

- We agree with both the Park Service and HHF that the requirement for consistency with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* should not be limited to project elements "within the boundary" of a historic property (IV.A.), but should also include project elements that are adjacent to historic properties.
- We also agree with HHF that additional mitigation should be provided if the design review process does not result in a design that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (IV.C.). This is especially important for the anticipated impacts to the Dillingham Transportation Building and courtyard.

In addition, we recommend the following minor revisions for clarification:

- At the end of Stipulation VII.D.3. (p.15), add "whichever occurs later."
- In Stipulation VIII.D.4. (p.17), change "parks improvements" to "implementation of the park improvement plan."

Finally, we reiterate our prior comment to add the following provision to Stipulation VI.B., regarding the update to the National Historic Landmark (NHL) nomination for Pearl Harbor:

The work shall be carried out and approved by persons meeting the professional qualifications for Historical Architect or Architectural Historian in *The Secretary of the Interior's Historic Preservation Professional Qualification Standards*, 62 Fed. Reg. 33,713-14, 33,719-20 (June 20, 1997).

This higher professional qualification requirement would apply if the Navy were the agency commissioning the NHL update. The City and FTA should be required to meet the same standard.

Thank you again for the opportunity to comment on the Draft PA.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 6



Brian Turner
Regional Attorney

cc: James Barr, FTA
Theodore Matley, FTA
Blythe Semmer, Charlene Vaughn, and Reid Nelson, ACHP
Elaine Jackson-Retondo and Frank Hays, National Park Service
John Muraoka, Navy Region Hawaii
Pua Aiu, Nancy McMahan, and Susan Tasaki,
Hawaii State Historic Preservation Division
Kawika McKeague, Chair, Oahu Island Burial Council
Faith Miyamoto, City & County of Honolulu
Lawrence Spurgeon, Parsons Brinckerhoff
Spencer Leineweber
Kiersten Faulkner, Historic Hawaii Foundation

From: Betsy Merritt [Betsy_Merritt@nthp.org]
Sent: Thursday, October 22, 2009 3:28 AM
To: Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; randall.y.young@navy.mil; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Charlene Vaughn; 'Reid Nelson'
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Comments from National Trust on Draft PA for Honolulu Transit Project

Attached are comments from the National Trust for Historic Preservation on the most recent Draft PA. Please let us know if you have any questions or would like additional information.

Sincerely,

Elizabeth S. Merritt, Deputy General Counsel, **National Trust for Historic Preservation**
1785 Massachusetts Ave. NW, Washington, DC 20036 Phone: (202) 588-6026 | Fax: (202) 588-6272
The National Trust's Legal Defense Fund works with local preservation advocates around the country to protect historic and cultural resources.

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Tuesday, October 20, 2009 8:54 PM
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; Katie Kastner; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; Brian Turner; Betsy Merritt; john.muraoka@navy.mil; pamela.takara@navy.mil; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Leland Chang; Spurgeon, Lawrence; Hogan, Steven; Miyamoto, Faith; Foell, Stephanie; Judy Aranda; rtam1@honolulu.gov; kpatterson@honolulu.gov; N Dahl
Subject: Consulting Parties Meeting Update

Aloha Section 106 Parties,

This is a reminder that there will be a consulting party meeting on October 21 at 8:30 a.m. The meeting will be a status meeting with an opportunity to discuss resolution of comments and provide consulting parties an opportunity to make final statements. We have received several sets of comments on the last version of the PA and, aside from NPS comments received late yesterday, they have all been considered and where appropriate incorporated into the attached version of the PA. ACHP is preparing final guidance and comments that will be incorporated into a final PA version along with consideration of the

NPS comments. This version will be presented next week on Monday October 26 at 8:00 a.m. Honolulu time. Signatory parties will have an opportunity to make concluding comments to the group at the Monday meeting.

You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400.
Or join us via telephone at 1-888-742-8686, ID 3784294.

RSVP / Regrets to Laura: dahleen@pbworld.com

Mahalo!

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October 22, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission St., Suite 1650
San Francisco, CA 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Re: Comments on Draft Programmatic Agreement (PA) for
Honolulu High-Capacity Transit Corridor Project

Dear Mr. Rogers and Mr. Yoshioka:

The National Trust for Historic Preservation submits the following comments on the Draft Programmatic Agreement (PA) for the Honolulu High-Capacity Transit Corridor Project.

Failure to Identify Native Hawaiian Burials Prior to Selecting Alternatives Violates Section 4(f).

We remain extremely concerned by the City's decision to defer detailed identification of historic properties within the Phase 4 alignment, which is the section that has a known high concentration of unmarked Native Hawaiian burials. We have reviewed the letter from the O'ahu Island Burial Council (OIBC), which has unanimously opposed the decision to defer an Archaeological Inventory Survey (AIS) Plan. In our view, the City's decision renders the project legally vulnerable under Section 4(f) of the Department of Transportation Act, pursuant to *Corridor H Alternatives, Inc. v. Slater*, 166 F.3d 368 (D.C. Cir. 1999). The City has already stated publicly that it expects a final decision approving the transit project will be challenged in court. In light of this prediction, it is surprising that the City would not act to reduce this legal vulnerability by completing the AIS prior to making a final decision on the project. We urge the Federal Transit Administration (FTA) to consider this issue in the context of its own legal sufficiency review for this project.

The *Corridor H* case, like this one, involved a long, linear transportation project that was the subject of a Programmatic Agreement (PA) under Section 106 of the National Historic Preservation Act. The PA deferred the identification of certain historic properties to the future. Although the PA was adequate for purposes of compliance with Section 106, the court found it was not adequate to comply with Section 4(f). In *Corridor H*, the historic resources at stake were large rural historic landscapes and battlefields, which could not be avoided without going outside the alignment that had been studied for the project. As a result, the agency could not document that it had made a meaningful evaluation of whether the project would

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require the "use" of historic properties under Section 4(f), unless and until it had sufficient information on whether historic properties existed within the corridor.¹

Deferring the identification of historic properties may be acceptable where the nature and scope of the resources would allow them to be easily avoided, as in the case of archaeological sites that are only significant under National Register Criterion D. However, resources such as traditional cultural properties (TCPs) and Native Hawaiian burials require an entirely different approach, because they have in-place significance, and the project may not be able to avoid harm to these resources without selecting a different alternative.² If a determination of National Register eligibility would influence the agency's selection of alternatives under Section 4(f) (and Section 106 and NEPA as well), then the identification of those historic properties, and the project's potential effects on them, must be evaluated at a time when they can actually inform the selection of alternatives, rather than being deferred to a later date after alternatives have been foreclosed.

The assurances in the PA that consultation regarding TCPs will be completed "prior to commencement of construction" (PA, II.B.) are not adequate, in our view, to ensure that avoidance alternatives have not been foreclosed. The City seems to assume that adverse effects to burials can be avoided because alterations -- such as relocating guideway columns, using straddle-bent supports, or modifying span length -- should allow most burials to be preserved in place. (PA, III.E.2.b.). However, the OIBC rightly disagrees. The City cannot conclude with certainty that it will avoid burial sites.

The Draft PA Does Not Adequately Address the Foreseeable Indirect and Cumulative Effects of the Project.

Historic Hawaii Foundation and the National Trust have both expressed concern that, without local land use regulation that includes historic preservation,³ the transit project is likely to generate nearby development that could harm or destroy historic

¹ In fact, a large rural historic district was later determined eligible for the National Register, which required a major reroute of the proposed highway.

² See National Register Bulletin #38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, which defines a TCP as "one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community."

³ We recognize that the Transit Oriented Development (TOD) ordinance calls for the development of regulations that include "controls to protect and enhance" historic, scenic, and cultural resources. Ordinance 09-4, § 21-9.100-4(f). However, until those regulations are developed, we have no assurance as to how effective they may be in protecting historic properties from demolition or incompatible alteration.

properties. These are reasonably foreseeable indirect and cumulative effects, which must be taken into account under Section 106. (36 C.F.R. § 800.5(a)(1); 40 C.F.R. § 1508.8(b).) We proposed specific language for a stipulation that would not only monitor such adverse effects on historic properties, but would also spell out consequences if the level of such adverse effects rises too high in the future.

The City's proposed stipulation (IX.C.) is simply not adequate. It requires nothing more than the City providing a list every six months of demolition permits already granted for historic properties within the APE. Even if every historic property were demolished, no mitigation would be required - only after-the-fact reporting. Without some consequences imposed for demolitions, transit-oriented development could have profound impacts to historic properties in Honolulu.

We reiterate our request to develop a mitigation measure that will provide: (1) a timely way for these indirect and cumulative effects to be monitored; and (2) meaningful consequences if the effects turn out to be significant. Our previous proposal was to adopt a moratorium if demolitions began to rise substantially (using the Washington Convention Center MOA as a model), as a way of "avoiding" and "minimizing" adverse effects. However, another approach could be to increase funding to the Historic Preservation Committee (HPC) - for example, by adding \$100,000 for each demolition or incompatible alteration that is approved by the City within the APE or in development areas surrounding transit stations -- as a way of "mitigating" the adverse effects. As a third alternative, demolitions could trigger a consultation process that would develop specific mitigation to include strengthened local land use regulations or other programs to enhance historic resource protection.

We would also like to ensure that this stipulation includes:

- Notice of permits for major alterations in addition to demolition, as requested in our original proposal;
- Notice of permit applications at the time they are filed, and not just after they have already been granted; and
- The area subject to monitoring should include the full 2,000-foot radius around stations.

The PA Should Not Restrict Subsequent Consultation to "Concurring" Parties.

In many places throughout the PA, there is an opportunity for subsequent input to some degree by stakeholders as specific plans or mitigation measures are developed. Unfortunately, however, the PA in many places restricts the opportunity for comment exclusively to those consulting parties that are willing to formally "concur" in the PA. We recognize that this approach is often used as a way to encourage parties to concur in Section 106 agreements, by offering extra "benefits" for concurring parties. However, we believe this restriction is inappropriate here. The primary stakeholders

that are likely to be excluded by this restriction are Native Hawaiian organizations that may be unwilling to concur in the PA. For example, the OIBC voted unanimously not to concur, as a matter of conscience.

The following mitigation measures in the Draft PA are subject to the restriction that only "concurring parties" can review and comment, or otherwise participate:

- Review of Preliminary Engineering Design Plans (IV.C.)
- Scope of work for Historic Context Studies (V.A.)
- Scope of work for Cultural Landscape Reports (V.B.)
- Kick-off meeting for Interpretive Plan (VII.A.1)**
- Kick-off meeting for historical brochure (VII.B.1)**
- Review of materials for children (VII.C.2.)
- Kick-off meeting for Humanities Program (VII.D.)**
- Kick-off meeting for educational program to encourage rehabilitation (VII.E.)**
- Coordination with Project Architectural Historian (IX.A.1.)
- Participation in Annual informational meeting (XIII.C.3.)

** Four of these stipulations do allow input from all consulting parties, but only *after* an initial opportunity for comments and/or a special "kick-off" meeting that is limited to concurring parties only. This highlights the "second-class" status to which conscientious objectors such as the OIBC would be relegated.

Many of these mitigation measures involve the preparation of plans or studies or interpretive materials that would especially benefit from active involvement at every step by Native Hawaiian organizations. In our view, it would be wrong to force the consulting parties to have to choose between meaningful involvement in developing mitigation measures and a principled decision not to "endorse" the PA.

Specific Comments

We also support the comments submitted by the National Park Service and Historic Hawaii Foundation. We would especially like to reiterate the following:

- We share the concerns raised by the Park Service that premature issuance of the RFP may have unlawfully "restrict[ed] the subsequent consideration of alternatives to avoid, minimize or mitigate the [project's] adverse effects on historic properties" under Section 106. 36 C.F.R. § 800.1(c). We urge the FTA to consider this issue in connection with its legal sufficiency review, and to incorporate safeguards to address it.

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 5

- We agree with both the Park Service and HHF that the requirement for consistency with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* should not be limited to project elements "within the boundary" of a historic property (IV.A.), but should also include project elements that are adjacent to historic properties.
- We also agree with HHF that additional mitigation should be provided if the design review process does not result in a design that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (IV.C.). This is especially important for the anticipated impacts to the Dillingham Transportation Building and courtyard.

In addition, we recommend the following minor revisions for clarification:

- At the end of Stipulation VII.D.3. (p.15), add "whichever occurs later."
- In Stipulation VIII.D.4. (p.17), change "parks improvements" to "implementation of the park improvement plan."

Finally, we reiterate our prior comment to add the following provision to Stipulation VI.B., regarding the update to the National Historic Landmark (NHL) nomination for Pearl Harbor:

The work shall be carried out and approved by persons meeting the professional qualifications for Historical Architect or Architectural Historian in *The Secretary of the Interior's Historic Preservation Professional Qualification Standards*, 62 Fed. Reg. 33,713-14, 33,719-20 (June 20, 1997).

This higher professional qualification requirement would apply if the Navy were the agency commissioning the NHL update. The City and FTA should be required to meet the same standard.

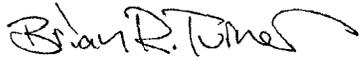
Thank you again for the opportunity to comment on the Draft PA.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

Leslie T. Rogers, Region IX, FTA
Wayne Yoshioka, City & County of Honolulu
October 22, 2009
Page 6



Brian Turner
Regional Attorney

cc: James Barr, FTA
Theodore Matley, FTA
Blythe Semmer, Charlene Vaughn, and Reid Nelson, ACHP
Elaine Jackson-Retondo and Frank Hays, National Park Service
John Muraoka, Navy Region Hawaii
Pua Aiu, Nancy McMahan, and Susan Tasaki,
Hawaii State Historic Preservation Division
Kawika McKeague, Chair, Oahu Island Burial Council
Faith Miyamoto, City & County of Honolulu
Lawrence Spurgeon, Parsons Brinckerhoff
Spencer Leineweber
Kiersten Faulkner, Historic Hawaii Foundation

November 23, 2009

Leslie T. Rogers,
Regional Administrator
Federal Transit Administration
201 Mission St., Suite 1650
San Francisco, CA 94105

Wayne Yoshioka, Director
Department of Transportation Services
City & County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Re: Comments on Draft PA for Honolulu Rapid Transit Project

Dear Mr. Rogers and Mr. Yoshioka:

As a follow-up to the Section 106 consultation meeting and conference call on Friday, November 13, 2009, the National Trust submits the following comments regarding the most recent Draft Programmatic Agreement (PA).

The Area of Potential Effects (APE) Map is Erroneous and Needs to be Corrected.

On November 12, the consulting parties received an e-mail from PBWorld with a link to an FTP site where we could download the current copy of the APE Maps, which will be Attachment 1 to the PA. The map document on the FTP site was dated November 5, 2009. However, the individual map panels within the 44-page document are each dated July 24, 2008! Needless to say, the Section 106 determinations have changed dramatically since that time. This set of maps will be crucial to the implementation of the PA. Given their importance, we were surprised to discover that this document is so incomplete, inaccurate, and out of date. It needs to be substantially revised before the PA can be finalized:

- **The APE Map Fails to Delineate the APE.**

First, the map does not actually outline the boundary of the APE, but simply shows a thin colored line representing the guideway itself. The APE needs to be added to the map, as well as the 2,000-foot radius around each station, so that the document clearly delineates exactly what is and is not included within the APE and the 2,000-foot radius.

- **The APE Map Fails to Illustrate the Proposed Footprint of the Stations and Related Infrastructure.**

Second, each station is indicated by a red rectangular icon on the map, which does not correspond with the actual size and footprint of the station structure. The maps

provide no information at all regarding the proposed location or size of the structures that would provide pedestrian access to the elevated platforms.

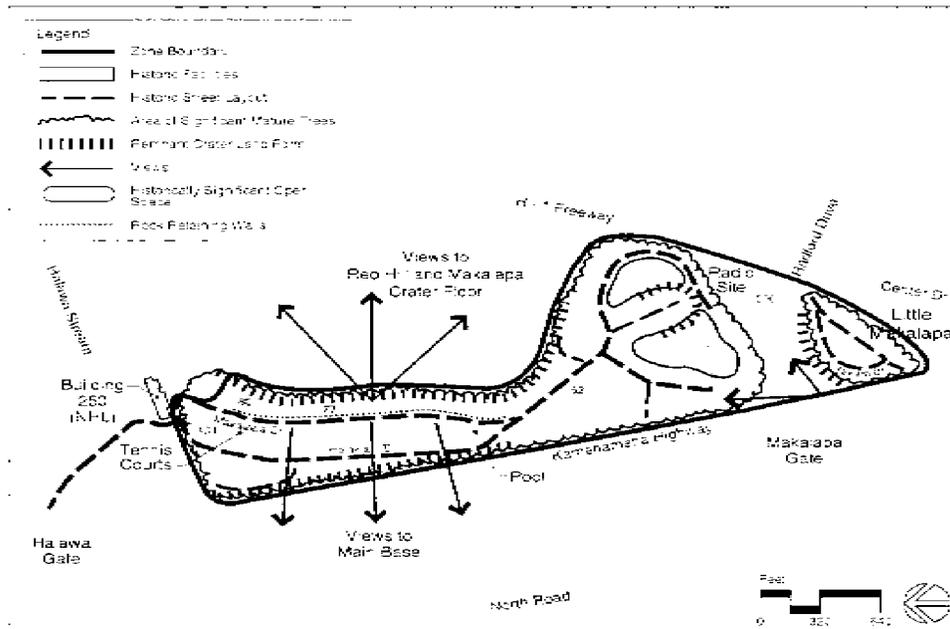
- **The Maps Should Not Include an Alternative Route that Has Already Been Rejected.**

The delineation of the Salt Lake Boulevard alternative should be removed from the document, including pages 22-27 of the 44-page electronic document (map panes 27-32). These only cause confusion.

In addition, the maps should be sequenced from west to east, rather than the current organization, which jumps back and forth from Aloha Stadium to the downtown section and back to Aloha Stadium again.

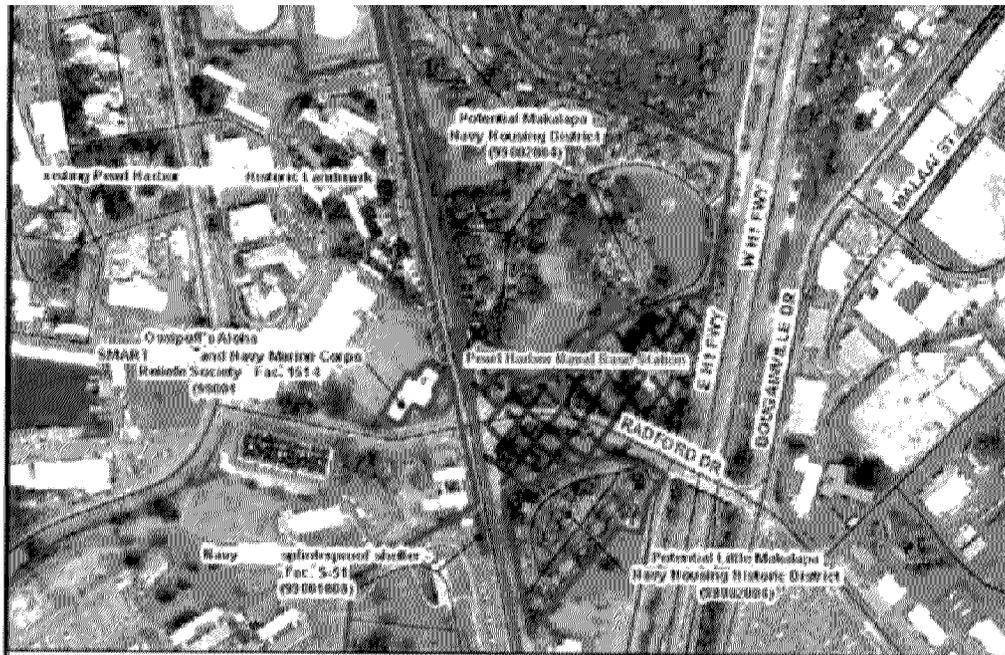
- **Historic District Boundaries for Makalapa, Adjacent to the Pearl Harbor Stop, are Inaccurate.**

The APE maps also show inaccurate historic district boundaries at the Pearl Harbor stop for the Makalapa housing district. The Makalapa housing areas are owned by the Navy, and are directly addressed in the Integrated Cultural Resources Management Plan (ICRMP) issued by the Navy in 2002. The ICRMP shows the entire complex of Makalapa and Little Makalapa as a single, integrated historic zone:

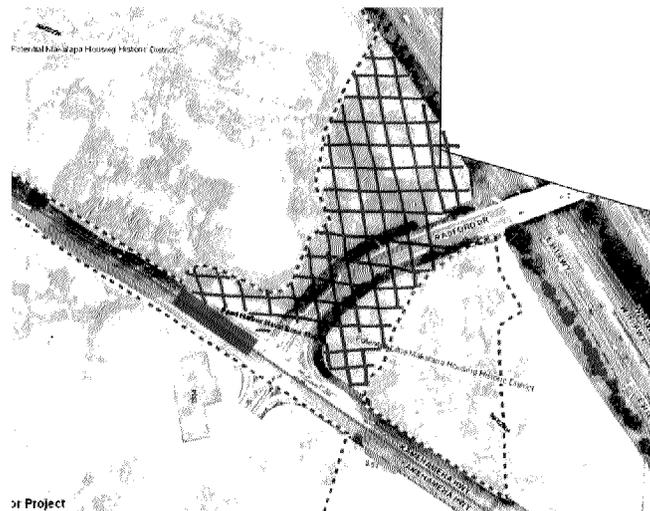


(From Navy Region Hawaii, ICRMP, Pearl Harbor Naval Complex, p. 3-222 (2002).) Note the key views from the Makalapa Gate toward the landscape across the Kamehameha Highway (indicated by arrows).

By contrast, the City has proposed two separate historic districts for Makalapa and Little Makalapa, and has carved out most of the landscape across from the Makalapa Gate in an apparent effort to downplay or deny the substantial adverse impacts of the rapid transit project – including direct, physical encroachment – on the historic landscape and setting for Makalapa.



(From Historic Effects Report, p.153 (April 15, 2009))
(cross-hatched area indicates landscape improperly excluded from district)



(From APE maps, pp. 37-38/ panes 41-42)
(cross-hatched area indicates landscape improperly excluded from district)

This manipulation of the Makalapa boundaries cannot be justified, especially since the Navy, which owns this land, and will be required to comply with Section 106 prior to approving any use of the land for the transit project, has already determined in its 2002 ICRMP that the landscape and open space are integral components and character-defining features of the Makalapa Housing Zone.

These incorrect boundaries also call into question the City's "No Adverse Effect" determination for its proposed Little Makalapa historic district. This determination needs to be revised. Instead, the determination should be "Adverse Effect" for the entire unified Makalapa historic district.

Specific Comments on the Programmatic Agreement

In the week following our consultation meeting on November 13, the National Trust conferred with several of the other preservation partners in developing a specific proposal for revised language regarding two provisions – the stipulation describing the design review process, and the provision for monitoring potential secondary and cumulative effects of the transit project. We had commented during the conference call that we would recommend additional detail for both of these. Our specific proposals for revised language are attached, but this letter will outline and summarize our concerns and recommendations.

- **The Draft Stipulation for Design Review Needs Additional Clarification..**
 - It is not clear whether the *Design Language Pattern Guidebook* has been prepared yet. (For example, we cannot find this document on the project website.) If the *Guidebook* has not yet been issued, the PA should specify a clear deadline for completing the *Guidebook*, and should explain the proposed relationship between the *Guidebook* and the design workshops. Is the *Guidebook* supposed to be a resource for the design workshops? If so, further design workshops should be deferred until after the *Guidebook* is completed. Alternatively, if the *Guidebook* is supposed to be prepared after design workshops are completed, then the PA should explain how the *Guidebook* would be used to influence the preliminary engineering design plans.
 - The draft provision for Design Review needs to be more specific in describing the procedure for resolving disputes. We anticipate that most of the stations in the vicinity of historic properties and districts will *not* be consistent with the *Secretary's Standards*. More detail is needed regarding who will make the determination regarding consistency with the *Standards*, how disputes will be resolved, and what kind of "treatment" measures will be adopted to address the resulting adverse effects (i.e., ways to minimize and mitigate harm, since the adverse effect will not be avoided).

- **The Draft Stipulation for Monitoring Future City Permits to Address Secondary and Cumulative Impacts Needs Strengthening.**

At our informal consultation meeting on October 26, 2009, where we discussed the concept for monitoring City permits, Historic Hawaii Foundation and the National Trust suggested several procedures, which were not incorporated into the most recent draft. These include:

- Monitoring permit applications for major alterations, in addition to demolition permits, since transit-generated projects involving adverse effects to historic properties would not be limited to those involving complete demolition;
- Notice of permit applications at the time of filing with the City, so that consulting parties can use the City's existing land use review process to influence the outcome of the permit decision, rather than simply waiting for after-the-fact notification, when it's too late to avoid or minimize the adverse effect; and
- Consultation regarding the issue of whether the permit application is related to or caused by the transit project, with an opportunity to resort to dispute resolution procedures in the event of a disagreement regarding causation or the treatment plan. (The most recent draft of the PA does not spell out a procedure for making the causation determination.)

We have suggested specific revised language to incorporate these requested provisions. At this point, we have proposed including alteration permits as part of the ongoing notice requirement to consulting parties, but not as part of the quantitative analysis that would trigger mandatory consultation, in light of the added complexity. Notice would at least allow the consulting parties to monitor alteration permits themselves, and to invoke the dispute resolution procedures if unanticipated effects arise. However, if other consulting parties feel strongly that alteration permits should be included in the quantitative analysis, we would be amenable to such a provision.

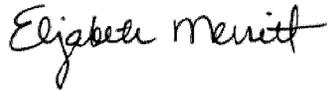
Historic Hawaii Foundation's Comments Warrant a More Thoughtful Response.

We support the request of the Historic Hawaii Foundation in an e-mail to FTA dated November 17, 2009, for a more thoughtful response to its comments on the previous draft PA. We agree that the City's response was surprisingly dismissive, in light of HHF's history of constructive consultation on this undertaking.

Leslie T. Rogers, FTA
Wayne Yoshioka, City & County of Honolulu
November 23, 2009
Page 6

Thank you again for the opportunity to provide written follow-up comments on the draft PA following our November 13 consultation meeting.

Sincerely,



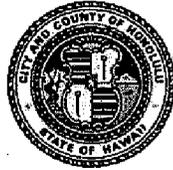
Elizabeth S. Merritt
Deputy General Counsel

cc: Ted Matley, FTA
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Lawrence Spurgeon, Parsons Brinkerhoff
Stephanie Foell, Parsons Brinkerhoff
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Frank Hays, NPS
Elaine Jackson-Retondo, NPS
Pua Aiu, SHPD
Susan Tasaki, SHPD
Oahu Island Burial Council
Kiersten Faulkner, Historic Hawaii Foundation
Katie Kastner, Historic Hawaii Foundation
Spencer Leinweber, AIA
Brian Turner, NTHP

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUIF HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00458

Mr. Jace McQuivey, Chair
Oahu Island Burial Council
State Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Mr. McQuivey:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Jace McQuivey, Chair
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

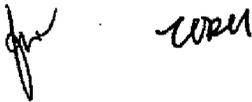
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

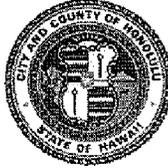
dc (F. Miyamoto)



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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-275904

Oahu Island Burial Council
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Attention: Mr. Jace McQuivey

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement in Fall 2008. We appreciate your inviting us to provide information and to answer questions about the project at the Council meetings.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are seven (7) printed copies each of the Archaeological Resources and Cultural Resources

Oahu Island Burial Council
Page 2
August 25, 2008

Technical Reports along with nine (9) CDs containing these two reports and the Historical Resources Technical Report as well, per previous request by the Council.

Any formal written comments on these three reports are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Seven (7) copies of Archaeological Resources Technical Report
Seven (7) copies of Cultural Resources Technical Report
Nine (9) CDs containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUJI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

September 30, 2008

RT9/08-279527

Mr. Jace L. McQuivey
Oahu Island Burial Council
State Historic Preservation Division
Department of Land and Natural Resources
State of Hawaii
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawai'i 96707

Dear Chair McQuivey:

Subject: Honolulu High-Capacity Transit Corridor Project

On behalf of the Rapid Transit Division and Honolulu's rail transit project team, thank you for meeting with us on Wednesday, September 10, 2008. I believe we had a very productive session, and all of us are looking forward to working with the O'ahu Island Burial Council (OIBC) to ensure that the planning and construction of the rail transit project include appropriate accommodations for the treatment and disposition of cultural resources, including iwi kūpuna.

As we begin the process of drafting a Memorandum of Agreement (MOA), I want to be sure to capture all of the input we received at the OIBC meeting.

First and foremost, we understand and support the OIBC's desire to fulfill its statutory requirements under Hawaii Revised Statutes (HRS) 6E-43.5(f) and the need for an appropriate role to be outlined in the MOA process. For that reason, the OIBC would like to be an invited signatory to the MOA rather than a concurring partner. While the final determination of signatories is made by the Federal Transit Administration (FTA), the City is fully supportive of the OIBC's role as a signatory, and we have already communicated this position to the FTA.

The OIBC has expressed concerns regarding the project's phased construction, and our current plans to do a phased archaeological inventory. The Council is concerned that constructing initial phases of the project might limit mitigation measures available to later project phases.

Mr. Jace L. McQuivey
Page 2
September 30, 2008

I would like to reiterate that our goal is to avoid unnecessary disturbance of cultural resources at this point in time, when the final footprints of the project have not been determined. The City will conduct the inventory once we have a high degree of finality in the project's design. We agree that the OIBC's suggestion to do two levels of inventory – a more detailed study of the earlier project phases and a project wide, less intrusive survey – should be pursued. I also want to make clear that it is our intent to complete the inventory work for the entire project at about the same time construction begins on the Pearl Highlands to Aloha Stadium segment and well in advance of the start of construction on the Aloha Stadium to Kapalama and the Kapalama to Ala Moana Center segments.

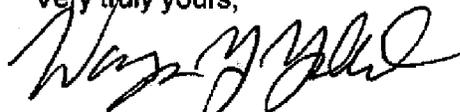
With regard to the archaeological inventory sampling plan, it will address areas that would be disturbed by the construction of: support columns, stations, traction power substations, gap breaker switching equipment, maintenance and storage facilities, and other supporting facilities. In those areas where there is a high likelihood that we will encounter iwi kūpuna, we will sample accordingly to ensure that our investigations are thorough and accurate. For example, in such areas, we will consider investigating each column location (which would apply to station locations as well).

We would like to offer OIBC members and staff the opportunity to tour the entire transit alignment and to receive a comprehensive project briefing.

Finally, we look forward to working together on a proposed MOA for the OIBC's consideration. While we are fully committed to keeping the entire OIBC engaged and involved in this process, our paramount concern is completing this work in a timely and expeditious manner. We would like to propose formation of a task force/subcommittee consisting of a subset of the OIBC that would meet more frequently than once a month. Appropriate project staff members will be detailed to work directly with the task force.

Again, many thanks for your willingness to work with us. We look forward to a warm and productive partnership. As related at the last OIBC meeting, Ms. Faith Miyamoto of the Rapid Transit Division will be the point of contact for the project. She can be reached at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

660 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305858

Mr. Jace McQuivey, Chair
Oahu Island Burial Council
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Mr. McQuivey:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Mr. Jace McQuivey, Chair
Page 2
March 31, 2009

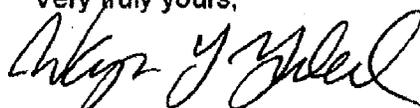
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone (808) 768-8305 • Fax (808) 788-4730 • Internet. www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322923

Mr. Mark Kawika McKeague, Chairperson
Oahu Island Burial Council
State Historic Preservation Division
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Mr. McKeague:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

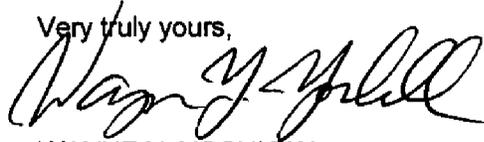
Mr. Mark Kawika McKeague, Chairperson
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

O'ahu Island Burial Council
State Historic Preservation Division
601 Kamokila Blvd, Room 555
Kapolei, HI 96707

October 18, 2009

Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration, Region IX
201 Mission St, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Leslie Rogers:

The O'ahu Island Burial Council appreciates the opportunity to offer our final set of comments regarding the draft programmatic agreement (PA) for the Honolulu High-Capacity Transit Corridor Project (Project).

Before presenting our final comments, we would like to acknowledge to the FTA our sincere thanks for the efforts of the Honolulu City and County's Project team, particularly Faith Miyamoto and Lawrence Spurgeon, who have dedicated many hours to consulting with the OIBC and its Rail Transit Project Task Force.

The OIBC would also like acknowledge to the FTA our great appreciation of Mayor Mufi Hanneman's heartfelt letter of October 13 that commits the City and himself personally to work together with the OIBC to "find ways to best protect iwi kūpuna."

Divergent OIBC and City perspectives

Unfortunately, a significant divide remains between the City's and the OIBC's perspectives regarding how to "best protect iwi kūpuna." The OIBC's view focuses on early identification of iwi kūpuna to facilitate a strategy of avoidance through the consideration of alternate alignments. The City's view focuses on early

commitment to a given alignment and later identification of iwi kūpuna, employing a strategy of mitigating the negative impacts on iwi kūpuna through design changes in the designated corridor.

Early problems with the Project that undermine the current PA

During consultation meetings on the PA and in meetings with the Project team, the OIBC has consistently raised concerns about the process and outcome of the Alternatives Analysis (AA) conducted by the City in selecting its Locally Preferred Alternative (LPA). These concerns have not been allayed by the outcomes of the PA consultation.

The City committed itself to an LPA without first conducting an archaeological inventory survey (AIS), even with its recognition that the selected LPA would, in its Phase 4 alignment, traverse an area under which lies a natural sand deposit that is well known to house high concentrations of unmarked Native Hawaiian burials.

Relevant Hawaiian cultural perspectives

In Hawaiian culture, a burial is kapu (sacred and off-limits). Families would kanu (bury or plant) a deceased loved one with the understanding that the person's full life cycle would continue. Upon being "planted," the iwi (bones)—and the 'āina (land) that nurtured the iwi— in time would become one. The individual's mana (spiritual power), retained in his bones, would imbue the 'āina and provide a source of mana for the community associated with that 'āina. In this way, kūpuna (grandparents, ancestors) continue their kuleana (role, responsibility, obligation, and right) to spiritually nourish their families and 'āina. The kuleana of the living descendants is to maintain the sanctity of the iwi kūpuna (ancestral remains), thus preserving the integral relationships among their ancestors, the 'āina, and the living community.

The act of burial and burial locations were kept huna (secret and hidden). Burials were kapu, intended to be left in peace, and carefully guarded to ensure that no disturbance occurred. Intrusions into burials (opening up the ground to expose iwi kūpuna, touching iwi kūpuna, uprooting iwi kūpuna, etc.) was considered extremely offensive and disrespectful—an act of violence and degradation directed at the deceased individual, the living family members, and the larger community associated with that burial. Such an act would be akin to disrobing a living person and physically handling them against their will.

Hence, even the possibility of the archaeological inventory survey that might encounter iwi kūpuna through careful hand excavation is worrisome for Native Hawaiians. More troubling is the thought of archaeological investigation via backhoe excavation. And worse still is the notion of inadvertent intrusion into burials and destruction of iwi kūpuna by high-powered, modern construction tools.

Legal Standing of the OIBC

Understanding the vulnerability of iwi kūpuna in our modern context that is framed by a history of Native Hawaiian depopulation and dispossession at the hands of Western powers that be,¹ the State of Hawai'i in 1990 enacted legislation to protect iwi kūpuna—laws that place a heavy kuleana on the various island burial councils.

One of the most important statutory roles of the OIBC is determining treatment of unmarked Native Hawaiian burials 50 years or older that are documented through means such as an AIS. The OIBC has the authority provided in the Hawai'i Revised Statutes (HRS) Chapter 6E-43.5(f) to “determine the preservation or relocation of previously identified native Hawaiian burial sites” and to “make recommendations regarding appropriate management, treatment, and protection of native Hawaiian burial sites, and on any other matters relating to native Hawaiian burial sites.”²

As a statutorily-empowered body of governor-appointed officials knowledgeable and experienced in cultural, legal, archaeological, and planning matters, the OIBC has a particularly important voice in projects that have encountered or are likely to encounter unmarked Native Hawaiian burials, as with the City's Rail Transit Project (Project).³

Failure of the City to consult with the OIBC in the AA process

This is why the OIBC was astounded to discover a gross lack of consultation with the OIBC in the interim between when City representatives first came to the OIBC

¹ A crucial episode of dispossession occurred under an armed invasion by the United States marines, which enabled the overthrow of the sovereign and diplomatically-recognized Hawaiian Kingdom government that had protected burials through stringent laws. (See the Hawaiian Apology Bill, PL 103-150 for further details regarding the US' role in the illegal overthrow of the Hawaiian Kingdom government.)

² The OIBC's role is more specifically outlined in the Hawai'i Administrative Rules 13-13-300, Subchapter 3.

³ The OIBC notes here that it continues to object to the FTA's assessment that our statutory role does not rise to the level to prompt the FTA to include the OIBC as an invited signatory.

in 2005 to initiate consultation with the OIBC and when the OIBC leadership requested City representatives to appear before the OIBC on July 9, 2008, to update our body. In the interim, the City selected an LPA absent OIBC consultation. Though the Project team held public hearings regarding their selected LPA, the OIBC did not receive an invitation to these and was never briefed about the hearings through written correspondence or through a representative sharing such information at an OIBC monthly meeting.

The OIBC was further shocked to learn that the City—without a properly executed AIS—selected an LPA that included, in its Phase 4 segment, an area under which lies a natural sand deposit that is well known to house high concentrations of unmarked Native Hawaiian burials.

The minutes of the OIBC's July 9, 2008 meeting record our concerns regarding the process and outcome of the LPA decision:

Council members were very concerned that the 106 process has been skirted by postponing the AIS. Without a complete survey, the extent of the effect cannot be adequately determined in making a decision in the choice of alignment. Abad was concerned that the alignment has been determined in advance of the AIS and therefore the process has been short circuited...

Lack of adequate and appropriate information for the City to render its LPA decision

What has become apparent in subsequent PA consultation meetings is that the City relied on other archaeological studies in the general Phase 4 region to surmise that its LPA would pose less of a danger to iwi kūpuna than other potential alignments. The City's conclusion was based on a fallacy of assuming that a lack of previous archaeological studies in the LPA alignment was an indicator of a lesser number of iwi kūpuna being present in that alignment as compared to other possible alignments. The City made its crucial LPA decision without the information that should have been provided in an AIS (even a preliminary one that could have been contracted) and lacking input from OIBC consultation.

Had the OIBC been included in the LPA discussion, the OIBC would certainly have pointed out to the City's decision makers the error of the aforementioned fallacy and conveyed the OIBC's archaeological and Hawaiian cultural expert opinion that the selected LPA would certainly threaten a large number of iwi kūpuna.

Further, if the OIBC had been consulted when the LPA was being determined, the OIBC would have been able to explain how the Project's potential disturbance of iwi kūpuna would impact Native Hawaiians, deceased and living—a point significant to the evaluation of the burials against the National Park Service's standards for identifying the eligibility of traditional cultural properties for inclusion on the National Register of Historic Places.

During the PA consultation meetings, the Project team members commented several times that the cultural perspectives relating to iwi kūpuna that OIBC members brought forth were completely new to them and that they had not previously understood our full concerns. It was the first time that they began to understand that their view of "respectful treatment" of iwi kūpuna from their Western cultural perspectives was nonetheless highly disrespectful treatment from a Hawaiian cultural perspective.

In sum, when the City evaluated the Project's impacts to iwi kūpuna in its AA, it did so without adequate archaeological or cultural information that should have been presented in an AIS and that would have allowed the City to appropriately weigh alternatives.

Significance of the City's failure to conduct an AIS of Phase 4

In relation to legal procedures relevant to the PA, the most important missing information from the AA was data that should have been provided in an AIS, especially involving Phase 4 where the City was aware that iwi kūpuna would be present.

By avoiding the AIS, the City has diminished protections afforded iwi kūpuna in Hawai'i State law and in federal legislation, particularly the 1966 Department of Transportation Act of 1966, Section 4(f). The rigorous alternatives analysis and avoidance measures required by Section 4(f) can only be afforded historic properties (such as the cumulative set of Native Hawaiian burial sites in the Downtown Honolulu and Kaka'ako corridor) if an appropriate investigation (such as an AIS that includes an investigation of traditional cultural properties) identifies and documents such properties.

Significantly, the National Park Service Bulletin, Guidelines for Evaluating and Document Traditional Cultural Properties (pp. 11-12) describe several important

criteria qualifying TCPs as eligible for inclusion on the National Register of Historic Places, each of which the Native Hawaiian burials in the Project area would meet:

- 1) "The entity evaluated must be a tangible property."
- 2) The property must possess integrity of relationship to a cultural group, or more specifically, the "the property [must be] known or likely to be regarded by a traditional cultural group as important in the retention or transmittal of a belief, or to the performance of a practice" (as with traditional Hawaiian practices associated with the care of iwi kūpuna and the role that such kūpuna play in the lives of an associated living community).
- 3) The property must possess integrity of condition, which is measured by the perspectives of the cultural group associated with the property. The Guidelines' authors specifically note that "the integrity of a possible traditional cultural property must be considered with reference to the views of traditional practitioners; if its integrity has not been lost in their eyes, it probably has sufficient integrity to justify further evaluation." In this regard, a specific example was provided by the Guidelines' authors of a cemetery whose integrity was maintained in the eyes of the African Baptist community associated with it, regardless of the cemetery having been "buried under fill and modern construction for many decades."
- 4) The property must meet one of the 36 CFR 60.4 criteria, as with Native Hawaiian burials that "may be likely to yield information important in prehistory or history," though this would not be the reason that Native Hawaiians would consider burials as being significant.

If an AIS, including a study to investigate traditional cultural properties, were to be conducted for the City's proposed Project, it is clear that concentrations or cumulative sets of Native Hawaiian burials would be eligible for inclusion in the National Register of Historic Places.

Therefore, the City's failure to conduct such studies to bring to light the presence and significance of burials in the Project's alignment has needlessly placed iwi kūpuna in harm's way and diminished the ability of laws such as the DOT Section 4(f) to protect them.

OIBC's stance

It is for all of the above reasons that the OIBC voted unanimously at its October 14, 2009 meeting not to sign the PA as a concurring party. The OIBC, in all good conscience, cannot be a supportive party to an agreement that is founded on the assumption that the City's AA included appropriate consultation or that the AA was based on current and thoroughly-researched data, including information on historic properties. Neither is true. The aforementioned missing archaeological and cultural assessments created fatal flaws in the City's AA and LPA choice.

Phased AIS not automatically allowed in CFR 800.4

In response to the above concerns that OIBC members have repeatedly raised, the City and its contractors have responded by saying that CFR 800.4(b)(2) allows for a phased approach to defer identifying and evaluating historic properties for large projects. However, this deviation from the normal process of identifying, documenting, and evaluating historic properties affected by an undertaking *before* the undertaking commences, can only be approved "if it is specifically provided for in a memorandum of agreement executed pursuant to §800.6, a programmatic agreement executed pursuant to §800.14(b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to §800.8."

OIBC's appeal to signatories and consulting parties

We therefore implore the PA signatories, invited signatories, and consulting parties to deny the deferral of the AIS. Instead, we ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA.

Should the findings of such an AIS require a Section 4(f) evaluation, and should those findings compel the City and FTA to conduct a related AA, we further beseech the PA signatories and invited signatories to require such an AA in the FEIS and that such studies be properly completed before a record of decision is issued.

If the current draft PA that allows for the deferral of the AIS is approved, it will set a troubling precedent that communicates the following:

- 1) The PA signatories and concurring parties condone a plan that diminishes the protections afforded Native Hawaiian burials and other historic properties in state and federal laws.

- 2) A federal agency can disregard a governor-appointed local commission charged with the protection of historic properties of utmost significance to the Native Hawaiian community.
- 3) The City can commit a massive public project to a route that would have tremendous harmful impacts on Native Hawaiians without the purposeful, invited input of the Native Hawaiian community in that decision and without first having investigated the potential impact of the undertaking on historic properties, including Native Hawaiian burials.
- 4) The City can circumvent the historic preservation process that it requires private-sector developers to follow.

Suggested PA amendments

Should a PA nonetheless be approved that allows for an AIS to occur *after* the required approvals for the Project's commencement, then the OIBC would request that the following changes be added to the PA:

- 1) A set of "whereas" clauses that we hope will buffer the OIBC and the Native Hawaiian community from future critics who we foresee will blame the OIBC and Native Hawaiian community for what will inevitably be significant delays and cost increases associated with iwi kūpuna laid to rest in the corridor of the City's selected LPA:
 - a. Whereas, there is a high likelihood of the discovery of iwi kūpuna along the transit route, particularly in Phase 4;
 - b. Whereas, this agreement is being signed prior to the completion of an archaeological inventory survey despite repeated requests for one by the O'ahu Island Burial Council (OIBC) and Native Hawaiian organizations;
 - c. Whereas, the OIBC and Native Hawaiian organizations have requested that the likely impact to burial sites be considered as part of the alternatives analysis;
 - d. Whereas, the city and the FTA assume the risk that the OIBC and the State Historic Preservation Division may bar the relocation of iwi along the transit route, thereby delaying and increasing the cost of the undertaking and potentially jeopardizing the viability of the project.
- 2) A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to

be affected by ground disturbance, including, but not limited to, column locations, stations, traction power substations, and utility relocations.

- 3) Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan.

Honoring a debt of gratitude

So much of what we enjoy in Hawai'i originates from Native Hawaiian kūpuna—beautiful cultural traditions and practices that are appreciated worldwide, a host culture that welcomes diversity and cross-cultural tolerance, resource stewardship practices that offer solutions to current global concerns, a spiritual depth that continues to inspire and evoke inquiry... We owe these kūpuna the basic respect of fully considering their desire to rest in peace. The OIBC cannot agree to a project plan that has placed our kūpuna as a secondary after thought in the planning process.

We respectfully submit these comments and request that the FTA, other signatories, and consulting parties give full consideration to the points we have presented.

‘O mākou iho nō me ka ‘oia’i’o,

Kāwika McKeague
OIBC Chair

Hinaleimoana Falemei
OIBC Vice Chair

Kēhaunani Abad
OIBC Rail Transit Task Force Chair

From: Kehau Abad [keabad@ksbe.edu]
Sent: Wednesday, November 04, 2009 6:16 AM
To: Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
Cc: Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulankruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement



Section 106
early-start activi...



Honolulu PA.PDF
(205 KB)



PA Review
omments Matrix.pdf

Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

- 1) "We ask that the parties require the findings of an AIS to be incorporated in the FEIS and that this requirement be stipulated in the PA." (Page 7, OIBC 10/18 letter)
- 2) "A commitment by the City to include in the AIS Plan a thorough 100 percent subsurface investigation by archaeological excavation (rather than ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including, but not limited to the locations of columns, stations, traction power substations, and utility relocations." (Pages 8-9, OIBC 10/18 letter)
- 3) "Inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan." (Page 9, OIBC 10/18 letter)

We ask that you please add the above OIBC comments in the matrix and include an explanation of how these comments were addressed.

Mahalo nui loa,
Kehau

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

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Tuesday, November 03, 2009 5:51 PM
To: Miyamoto, Faith; bsemmer@achp.gov; Pua.Aiu@hawaii.gov; theodore.matley@fta.dot.gov
Subject: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha consulting parties,
Enclosed please find the PA Candidate version. This version includes editorial, organizational, and clarification changes, including details on tracking future demolitions.
Also included is the response matrix of comments received since July and their disposition.
Finally, per request, there is a schedule of early-action items.

In discussion with FTA this morning, the concluding consulting party meeting has been set for November 9 at 8:30 a.m. HNL (10:30 PDT, 1:30 EDT, note change as result of DST).

1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

From: Kehau Abad [keabad@ksbe.edu]
Sent: Thursday, November 05, 2009 11:00 AM
To: Kehau Abad; Miyamoto, Faith; Assum-Dahleen, Laura; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Antoinette Freitas; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; Alan Murakami; Moses K Haia
Cc: Kawika McKeague; bridgesc@polynesia.com; leimaile.q@gmail.com; akeliikoa@hbws.org; kiha@hawaii.rr.com; kehaulankruse@msn.com; aaronmahi@aol.com; kawikam@hawaii.rr.com; taahine.hina@gmail.com; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no Faith and Lawrence,

I'm hoping to offer some clarification to my earlier email. Please note that there seems to have been an assumption on the City's part that the OIBC intended each of our suggested PA amendments to be included as "whereas" clauses. This is not the case (please review pages 8-9 of our 10/18 letter). The OIBC intended some of our PA amendments (repeated in Items 2 and 3 in the email below) to be addressed in the stipulations of the PA.

Hence, we do not believe the comments in the matrix appropriately or adequately address our items 2 and 3 below.

Because the PA is in many ways a "plan to plan," our comments were intended to have the PA include stipulations that such plans would need to incorporate, as addressed in Item 2 below. Similarly, the decision making regarding such plans currently includes only consultation with the OIBC. The OIBC is requesting, in Item 3 below, to have a role in the decision making regarding such plans--not merely a voice in consultation.

Again, because the City plans to forward a project through a corridor of known high concentration of iwi kupuna, it is imperative that the OIBC--which has a statutory role in such matters--be allowed to engage in decisions that will affect these highly significant traditional cultural properties.

Moreover, because the City's timing of the project limits the alternatives that the OIBC and City will have when iwi kupuna are encountered, we feel it is reasonable to request a more meaningful role for the OIBC in decision making related to the AISP, AIS, MP, and BTP.

We assumed that your team would prefer to craft the language to address our comments, and hence did not offer specific wording. However, if you would like us to develop appropriate language, we would be happy to do so. In either case, please let us know how the final PA will address our comments.

Mahalo nui loa,
Kehau

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

From: Kehau Abad
Sent: Wednesday, November 04, 2009 6:16 AM

To: 'Miyamoto, Faith'; Assum-Dahleen, Laura; jeff@jnn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahele@nps.gov; taahine.hina@gmail.com; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil; Ware, Terrance; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhamatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; 'Antoinette Freitas'; pkaleikini@hawaii.rr.com; David Kimo Frankel; Camille Kalama; 'Alan Murakami'; Moses K Haia
Cc: 'Kawika McKeague'; 'bridgesc@polynesia.com'; 'leimaile.q@gmail.com'; 'akeliikoa@hbws.org'; 'kiha@hawaii.rr.com'; 'kehaulanikruse@msn.com'; 'aaronmahi@aol.com'; 'kawikam@hawaii.rr.com'; 'taahine.hina@gmail.com'; alicegreenwood60@yahoo.com
Subject: RE: Honolulu High-Capacity Transit Corridor Project Section 106 Programmatic Agreement

Aloha no e Lawrence,

Mahalo nui for forwarding to the OIBC the attached set of documents.

Please note that your PA Review Comments Matrix does not include three critical OIBC comments conveyed in the OIBC's 10/18/09 correspondence to the FTA:

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Mahalo nui loa,
Kehau

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1001 Bishop, Suite 2400 (ASB Tower) or Dial In Number 888-742-8686 Conference ID 3784294

A hui ho,
Lawrence

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U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California;
Hawaii, Nevada; Guam,
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1639
415-744-3133
415-744-2726 (fax)

Melanie Chinen
Hawaii DLNR - State Historic Preservation Division
PO Box 621
Honolulu, HI 96809

Re: Invitation to Participate in the Environmental Review Process for the Honolulu High-Capacity Transit Corridor Project

Dear Ms. Chinen:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives. The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The enclosed scoping information packet provides more details. A preliminary coordination plan including a schedule also is enclosed.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users establishes an enhanced environmental review process for certain FTA projects, increasing the transparency of the process, as well as opportunities for participation. The requirements of Section 6002 apply to the project that is the subject of this letter. As part of the environmental review process for this project, the lead agencies must identify, as early as practicable, any other Federal and non-Federal agencies that may have an interest in the project, and invite such agencies to become participating agencies in the environmental review process.¹ Your agency has been identified preliminarily as one that may have an interest in this project; accordingly, you are being extended this invitation to become actively involved as a participating agency in the environmental review process for the project.

As a participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose of and need for the project, as well as in determining the range of alternatives to be considered for the project. In addition, you will be asked to:

- Provide input on the impact assessment methodologies and level of detail in your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
- Review and comment on sections of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

¹ Designation as a "participating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impacts. A "participating agency" differs from a "cooperating agency," which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. 5.1608.5.

If you elect to become a participating agency, you must accept this invitation in writing. The acceptance may be transmitted electronically to Ted.Matley@dot.gov; please include the title of the official responding. In order to give your agency adequate opportunity to weigh the relevance of your participation in this environmental review process, written responses to this invitation are not due until after the interagency scoping meeting, scheduled for March 28, 2007 from 10:00 a.m. to 12:00 p.m. at Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813. You or your delegate is invited to represent your agency at this meeting. Written responses accepting designation as participating agencies should be transmitted to this office not later than April 20, 2007.

Additional information will be forthcoming during the scoping process. If you have questions regarding this invitation, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supersedes the information provided in the Notice of Intent.

Sincerely,



Leslie T. Rogers
Regional Administrator

Attachments: Scoping Information Packet
Draft Coordination Plan



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

DEC 26 2007

Ms. Laura H. Thielen
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kāmokila Boulevard
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit Corridor
Project Coordination on Determination of Area of
Potential Effect

DTS
TRANS PLANNING
JAN 7 11 51 AM '07

Dear Ms. Thielen:

The City and County of Honolulu Department of Transportation Services (DTS) and the U.S. Department of Transportation Federal Transit Administration (FTA) are in the process of defining the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project in accordance with 36 CFR 800.16(d).

The project will include the construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. In addition to the guideway and stations, the project will include construction of a transit vehicle maintenance facility, several park-and-ride lots, traction power sub-stations, and improvements to the bus system to interface with the fixed guideway system. The attached map illustrates the extent of the planned system, including two optional sites for the maintenance facility. Planning and environmental review is being completed for the project extents; however, anticipated funding is only available for completion of the First Project, which would extend from the vicinity of the planned University of Hawai'i at West O'ahu to Ala Moana Center. This portion of the overall project is anticipated to be completed and operational by 2018, while the schedule for any future extensions is indeterminate.

Pending your comment, the APE for the project is proposed to include the following:

- For **Archaeological Resources**, the APE is proposed to be all areas of direct ground disturbance. This would include any areas excavated for the placement of piers to support the elevated structure and foundations for structures, or graded to provide parking. Confining the Archaeological Resources APE to the limits of ground disturbance is warranted because the surrounding built environment is largely developed, becoming progressively more urban as the project progresses Koko Head. As a result of the existing level of development, construction of the elevated guideway would not generate secondary effects, such as visual, atmospheric, or audible elements, that could diminish the integrity

of archaeological resources. Accordingly, direct construction impacts to known and as-yet-unidentified archaeological resources are the concern.

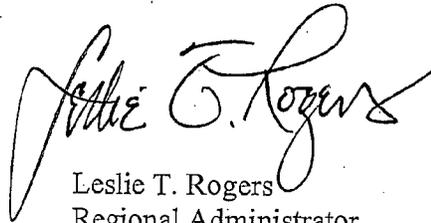
- For **Historic Resources**, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of stations, park-and-ride facilities, and maintenance and storage facility alternatives, the coverage of the APE is proposed to include the entire blocks on which the stations or facilities are located, to a maximum of 500 feet from the project element where there is no defined block. Similarly, for portions of the alignment within or adjacent to historic districts, the APE is proposed to extend one block, rather than one parcel deep.

Direct construction impacts to known and as-yet-unsurveyed historic resources are the main concern. Alterations to the setting of historic resources (where the setting is a qualifying characteristic of its eligibility for the National Register) are also addressed in the above definition of the APE. Since stations, park-and-ride facilities, and the maintenance facility could have a greater effect, the APE is larger around them. It is also larger where the alignment is in or near an eligible historic district because of the potential greater importance of setting to historic districts.

Once the project's APE has been defined, consultation will continue with your office regarding identifying historic properties within the APE.

If you have any questions, please call Ted Matley, FTA Transportation Representative, at (415) 744-2590. Thank you.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures:

Map of Honolulu High-Capacity Transit Corridor Project

Compact disc containing detailed maps of the proposed APE for historic resources

cc: Administrator, State Historic Preservation Division

→ Mr. Toru Hamayasu, DTS (w/o enclosures)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELER
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUIH
FIRST DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPOLEI ISLAND RESERVE COMMISSION
LANDS
STATE PARKS

February 4, 2008

Ms. Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
Region IX
201 Mission Street
Suite 1650
San Francisco, California 94105-1839

LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

Dear Ms. Rogers:

**SUBJECT: Section 106 Coordination
Honolulu High-Capacity Transit Corridor Project Determination of Area of
Potential Effect
TMK: (1)-various**

This letter acknowledges your transmittal of December 26, 2007, received in our Kapolei office on January 8. Through consultation with the City and County of Honolulu Department of Transportation Services and the U.S. Department of Transportation Federal Transit Administration and in accordance with 36 CFR 800.16(d), the proposed project area of potential effect (APE) is outlined for consideration. SHPD staff has participated in site visits of the proposed route on November 14, 2007 and January 10, 2008 with Mason Architects, Inc. and other interested parties.

The proposed project is for construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. The scope of work includes the guideway, transit stations, a transit vehicle maintenance facility (two optional sites), park-and-ride lots, traction power sub-stations, and improvements to the existing bus system. The first phase of the project, from the planned University of Hawai'i at West O'ahu to Ala Moana Center, is anticipated for completion by 2018, with future extensions as yet indeterminate.

Upon review of the proposed APE, for archaeological resources, in addition to all areas of direct ground disturbance, the area of potential effect should include a greater area, to be determined through consultation with native Hawaiian organizations, as well as other knowledgeable individuals of the community, to account for any visual effects the proposed undertaking may have on traditional cultural properties (TCP's). We suggest consulting native Hawaiian organizations and other knowledgeable community members to identify any traditional cultural properties that may be adversely affected by the proposed undertaking.

Ms. Leslie T. Rogers, Regional Administrator
Federal Transit Administration
Page 2 of 3

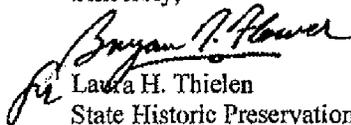
LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

For historic architectural resources of the built environment, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of transit stations, park-and-ride lots, and maintenance and storage facilities, the APE is proposed to extend the entire block on which stations or facilities are located or to a maximum of 500 feet in less developed areas. For portions of the proposed alignment within or adjacent to historic districts, the APE will also extend one block, rather than one parcel, deep.

Whereas it regards the potential impact of direct construction and alteration to local historic built contexts, these will be determined following an ongoing survey of resources. The SHPD acknowledges that consultation will now proceed to identify and consult on individual historic properties within the identified APE.

The SHPD concurs with the Federal Transit Administration's identified area of potential effect and its due consideration of historic architectural and archaeological resources. Thank you sincerely for the opportunity to comment. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman, regarding architectural matters, or Teresa E. Davan, regarding archaeological matters, in our O'ahu office at (808) 692-8015.

Sincerely,



Laura H. Thielen
State Historic Preservation Officer and Chairperson

AMBL:

U.S. Department of the Interior, National Park Service

Dr. Elaine Jackson-Retondo, Architectural Historian, Architectural Resources Team, Specific
Great Basin Support Office, 1111 Jackson Street, Suite 700, Oakland, California 94607-
4807

Frank Hays, Director, Pacific West Region-Honolulu, West Regional Office, 300 Ala Moana,
Blvd., Room 6-226, Honolulu, Hawaii 96850

National Trust for Historic Preservation

Elizabeth S. Merritt, Deputy General Counsel, Law Department, 1785 Massachusetts Avenue
N.W., Washington, D.C. 20036

Anthea Hartig, Director, The Hearst Building, 5 Third Street, Suite 707, San Francisco,
California 94103

Anthony Veerkamp, Senior Program Officer, The Hearst Building, 5 Third Street, Suite 707,
San Francisco, California 94103

Historic Hawaii Foundation

Kiersten Faulkner, Executive Director, P.O. Box 1658, Honolulu, Hawaii 96806

Ms. Leslie T. Rogers, Regional Administrator
Federal Transit Administration
Page 3 of 3

LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

Advisory Council on Historic Preservation

Don L. Klima, Director (Eastern and Western Offices), Eastern Office (EO), 1100
Pennsylvania Avenue N.W., Suite 803, Washington, D.C. 20004

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8306 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274151

Ms. Pua Aiu, Administrator
State Historic Preservation Division
State Department of Land and Natural Resources
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Dear Ms. Aiu:

**Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update**

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA-LU)* guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also pertinent Technical Reports for your review and comment. These Technical Reports include those regarding Historic Resources, Archaeological Resources, and Cultural Resources.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

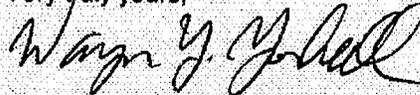
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Ms. Pua Aiu
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

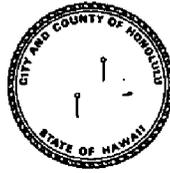
Enclosure:

- 1 CD containing the following:
 - Purpose and Need for the Project
 - Alternatives
 - Historic Resources Technical Memorandum
 - Archaeological Resources Technical Memorandum
 - Cultural Resources Technical Memorandum

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276186

The Honorable Laura Thielen, Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, SHPD Administrator

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project

The City and County of Honolulu Department of Transportation Services (DTS), in cooperation with the U.S. Department of Transportation Federal Transit Administration (FTA), is evaluating the impacts of a high-capacity transit system on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa (UH Mānoa).

Enclosed for your review and concurrence, please find the Determinations of Eligibility for the Honolulu High-Capacity Transit Corridor Project. These determinations were completed in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and the State of Hawai'i Revised Statutes (HRS), Chapter 6E, which addresses projects funded or permitted by state or county agencies. Thirteen consulting parties were invited to participate in the Section 106 process and to assist in the identification of historic built resources. The enclosed eligibility determinations cover the portion of the study corridor between East Kapolei and Ala Moana Center, which would be affected by the Project currently under development.

In order to fulfill the letter and spirit of the Section 106 process, DTS in consultation with the State Historic Preservation Division, established an Area of Potential Effects (APE) that included all properties one tax map lot deep flanking the proposed project corridor. Architectural historians assessed these parcels for the presence of resources that were previously listed in or determined eligible for listing in the National Register of Historic Places. Remaining resources that were constructed before 1969 were also identified and evaluated for eligibility for listing in the National Register. A range of resource types was encountered and included residential, commercial, military, and sacred architecture and historic landscape features. Resources were evaluated on forms that include photographs, brief architectural descriptions, and significance and integrity evaluations. In all, 626 resources or potential districts constructed before 1969 were newly identified, and DTS is recommending that 79 are eligible for listing in the National Register.

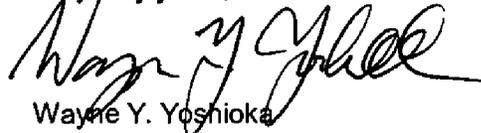
The Honorable Laura Thielen, Chairperson
Page 2
August 25, 2008

Please direct any formal written comments to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If you would like project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting.

Very truly yours,



Wayne Y. Yoshioka
Director

Enclosures

cc: Ms. Astrid Liverman, Acting Architectural Branch Chief
Mr. Raymond Sukys, Federal Transit Administration, Region IX
U.S. Department of the Interior, National Park Service
-- Mr. Frank Hays, Director, Pacific West Region-Honolulu
-- Dr. Elaine Jackson-Retondo, Architectural Historian,
Architectural Resources Team
National Trust for Historic Preservation
-- Ms. Elizabeth S. Merritt, Deputy General Counsel
-- Ms. Anthea Hartig, Director and Mr. Anthony Veerkamp,
Senior Program Officer
Historic Hawaii Foundation
-- Ms. Kiersten Faulkner, Executive Director
Advisory Council on Historic Preservation
-- Ms. Kelly Yasaitis Fanizzo, Historic Preservation Specialist

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 26, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2008.3762
DOC NO: 0809AL44
Architecture

Dear Mr. Yoshioka:

SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor
Purpose and Need for the Project and Alternatives Chapters, Draft
Environmental Impact Statement
Technical Report: Historic Resources
Island of O'ahu
TMK: (1) (various)

This is in response to your transmittal, dated August 18 and received in our office on August 22, 2008. Thank you for providing the opportunity to comment on the draft Historic Resources Technical Report, dated August 1, as well as confidential, intergovernmental advance portions of the draft Environmental Impact Statement. Our office requested to postpone our response until after our September 19 project update and coordination meeting with staff from Parsons Brinckerhoff, Mason Architects Inc., and other stakeholders. This slight delay enables us to incorporate useful information from that meeting into our response.

The proposed project covers the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. Complete analysis of the historic resources and determination of effect for the University of Hawaii, West Kapolei, and Waikiki spurs have not been fully addressed in the documentation, as those portions of the project are not yet funded and will be subject to additional consultation at a future time. Consultation between the Federal Transit Administration, State Historic Preservation Officer, and other consulting and concurring parties will result in a Memorandum of Agreement regarding the proposed undertaking's impact to architectural resources.

The State Historic Preservation Division (SHPD) has several comments that it would like to offer for consideration at this time:

Table S-1: Summary of Identification, Evaluation, and Effects—Historic Resources (p. S-2) presents the findings of the number of State or National Register of Historic Places listed, known eligible, or evaluated eligible resources, numbering in total 119 if both the Salt Lake and Airport segments are completed. However, the summary only indicates a total of six resources for which the FTA proposes a determination of adverse effect due to demolition. The SHPD does not concur with this preliminary determination that adverse effects for this project are limited to those six resources. The Historic Hawai'i Foundation expressed the same concern in their letter of September 15, specifically regarding

construction passing over historic bridges, indirect impacts, and individual listed resources and districts. Examples of indirect impacts would include those to landscapes such as the Sumida Watercress Farm and 'Aiea Plantation Cemetery, and to individual resources such as the PetsWell Animal Hospital designed by locally renowned architect Vladimir Ossipoff.

However, our discussion indicated that the Federal Transit Administration has not yet completed its review for effect determinations pending our office's response to individual eligibility determinations. In a separate transmittal shortly forthcoming, the SHPD will comment in more detail regarding the findings of the technical report in relation to the eligibility determinations submitted for individual resources. We appreciate the amount of substantive research that characterizes the submitted documentation.

Furthermore, we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including viewsheds *makai* to *mauka*, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation.

·Based on new information emerging regarding resources in the vicinity of former Marine Corps Air Station 'Ewa Field, additional consideration should be given to resources, if any, in the area of potential effect associated with the December 7, 1941 attack. Please further qualify the description of MCAS 'Ewa (p. 4-2), for which a few resources remain extant (p. 4-8). Ongoing consultation with the Navy regarding the transfer of parcels in this area to a private developer has recently revealed the necessity for more thorough investigation as to the status and eligibility of these resources. This includes the MCAS 'Ewa runways (p. 4-10), which should be evaluated in accordance with the National Park Service bulletin, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*.

·In response to the description of proposed station characteristics and potential siting (pp. 2-19-31), the SHPD suggests in the next few months, as more information comes available, engaging in a site visit to better visualize scale and setting at these locations. We are also interested in additional information regarding the dimensions and materials of the stations and how stations will be individualized to harmonize with the local character of a neighborhood or site. Staff from Parsons Brinckerhoff has very helpfully provided CADD renderings of the corridor at locations including the Nu'uuanu Stream Bridge, and we would be interested in similar visuals for the proposed stations.

Regarding the image (fig. 2-41) depicting the installation of a traction power substation, we would like to inquire as to whether there will be an effort to provide a design component to these mechanical features/support facilities so that they better harmonize with the local character of their setting.

·Please clarify as to whether the Advisory Council on Historic Preservation is formally participating in this consultation. It is also our understanding that the National Trust for Historic Preservation and Hawaii's Thousand Friends have expressed interest in participating in consultation. As such, they should be included in the list figured on pp. 2-4-5.

·Due to the stated importance (p. 2-4) of the Chinatown National Register district's historic connection with the waterfront, we believe that the placement of the transit corridor will result in an adverse effect on that district, although planners have made distinct efforts to minimize that harm. As a result, the updating of the Chinatown NRHP nomination would constitute appropriate mitigation.

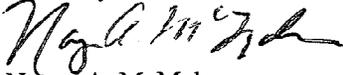
Regarding mitigation, the SHPD strongly supports the suggestions offered by the Historic Hawai'i Foundation as proportional to the direct, indirect, and cumulative impacts of the corridor. These include: public access to documentation; National Register updates and nominations; City and County of Honolulu certified local government designation; Main Street program development; restoration of historic Irwin Park; and context sensitive design solutions. In compliment, the SHPD would like to add, in terms of public access to documentation, that digitization of our office's O'ahu Island inventory would contribute to the National Conference of State Historic Preservation Officers' ongoing effort to promote a comprehensive, nationwide historic resources inventory. Additionally, if historic as well as contemporary Sanborn Fire Insurance maps could be provided to our office, it would enhance the SHPD's future ability to accurately review projects on O'ahu as well as contribute to the availability of this type of documentation to the public.

The draft Technical Report also offers suggestion of forms of mitigation, including Historic American Building Survey documentation. The statement on p. 6-2, however, should be clarified: "All of this documentation would be provided to SHPD, who would have a role in coordinating and completing this effort." While our office would act as a repository for mitigation documentation, due to understaffing, we would not be able to take an active role in completing any documentation. Other suggestions include interpretive signage, cultural landscape reports, historic context reports, and multiple property NRHP submissions. Our office appreciates all of these suggestions, which along with those offered by Historic Hawai'i Foundation, should be actively considered as consultation continues. Regarding cultural landscape reports, it would be appropriate, given the overall adverse effect of the project (p. 5-9), to complete a report that extends the length of the corridor.

To confirm from our meeting, the final EIS will include the list of properties proposed to be acquired or demolished as well as identify the preferred alternative regarding the Salt Lake Boulevard and Airport routes. This information will aid in ongoing discussion regarding mitigation commitments.

Thank you for the opportunity to comment. Comments from our Archaeology and History and Culture branches will be sent under separate cover. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman in our O'ahu office at (808) 692-8015.

Sincerely,



Nancy A. McMahan
Deputy State Historic Preservation Officer

AMBL:

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]

U.S. Department of the Interior, National Park Service

Frank Hays, Director, Pacific West Region-Honolulu [email]

Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]

National Trust for Historic Preservation

Brian R. Turner, Law Fellow, Western Office [email]

Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]

Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]

Mr. Wayne Yoshioka, Director
Department of Transportation Services
Page 4 of 4

LOG NO: 2008.3762
DOC NO: 0809AL44

Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004

Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813

Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]

Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

LINDA LINGLE
GOVERNOR OF HAWAII

Land and Nat.

State of Hawai



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
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LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 3, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2008.3917
DOC NO: 0810AL02
Architecture

Dear Mr. Yoshioka:

SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor
Eligibility Determinations
Island of O'ahu
TMK: (1) (various)

This is in response to your transmittal, dated August 25 and received in our office on September 2, 2008. The submitted determinations of eligibility for structures along the proposed Honolulu High-Capacity Transit Corridor include all properties one tax map lot deep flanking the corridor. Professional architectural historians (Mason Architects Inc.) assessed all resources constructed before 1969, including residential, industrial, commercial, military, and sacred resources as well as historic landscape features. Inventory forms provided photographs, brief architectural descriptions and significance and integrity evaluations. A total of 626 resources were identified and 79 presented as listed on or eligible for listing on the National Register of Historic Places in accordance with the National Park Service criteria. We appreciate the amount of substantive research that characterizes the submitted documentation.

Determinations pertain to the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. Complete analysis of the historic resources and determination of effect for the University of Hawaii, West Kapolei, and Waikiki spurs have not been fully addressed in the documentation, as those portions of the project are not yet funded and will be subject to additional consultation at a future time.

The State Historic Preservation Division (SHPD) generally concurs with the determinations provided, although we have some concerns regarding the potential eligibility of some additional properties. Following our September 19 meeting with project coordinators, we did have the opportunity to discuss our preliminary review of the eligibility documentation with staff of Mason Architects, who were subsequently extremely helpful in providing additional photographs of specific properties.

At this time and based on those photographs, we would like suggest that the following additional properties be considered potentially eligible as good examples of representative local building typologies, rural landscape, vernacular structure, and pre-stress engineering accomplishment respectively:

Waipahu-'Aiea Segment

94-526 Farrington Highway (1956)—Ishira House

94-143 Pupukahi Street (1965)—Terahira Apartments

94-1031 Kahuamoku Street (1965)—Carvalho Apartments
94-965 Awane Street (1956)—Ohara Apartments
94-1066 Awaiki Place (1959)—Sandobal House
96-121 Waiawa Road—Watercress of Hawaii
96-135 Kamehameha Highway (1937)—Solmirin House

Kalihi-Ala Moana Segment

1441 Kapiolani Boulevard (1959)—Ala Moana Building

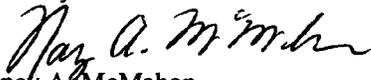
Some buildings we would appreciate further photographed for our state historic resource inventory are:

606 Coral (1963)
975 Queen Street (1941)—Tropical Lampshade
1209 Kona Street (1943)—Honolulu Hardwoods

Finally, based on new information emerging regarding resources in the vicinity of former Marine Corps Air Station 'Ewa Field, additional consideration should be given to resources, if any, in the area of potential effect associated with the December 7, 1941 attack. Please further qualify the description of MCAS 'Ewa (p. 4-2), for which a few resources remain extant (p. 4-8). Ongoing consultation with the Navy regarding the transfer of parcels in this area to a private developer has recently revealed the necessity for more thorough investigation as to the status and eligibility of these resources. This includes the MCAS 'Ewa runways (p. 4-10), which should be evaluated in accordance with the National Park Service bulletin, *Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields*.

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman in our O'ahu office at (808) 692-8015.

Sincerely,



Nancy A. McMahon
Deputy State Historic Preservation Officer

AMBL:

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]
U.S. Department of the Interior, National Park Service
Frank Hays, Director, Pacific West Region-Honolulu [email]
Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]
National Trust for Historic Preservation
Brian R. Turner, Law Fellow, Western Office [email]
Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]
Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]
Advisory Council on Historic Preservation, Katty Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004
Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813
Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]
Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
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KAHOOLAWE ISLAND RESERVE COMMISSION

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 2, 2009

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai'i 96813

Subject: Honolulu High Capacity Transit Corridor Project (City and County of Honolulu)
Draft Environmental Impact Statement/Section 4(f) Evaluation

Dear Mr. Yoshioka:

Thank you for the opportunity to review the above-referenced submittal received November 2008, regarding improved transportation equity in the corridor between Kapolei and the University of Hawai'i at Manoa on the island of Oahu. After review by the Department of Land and Natural Resources (DLNR), division comments have been compiled. The following is representative of the State Historic Preservation Division, the Commission on Water Resource Management and Division of Aquatic Resources, the Division of Engineering, Land Management, the Division of Forestry and Wildlife, and State Parks.

I. Historic Preservation

The State Historic Preservation Division (SHPD) disagrees with the Federal Transit Administration (FTA) that this project will have "no adverse effect" on known and potentially unknown historic properties, potential burial sites, cultural landscapes and traditional cultural properties. The FTA's determination has the potential to eradicate over 80 potentially eligible known sites and overlooks impacts existing viewplanes in Ewa, Chinatown and to individual properties. Additionally, the SHPD has concerns about the treatment of potential burials and archaeological sites, including cultural layers that may be found during the archaeological inventory phase. To date the State Historic Preservation Officer has not concurred the FTA's determination.

A. Architecture: The Architecture Branch provides documents on the draft Historic Resources Technical Report on September 26, 2008 (2008.3762/0809AL44). On December 17, 2008, the SHPD Architecture Branch participated in a workshop

regarding effect determinations for the proposed Transit Corridor project as part of ongoing Section 106 consultation under the National Historic Preservation Act alongside representatives from Parsons Brinckerhoff (PB), the City and County of Honolulu's Department of Transportation Services, Historic Hawai'i Foundation, and the National Trust for Historic Preservation. A total of 83 architectural resources within the area of potential effect have been determined eligible for nomination to the National Register of Historic Places. PB staff presented a finding of adverse effect for a total of seven properties: Solmirin House; Afuso House; Higa Fourplex; Teixeira House; Kamani Trees (Dillingham Blvd.); Dillingham Transportation Building; and the Boulevard Saimin property. A finding of no historic properties affected or no adverse effect was presented for the remaining 76 properties located along the corridor.

SHPD Architecture Branch has expressed concern over these preliminary determinations on a number of points. First, a finding of no historic properties affected implies that no historic properties are present in the area of potential effect or that the undertaking will have no effect as defined in 36 CFR Part 800.16(i). However, it appears that FTA has only affected the project's direct affects and has not taken into account the indirect affects of the project on historic resources. For example, the raised guideway may impede customary viewplanes, changes to the scale and character of the setting, or transit based development around stations may have long-term impacts to the historic resource.

SHPD believes that visual effect must be given greater consideration where it concerns impacts to integrity of setting, feeling, and association. For example, the indirect effects of guideway crossings on Nu'uanu Stream Bridge and Hono'uli'uli Stream Bridge. Other resources that deserve additional consideration for indirect impacts per 36 CFR Part 800.5(a)(2)(v), include the 'Aiea (Honolulu Plantation) Cemetery, Tong Fat Wood Tenement Buildings, Aloha Tower, OR & L Depot, Mother Waldron Park, Walker Park, Irwin Park, and the Aloha Chapel. SHPD suggested that simulations be developed to analyze the character of visual and atmospheric effects and parcel takings to this and other individual resources. Adverse effects are not confined to direct impacts to a parcel and can include cumulative and far-reaching impacts to historic resources as provoked by the Project, including proposed transit based development around transit stations.

The above should also be duly re-considered in regards to constructive use determinations under Section 4(f) of the Department of Transportation Act. Per 23 CFR Part 774.15(a), as published in the Federal Register Vol., 73, No. 49 (March 12, 2008): "A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired." Impairments include noise level increase, obstruction or elimination of primary views, restriction of

access, vibration impacts, etc. Table 5-2 cites *de minimis* findings for direct use determination under Section 4(f) for the six Quonset hut grouping along Dillingham Boulevard, Chinatown historic district (see below), Hawaiian Electric, Radford High School, and Pearl Harbor National Historic Landmark (see below). These determinations are still pending.

Regarding the Chinatown historic district, listed on the National Register of Historic Places on January 17, 1973, SHPD expressed specific concerns. The district nomination records the following description:

"The boundaries of the district, as established by the Hawai'i Historic Places Review Board, are as follows: a 50 ft. line on the ' *ewa* (north) side of Nu'uaniu Stream, the *mauka* (east) side of Beretania Street, a line 50 ft. from the building line on the Diamond Head (south) side of Nu'uaniu Avenue, and 50 ft. *makai* (west) of the longest pier stretching into Honolulu Harbor. The major reason for its early development and continuous history as a commercial area was due to the close proximity to Honolulu Harbor."

Under statement of significance, the nomination reads:

"Throughout the whole of its 180 years as a trading center in the Pacific, Honolulu has always been closely identified with its harbor--the principal channel of contact with the outside world. It is, however, that portion of Honolulu immediately adjacent to the harbor at the mouth of Nu'uaniu Stream which holds the longest continuous history of native and immigrant settlement and where the story of Hawai'i's common folk has been most compactly unfolded (...)"

As the intimate connection between the architectural district and the waterfront are called out as character-defining features of the National Register nomination, SHPD has significant concerns regarding a determination of no adverse effect to the district.

SHPD Architecture is in receipt of the FTA's December 11, 2008 letter inviting consultation with the Secretary of the Interior regarding potential adverse effect to the Pearl Harbor National Historic Landmark. SHPD looks forward to continuing consultation regarding this site. We are in receipt of the Historic Hawai'i Foundation's (HHF) December 10, 2008 letter which raises questions regarding the inadequacy of the description given in the Draft EIS to the vital significance of the National Historic Landmark.

Moreover, in reference to the above-named correspondence, please verify that the resources of the former Naval Air Station Barber's Point and lands west of the West Loch station were omitted because they will be fully consulted on in a separate Draft EIS at a later time. As referenced by HHF, discussion of the resources associated

with former Marine Corps Air Station 'Ewa Field should parallel the import of the newly designated Valor in the Pacific National Monument.

Discussion of effect determinations and the above-named points is scheduled to continue with consulting parties. SHPD Architecture participated in a driving tour of the proposed route (Airport alternative) with PB staff and the Historic Hawai'i Foundation on January 9. We will resume discussion of draft mitigation commitments following closer concurrence on effect determinations. Regarding Table 4-5, "Acquisitions and Displacements Summary," please provide an itemized list of how many parcel acquisitions and displacements by land use impact eligible historic resources. Finally, please note that National Register criteria considerations D and G are not cited regarding methodology. Federal Transit Administration has not yet completed its review for effect determinations pending our office's response to individual eligibility determinations.

- B. Archaeology: The Area of Proposed Effect (APE) was divided into 10 different sub-areas to evaluate below-ground effects. The proposed project covers the fundable twenty-mile segment of the corridor between East Kapolei and the Ala Moana Center with alternatives for both Fixed Guideway Transit Alternatives of the Salt Lake and Airport routes. The project does affect potential human burials, subsurface features and cultural deposits that have not yet previously been identified. We agree that once column locations are identified archaeological inventory work would focus on these locations and if historic properties are identified then mitigation plans should include archaeological monitoring, possible archaeological data recovery and burial treatment plans. SHPD participating in on-going 106 consultation on a Programmatic Agreement to address the above issues.
- C. Culture and History: SHPD Culture and History Branch concurs that the transit project as a whole will change the character of the physical features within the corridor (36CFR 800.5). SHPD is specifically concerned about the affect view planes from traditional lookout points such as Makakilo and Pu'u Kapolei. As stated in our September 26, 2008 correspondence: "Furthermore, we were encouraged that at our meeting it was indicated that indirect impacts to landscape and setting, including view sheds *makai* to *mauka*, will be examined to determine the broader impact of the corridor itself. We believe that this macroscopic dimension will aid in accurately reflecting the comprehensive effect of the proposed project and in turn facilitate identification of appropriate mitigation." Other examples of character changing impacts would include those to landscapes such as the Banana Patch community, Sumida Watercress Farm and Aiea Plantation Cemetery. At the same time, we do recognize and appreciate that some modifications to the alignment have been made specifically to minimize adverse effect.

The Oahu Island Burial Council (OIBC), Hui Malama I Na Kaponu, and Office of Hawaiian Affairs have been consulted, as stipulated in the National Historic Preservation Act, Section

106. OIBC at their January 14, 2009, meeting summarized their consultation work with HTA but seemed to be only addressing the Programmatic Agreement concerns and not the Draft EIS or relevant studies. We will defer their comments on the Draft EIS at this time.

We understand that a Memorandum of Agreement is being developed to address the concerns of the Architecture and a Programmatic Agreement is being developed to address Archaeology and Cultural/History respectively. Also, please note that the Advisory Council on Historic Preservation, National Park Service, and the National Trust for Historic Preservation were not listed as consulting parties in the Draft EIS.

We have not reviewed the *Honolulu High Capacity Transit Corridor Project Archaeological Resources Technical Report*. In a separate transmittal shortly forthcoming, the SHPD will comment in more detail regarding the findings of the technical report. We look forward to the Archaeological Inventory Survey Plan (Phase I) which will be done by the construction phases, along with an Archaeological Inventory Survey Report(s) and an Archaeological Monitoring Plan.

If there are any questions, please contact Pua Aiu, SHPD Administrator, at 692-8015.

II. Aquatics and Water Resource Management

The proposed Honolulu High-Capacity Transit Corridor Route will cross the following streams: Honouliuli, Waikele, Kapakahi, Kalo'i Gulch, Waiawa, Waimalu, Kalauao, Aiea, Halawa, Moanalua, Kalihi, Kapalama, and Nu'uaniu which all empty into the Pacific Ocean along the southern coast of the island of Oahu. All these streams are perennial except for Kapakahi and Kalo'i Gulch which are non-perennial. The Division of Aquatic Resources (DAR) has conducted many biological surveys in Waikele, Waiawa, Halawa, Moanalua, Kalihi, and Nu'uaniu streams and has observed native macrofauna. The estuarine, lower and middle reaches native macrofauna which may be impacted by the transit corridor include native fish species such as *Stenogobius hawaiiensis*, *Eleotris sandwicensis*, *Mugil cephalus*, *Kuhlia xenura*, *Kuhlia sandwicensis*, and the native freshwater crustacean, *Macrobrachium grandimanus*. Other native macrofauna which migrate to the upper reaches would also be impacted during their migration through this corridor. Impacts on the native macrofauna and other aquatic resources can be minimized by avoiding any work in the stream channels or along banks. Impacts on the nearshore reefs and fauna would also be minimized by not disturbing the stream channels or banks and addressing heavy rainfall runoff from this project.

Additionally, the following mitigative measures should be implemented during the construction of the fixed rail transit system and associated areas to minimize the potential for erosion, siltation and pollution of the aquatic environment include:

1. Lands denuded of vegetation should be planted or covered as quickly as possible to prevent erosion;

2. Scheduling site work (particularly the excavation and grading) during periods of minimal rainfall;
3. Use to silt fences or other means to prevent sediments from entering the stream; and
4. Preventing construction materials, petroleum products, debris and landscaping products from falling, blowing or leaching into the aquatic environment.

We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMP's may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

There may be the potential for ground or surface water degradation/contamination and we recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

A Stream Channel Alteration Permit is required by CWRM before any alteration(s) can be made to the bed and/or banks of a stream channel. The planned source of water for this project has not been identified in the Draft EIS report, therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

We recommend that the Final EIS disclose projected potable and non-potable water demands associated with the project, including indirect and cumulative effects such as the City and County's proposed transit oriented development that will surround the rail system. We also recommend that the proposed sources to meet these demands be identified.

If there are any questions, please contact Ken Kawahara, Water Deputy, at 587-0214.

III. Engineering

DLNR, Engineering Division, has reviewed the subject document, and have no comments at this time regarding flood zone(s) traversed by proposed project alignment. However, we do have the following general comments:

1. Column construction in streams will likely trigger comments related to aquatic habitat and biological/environmental issues. Response to these issues would have to be prepared.
2. As required by the City and County of Honolulu's Flood Plain Management Ordinance, any construction planned in a Flood Zone designated as AE (Floodway) will require a detailed floodway study and/or no risk certification.
3. A Conditional Letter of Map Revision (CLOMR) is required if there are any changes in water level (44 CFR 65.12).

4. Note that FEMA is conducting a Flood Insurance Risk Study that will update approximately 60 miles (Kaena Point to Kawaihoa Point) of coastal flood hazard boundaries. Preliminary study results have been issued to the City and County of Honolulu, Department of Planning and Permitting.

Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards.

If there are any questions, please contact Eric Hirano, Engineering Administer, at 587-0230.

IV. Land

Among the lands owned and managed by DLNR are two parcels in East Kapolei, Ewa, Hawai'i, located west of the proposed North-South Road alignment and mauka and makai of Farrington Highway. The two parcels are identified by Tax Map Key Numbers (1) 9-1-17:86; and 9-1-18:05 (the "DLNR Parcels"). These parcels have excellent long-term development potential, and DLNR has accordingly identified these parcels as future income producing lands to support DLNR's operations and maintenance/management of the State's public lands and natural and cultural resources. DLNR has also communicated its desire to the City and County of Honolulu (the "City") to have these parcels rezoned to allow for commercial and/or other income-producing uses.

Various sections, figures, and tables in the Draft EIS provide for the fixed guideway alignment and a park-and-ride facility to be located within the DLNR Parcels, e.g., Figures 2-2, 2-3, 2-4, 2-5, 2-15, 2-38, 2-44, 4-3, Table 2-6, Appendix A. However, it is not clear whether these parcels are included among the properties identified by the City for acquisition (see Section 4.3 and Table 4-5) and whether compensation will be paid for any such acquisition.

The conveyance of any easement or other rights over the DLNR Parcels to allow such facilities, and the amount of compensation to be paid for such easement/rights, if any, requires the approval of the Board of Land and Natural Resources (BLNR). As of the date of this memorandum, BLNR has not granted any such approval, and therefore, BLNR's approval should be added to the list of Anticipated Permits and Approvals required for the proposed project (Table 4-37). It should also be noted, however, that DLNR has had prior discussions with the City regarding use of portions of the DLNR Parcels for the proposed transit project and DLNR's desire to rezone the DLNR parcels, and DLNR intends to continue to work with the City on these issues.

We understand that either route proposed in the Draft EIS involves some State Lands managed by other State agencies or entities. In most cases, these State Lands have been set aside to the government agency for a specific purpose, pursuant to Section 171-11, HRS. Any uses deviated from the specific purposes in the set aside require approval from the Governor and the BLNR.

The State is currently prohibited from conveying any portion of ceded lands due to a Hawai'i Supreme Court decision dated January 31, 2008. If any proposed acquisition of property requires fee title conveyance of the ceded lands, the outcome of the appeal filed by the State to the US Supreme Court may affect the final design of the project.

For future easy reference, it may be helpful if the Final EIS contains a table on the acquisition with information on ownership and current uses on the affected properties.

If there are any questions, please contact Morris Atta, Land Administrator, at 587-0456.

V. Forestry and Wildlife

According to comments submitted September 15, 2008, the Division of Forestry and Wildlife (DOFAW) stated that on Page S-1 – *Abutilon* is mentioned as “threatened,” but it is actually listed as “endangered” according to State and Federal law. DOFAW would like to provide the following for your consideration.

The existing State Department of Transportation Habitat Conservation Plan (HCP) for *Abutilon*, covers only a limited geographic area related to North-South road (DOT), Kapolei Parkway, University of Hawaii West Oahu, DHHL right-of-entry and subdivision, and DLNR future development plans (pgs 9-18). Additional DHHL lands are included under a Certificate of Inclusion registered with the Land Court. The City and County of Honolulu land ownership was identified in the original HCP (pg 9) and a Certificate of Inclusion issued for a portion of their lands. However, the current HCP does not include all affected lands or current planned activities within the rail transit corridor (see attached Table 3. Landownership of Parcels at Kapolei Properties). Activities and lands within the HCP area can be included by an additional Certificate of Inclusion, but activities outside the HCP area will need an amendment or new HCP.

Mitigation activities should address increased fire management measures. Although the current HCP includes a fire management strategy, it does not take the proposed project into consideration, so it does not address fire concerns for the project under review. The project under review could create new threats to the *Abutilon* reserve, with concern of discarded cigarettes or equipment sparks for example.

The level of fire management identified in the current HCP includes:

“A fire management strategy consisting for the following measures is being implemented to ensure that the plants are not accidentally destroyed.

- Identification of fire fighting resources available near the Kapolei population;
- Provide information to fire stations to assist them in protecting *A. menziesii* from fire;
- Identification of water resources near the Kapolei population.

The details of the fire management strategies are described in the Final Interim Management Report for *Abutilon menziesii* (DLNR DOFAW, 2003, Appendix G).” (p. 21).

If additional plants are discovered outside the boundaries of the lands covered under the current HCP, then the transit corridor will need a new Habitat Conservation Plan (see attached information on HCP and ITL) or an amendment to the existing HCP. Additionally, should a plant survey of the transit corridor show no endangered plants in the Kapolei-Ewa area, it does not constitute a finding of no plants present because plants can emerge following rainfall or scarification. Therefore, it is recommended that multiple surveys are done and that the biology of endangered flora and fauna be considered, especially that of the *Abutilon*.

The issue of invasive species is not addressed in the Honolulu High-Capacity Transit Draft EIS. The implementation of this project creates risks related to the introduction of new harmful invasive species, weeds or pests that could be brought into Oahu by importation of heavy equipment and materials sourced from sites off island, be it from other islands or continental locations. For example the red imported fire ant is a serious pest in a number of southern and coastal states including: CA, TX, NC, AR, NM, DE, and in other areas around the world. Recent economic input analysis indicated that if established in Hawai‘i, the estimated negative impacts to Hawai‘i’s economy could be as high as \$200 million within 20 years and it would affect our way of life and human health. Apart from the potential introductions from out-of-state import risks are the intra-state risks between islands. A number of pests are present on other islands in Hawai‘i but not present or are under control on Oahu, e.g. miconia, little fire ant and coqui frogs. Appropriate mitigation would involve implementing prevention measures, paying close attention to pests at the site of origin for incoming equipment and materials, cleaning, inspections and treatment both before shipping and after arrival on Oahu would reduce these risks significantly.

The Draft EIS describes plans for the planting of trees and other landscaping projects. Nursery plants sourced from outer islands are a known pathway for “hitchhiker pests,” and should be subject to inspections and appropriate treatment. Also, the plants that are considered for planting could themselves become harmful invaders or contribute to existing problems, if not screened properly. Species under consideration for planting should be reviewed using the University of Hawai‘i, Weed Risk Assessment system that allows high-risk potentially harmful species to be identified, while low risk alternatives could be a more suitable species selected for this project.

Mr. Wayne Y. Yoshioka
February 2, 2009
Page 10 of 10

The subject project Draft EIS did not address tree removal plans, or lack thereof, in the rail transit corridor. If tree removal is part of the construction process, there is concern in central Honolulu in the Kapiolani Blvd. area where a population of white tern, *Gygis alba* or Manu-o-kū, is known to nest.

Further mitigation could involve implementing pre and post construction surveys to determine what plant species are present along the transit pathway and remove any potentially invasive species as a post construction mitigation action. If the prevention mitigation measures mentioned above are implemented successfully, this latter problem will likely be minor or insignificant.

If there are any questions, please contact Paul Conry, DOFAW Administrator, at 587-4182.

VI. State Parks

The subject project Draft EIS does not acknowledge the transit corridor's alignment near State Parks, and the impacts it may have on those areas.

Section 5.4.1 of the Draft EIS states that the project will require direct property acquisition of several recreational areas, one of which is Ke'ehi Lagoon Beach Park, resulting in a section 4(f) use. Directly adjacent to the beach park is the Hawai'i Disabled American Veteran's (DAV) Keehi Lagoon Memorial that was set aside to the department and is operated and maintained by the Hawai'i DAV. Its location may place it near the alignment for both the Airport and Salt Lake alternatives, however, there is no mention of it in the document.

We also note that Aiea Bay State Recreation Area, also under our jurisdiction and a section 4(f) area, was discussed in the Draft EIS and determined to have no use based on the criteria for review of 4(f) properties. There is concern that the criteria used to make this determination is unclear.

If there are any questions, please contact Dan Quinn, State Parks Administrator, at 587-0292.

Thank you for the opportunity to submit comments.

Sincerely,



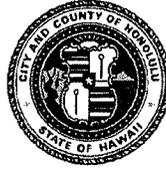
Laura H. Thielen, Chairperson
Department of Land and Natural Resources

c: ✓ Mr. Ted Matley, FTA Region IX

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 15, 2009

RT4/09-308983

Honorable Laura H. Thielen
State Historic Preservation Officer
and Chairperson
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, Administrator

Dear Ms. Thielen:

Subject: Section 106 Historic Resources Effects Determination for the
Honolulu High-Capacity Transit Corridor Project

The U. S. Department of Transportation Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) have completed the enclosed effects determination on historical resources under Section 106 of the National Historic Preservation Act for eligible resources located within the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project (HHCTCP).

Previous correspondence from FTA dated December 26, 2007, conveyed the APE determination for the project, and a letter dated August 25, 2008 from DTS transmitted the determinations of eligibility for historic resources to the State Historic Preservation Division (SHPD). The DTS has coordinated with the SHPD regarding its September 26, 2008 comments on the preliminary effects determination included in the Administrative Draft EIS and their October 3, 2008 response to the determinations of eligibility.

Honorable Laura H. Thielen
Page 2
April 15, 2009

As a result of this coordination with SHPD and other Section 106 consulting parties, the FTA and DTS have completed the enclosed revised effects determination for the HHCTCP. This letter transmits the three (3) copies of the Historic Effects Determination for concurrence by the State Historic Preservation Officer.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: U. S. Department of the Interior, National Park Service (CD)
--Mr. Frank Hays, Director, Pacific West Region
--Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region
National Trust for Historic Preservation (CD)
--Mr. Brian R. Turner, Law Fellow, Western Office
--Ms. Elizabeth S. Merritt, Deputy General Counsel, Law Department
Historic Hawaii Foundation (CD)
--Ms. Kiersten Faulkner, Executive Director
Advisory Council on Historic Preservation (CD)
--Ms. Katry Harris, Historic Preservation Specialist
Office of Hawaiian Affairs (CD)
Mr. Ted Matley, Federal Transit Administration, Region IX (CD)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 16, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawaii'i 96813

LOG NO: 2009.0607
DOC NO: 0903WT177
Archaeology

Dear Mr. Yoshioka:

**SUBJECT: Section 106, National Historic Preservation Act (NHPA) Review--
Honolulu High Capacity Transit Corridor Review of Archaeological Resource
Technical Report, Honolulu High-Capacity Transit Corridor Project from Kapolei
to UH Manoa, O'ahu, Hawai'i
TMK: (1) 3-8-006: 007**

Thank you for providing the opportunity to review this technical report which we received on March 5, 2009. The proposed undertaking is the construction of a high speed rail transit extending from Kapolei to UH Manoa and beyond to Waikiki. As part of consultation to reduce anticipated impacts on historic properties which may be in the areas of ground disturbance the City and County produced this technical report to address the archaeological concerns.

In an earlier review, we requested revisions (LOG NO: 2008.3917/DOC NO: 0810WT35). We requested that the City and County supply us with the maps of ground disturbance areas, and aerial photographs with the APE super-imposed. Furthermore, we reviewed and accepted an Archaeological Inventory Survey Plan (AISP) produced by Cultural Surveys Hawai'i (*Archaeological Inventory Survey Plan For Construction Phase I of the Honolulu High-Capacity Transit Corridor Project, Station 392+00 (Near East Kapolei Station) to Station 776+00 (Near Waimano Home Road), Hono'uli'uli, Hō'ae'ae, Waikele, Waipi'o, and Waiawa Ahupua'a, 'Ewa District, O'ahu, Hawai'i, TMK: (1) 0-1, 9-4, 9-5, 9-6, 9-7 (Various Plats and Parcels) [Hammatt and Shideler MA, March 2009]*) (LOG NO: 2009.1325/DOC NO: 0903WT115)

Archaeological survey techniques to be employed are driven by the necessity to determine historic properties subsurface in areas of sensitivity. Additionally, these techniques will also confirm the lack of properties in areas not sensitive. This is an efficient and cost reducing methodology. These include test trenching, Ground Penetrating Radar (GPR) and limited areal excavations. We agree that these methods will adequately document historic properties that, if significant and with further consultation with this office, be investigated in a data recovery phase. Another measure to mitigate possible effects to historic properties, especially human burials, would be the development of a monitoring plan to address the results of this inventory survey and/or data recovery studies.

In the event that historic resources, including human skeletal remains, are identified during the activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from

Mr. Wayne Yoshioka
Page 2

additional disturbance, and the State Historic Preservation Division, notified immediately at (808) 692-8015.

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon".

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

C:
Mr. David Shideler
Cultural Surveys Hawai'i
P. O. Box 1114
Kailua, Hawai'i 96736

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

April 29, 2009

RT4/09-311224

Honorable Laura H. Thielen
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Pua Aiu, Administrator

Dear Ms. Thielen:

Subject: Section 106 Coordination for the Honolulu High-Capacity
Transit Corridor Project

Enclosed are copies of letters that were sent to organizations that were invited by letters dated December 5, 2007 to be Consulting Parties in the Section 106 of the National Historic Preservation Act process for the Honolulu High-Capacity Transit Corridor Project.

These letters were sent to confirm the participation of those organizations invited to be Consulting Parties. Enclosed with the letter was a CD of the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project*. This is the plan that was recently accepted by the State Historic Preservation Division.

The Consulting Parties were also sent CD copies of the *Historic Effects Report, Honolulu High-Capacity Transit Corridor Project*. This report was submitted, under separate cover, for your concurrence on April 16, 2009. Your expeditious review of this document will be greatly appreciated.

In the next month, we will provide, for your review, a draft Memorandum of Agreement that will formalize all commitments made under the Section 106 process.

Honorable Laura H. Thielen
Page 2
April 30, 2009

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wayne Y. Yoshioka', written in a cursive style.

WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Advisory Council for Historic Preservation
National Trust for Historic Preservation
National Park Service
Mr. Ted Matley, FTA Region IX

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 21, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2009.1900
DOC NO: 0905ST08
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor Project
Historic Effects Determination Report
Island of O'ahu
TMK: (1) (various)**

This is in response to your transmittal, dated April 15, 2009 and received in our office on April 16, 2009. The submitted Historic Effects Determination Report (Report) was completed for the U.S. Department of Transportation Administration (FTA) and the City and County of Honolulu's Department of Transportation Services (DTS) to address the effects on the integrity of historic properties as triggered by the proposed undertaking, the Honolulu High-Capacity Transit Corridor Project (HHCTCP/Project). The grade-separated, fixed guideway rail transit system is proposed for the 20-mile section of the Project between East Kapolei and Ala Moana Center, including the Airport route which was chosen over the Salt Lake route option.

The Report identifies 499 properties "as constructed or developed by or before 1968": 9 listed in the NRHP, 74 eligible for listing (where 2 eligible have since been demolished), (therefore 416 are not eligible). Of 81 identified National Register of Historic Places (NRHP) listed and eligible properties within the Project's Area of Potential Effects (APE), the determinations are: 22 "adverse effect"; 51 "no adverse effect"; and 8 "no effect".

According to the Report, the FTA and DTS state their compliance with requirements of Section 106 of the National Historic Preservation Act of 1966 (as amended):

"to consider the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP." The Criteria for Evaluation (36 CFR 60) are applied to NRHP-listed and -eligible properties: "the quality of significance in American history, architecture, archaeology, engineering, and culture ... present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association (Criteria A, B, C, and D)." In addition, Criteria Considerations were applied to properties "that have achieved significance within the past 50 years" (categories a, b, c, d, e, f, and g).

The Report acknowledges that an examination of settings should not only involve “features and their relationships ... within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.” The Report states that it addresses our previously expressed concerns of indirect effects, including impedance of customary viewplanes, changes to scale and character/integrity of setting, feeling, and association. The Report now addresses indirect effects of guideway crossings on Nuuanu and Honouliuli Stream Bridges and effects to the Chinatown Historic District, and the Oahu Railway & Land Co. Terminal & Document Storage Buildings.

However, assessments do not adequately discuss “topographic features (a gorge or the crest of a hill); vegetation; simple manmade features (paths or fences); and relationships between buildings and other features or open spaces” that it acknowledges to address. It does not adequately consider the effect of the undertaking with consideration of “the quality of significance in American history, architecture, archaeology, engineering, and culture ... present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association” that it acknowledges to address. It does not adequately address elimination of primary views, restriction of access. It does not adequately and appropriately address national historic landmarks.

We disagree with the “no adverse effect” findings for the following historic properties.

- Pearl Harbor National Historic Landmark (NHL) and World War II Valor in the Pacific National Monument;
- CINCPAC Headquarters NHL;
- Aiea (Honolulu Plantation) Cemetery;
- Tong Fat Wood Tenement Buildings;
- Aloha Tower;
- Walker Park;
- Irwin Park;
- Pier 10/11;
- DOT Harbors Division Building;
- Merchant Street Historic District;
- HECO Downtown Plant and Leslie A. Hicks Building;
- Six Quonset hut grouping along Dillingham Boulevard;
- Boulevard Saimin (formerly on the original list of 7 with an “adverse effect”);
- Solmirin House (also one of original 7 and now not addressed);
- Radford High School (a determination was pending and is not addressed).

Additional before-and-after simulations would help to analyze the character of visual and atmospheric effects and parcel takings to these resources. We request verification that the former Naval Air Station Barber’s Point and lands west of the West Loch station will be consulted on in a separate Draft EIS. We continue our concerns regarding effects to the former Marine Corps Air Station Ewa Field.

Given our concerns and those of consulting parties regarding these effect determinations, we anticipate further discussions towards draft mitigation commitments that include our concerns on affected parcel acquisitions and displacements.

Mr. Wayne Yoshioka, Director
Page 3

LOG NO: 2009.1900
DOC NO: 0905ST08

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please call Susan Tasaki at (808) 692-8015.

Sincerely,

Nancy A. McMahon
Deputy State Historic Preservation Officer

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]
U.S. Department of the Interior, National Park Service
Frank Hays, Director, Pacific West Region-Honolulu [email]
Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]
National Trust for Historic Preservation
Brian R. Turner, Law Fellow, Western Office [email]
Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]
Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]
Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004
Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813
Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]
Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 22, 2009

RT5/09-315624R

Ms. Nancy A. McMahon
Deputy State Historic Preservation Officer
Department of Land and Natural Resources
State of Hawaii
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Dear Ms. McMahon:

Subject: Honolulu High-Capacity Transit Corridor Project

Thank you for your letter dated May 21, 2009. We appreciate your office's comments on the *Honolulu High-Capacity Transit Corridor Project Historic Effects Report* (Report). This letter responds to the concerns described in your letter and summarizes some points raised during our meeting with you, Ms. Susan Tasaki, Dr. Pua Aiu, and members of our project team on June 2, 2009. Our response also addresses points discussed with Ms. Tasaki during a project field view on June 4, 2009. Please also note that the project team provided Ms. Tasaki with visual simulations from select vantage points within the project area as requested on June 5, 2009.

In your May 21, 2009 letter, you disagree with the "no adverse effect" findings for several resources discussed in the Report. Several of your comments are based on an earlier iteration of the project's design and planning efforts that have since changed. Specifically, current design reflects changes that reduce some resource impacts that were of concern. In addition, since publication of the Draft EIS, the Airport Alternative has been selected as the Project. As a result, the Report focuses on the Airport Alternative and includes information relevant to the project as currently planned.

We respectfully disagree with the statement on Page Two of your letter that the assessments do not adequately consider the effects of the undertaking. On the contrary, the individual assessments of each aspect of integrity for each resource show that the effects for each resource were carefully considered. While your office may not concur with the effects findings for the individual resources, the project team maintains that both the letter and spirit of the law contained in Section 106 has been addressed. Additionally, the project team has determined that the undertaking as a whole has an adverse effect. We are seeking to reconcile the differences in professional opinion on the specific resources discussed below in order to determine Section 4(f) resources and category of use.

Although you state generally that your office does not believe the assessments consider the undertaking's effects, the letter does not indicate specifically why your office does not concur with the findings for each listed resource. Under 36 CFR 5(c)(2)(i), your office should "specify the reasons for the disagreement in the notification." This information will facilitate ongoing consultation and allow us to consider your perspective in the way that Section 106 intends and, where possible, reconcile differences.

In the interest of progressing in consultation, we are summarizing our approaches to assessing the following resources. Although we do not have specific insight into your concerns for each resource, we hope that some of these comments may resolve select issues. These comments reiterate the discussions with Ms. Tasaki during the field view on June 4, 2009. We remain willing to discuss and clarify ongoing issues and consider any more specific comments that your office may have.

- **Pearl Harbor National Historic Landmark:** The project team is seeking to reconcile the effect on this resource with National Park Service (NPS) staff. To date, the Navy has not expressed concern regarding adverse effects. Navy environmental staff who provided access to all Pearl Harbor resources agreed with our field assessments. Currently, in response to concerns from NPS, the Pearl Harbor Naval Base Station design has been changed to be outside the landmark boundary. The redesign now avoids even minor direct impacts.
- **CINCPAC Headquarters:** The proposed guideway will be 650 feet from this resource; and due to topography and vegetation, the project will only be minimally visible from select vantage points from within the property's historic boundary. The historic setting of the resource consists of its immediate surroundings, which include the drive from Kamehameha Highway (which was not designated as part of the NHL) and the surrounding plantings. The rather dense vegetation will serve to screen the project from the CINCPAC Headquarters. Because of the distance from the project, the lack of visibility due to surrounding plantings, and pre-existing changes to the setting, the project will have no adverse effect on the setting, feeling, or association of this resource.
- **Aiea Cemetery/Honolulu Plantation Cemetery:** The project team maintains that the area surrounding the cemetery does not retain integrity of setting, nor does it contain character-defining features. The cemetery is surrounded on all sides by highway alignments and its setting contains Aloha Stadium and other high-rise buildings, as well as power transmission poles that will be substantially higher than the proposed guideway. There are no historically significant views to or from the cemetery. The proposed project has no adverse effect on the Aiea Cemetery because there is currently no integrity of setting.
- **Tong Fat Wood Tenement Buildings:** The project is located approximately 150 feet from the tenements. Warehouses on Kaaahi Street will be partially located between the project and the tenement buildings. The project will be visible in the distance from only select vantage points within the historic boundary. The tenements' current viewshed includes non-historic industrial buildings, and no historically significant views to or from this resource were identified on the recently completed eligibility form. There will be no adverse effect to the integrity of this resource.

- **Aloha Tower:** As planned, Aloha Tower was intended to serve as a landmark for those arriving by boat. While it certainly is a local landmark from the inland area, the proposed project will not block views, although some views will be altered. Aloha Tower has only marginal integrity of setting, with Downtown high rises, proximate recently constructed buildings, and a modern shopping mall surrounding it. Although certain important buildings can be viewed from Aloha Tower, there are no significant identified viewsheds with integrity from the Tower. Downtown Honolulu has become densely built with tall buildings and busy roadways. Aloha Tower will still be able to be viewed from many vantage points without seeing the proposed project; therefore, the feeling and association of the resource will not be adversely affected. While the project will be visible from the tower, given the lack of integrity of setting, the impacts will not be adverse.
- **Walker Park:** The recently completed eligibility form with which your office concurred states that the "setting has been changed by the conversion of Fort Street to a pedestrian mall and by the addition of a paved area and fountain." The form also details additional changes to the park as well as memorial items and plaques "without their own historic significance." The form cites the park's significance as a created greenspace. There will be no impact to this greenspace. The setting outside the park does not have integrity. The feeling and association of the park within its historic boundary have already been substantially altered by the introduction of the diverse collection of elements deemed to be not significant. For all of these reasons, the project will not have an adverse effect on Walker Park.
- **Irwin Park:** In the recently completed eligibility form, Irwin Park is described as "unique in Hawaii, because it is largely a parking lot with grass medians and numerous mature monkeypod trees and coconut palms." The form states that the realignment "of Nimitz Highway has altered the mauka boundary, but the historic configuration of parking spaces among the mature trees remains." The proposed project will not impact the stated character-defining features of the park. All work will occur on the already-compromised mauka side of the parking lot, which contains the busy Nimitz Highway and does not contribute to the current significance of the resource. The lush vegetation will screen select portions of the site from the project. Although the project will be visible from some areas, the overall impact to the parking lot does not constitute an adverse effect.
- **Pier 10/11:** This building derives its significance from its relationship to the harbor. The proposed project will not interrupt this important aspect of setting. However, the setting does not have integrity due to the busy multi-lane Nimitz Highway, the recently constructed retail area, and multiple Downtown high-rise buildings. The project will not impact any other aspects of integrity, due to the strong remaining connection to the harbor and the lack of direct impacts. Therefore, there is no adverse effect to this resource.

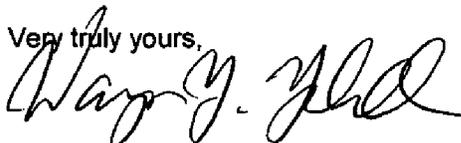
- **DOT Harbors Division Building:** This building derives its significance under Criterion A from its association with the Harbor Commission of the Territory and its primary and significant relationship is with the water. The proposed project will not impact or interrupt this relationship. The project team acknowledges that the undertaking will occur in close proximity to this resource. However, like other resources in its proximity, changes to the mauka setting are so substantial that there is a lack of integrity of setting. Therefore, there is no adverse effect to this building.
- **Merchant Street Historic District:** The historic district is separated from the project by high-rise buildings. The project will be visible in the distance from only select vantage points within the historic district boundaries. The project will not have an adverse effect on the historic district.
- **HECO Downtown Plant and Leslie A. Hicks Building:** The small property take required from this resource's parcel of land will not impact any contributing buildings within the historic boundary. The resource has undergone numerous changes over time within the proposed boundary and its integrity will not be altered by the proposed project.
- **Six Quonset Huts:** The relocated Quonset huts' integrity of location, design, materials, and workmanship will not be impacted by the project. The Quonset huts' integrity of setting, association, and feeling are marginal at best. Although the Quonset huts, now functioning as light industrial buildings, may have gained significance from within their new setting, their integrity of setting, as recently assessed, includes numerous recently constructed commercial buildings. The project will not have an adverse effect on the setting, feeling, and association of these resources. As an aside, since the eligibility determination, a new roll-up/overhung door has been installed in the building facing Dillingham Boulevard.
- **Boulevard Saimin:** The project will require a very small property take from the parking lot of Boulevard Saimin. This area is not a character-defining feature of Boulevard Saimin. Similarly, the setting, feeling, and association of the site have minimal integrity. The project will result in no adverse effect to the resource.
- **Solmirin House:** Please note that your office concurred that the Solmirin House is not eligible for the National Register of Historic Places on November 14, 2008. Resources that are not eligible are not assessed for effect, which is why this resource was not evaluated in the Report.
- **Radford High School:** Please note that Radford High School is no longer within the Area of Potential Effects for the project. The project is approximately one mile away from this resource.

At this time, we would like to request a meeting with your office and other consulting parties to discuss in detail your concerns with these effect determinations in an attempt to resolve these differences in professional opinion. We look forward to continued consultation with your office.

Ms. Nancy A. McMahon
Page 5
June 22, 2009

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

cc: The Honorable Laura H. Thielen, SHPO and
Chairperson, State Department of Land and
Natural Resources
U.S. Department of the Interior, National Park Service
Mr. Frank Hays
Dr. Elaine Jackson-Retondo
National Trust for Historic Preservation
Mr. Brian R. Turner
Ms. Elizabeth S. Merritt
Historic Hawaii Foundation
Advisory Council on Historic Preservation
Ms. Blythe Semmer
Office of Hawaiian Affairs

DEPARTMENT OF TRANSPORTATION SERVICES
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322913

The Honorable Laura Thielen
State Historic Preservation Officer
Historic Preservation Division
Department of Land & Natural Resources
State of Hawaii
601 Kamokila Boulevard, Suite 555
Kakuhihewa Building
Kapolei, Hawaii 96707

Attention: Dr. Pua Aiu, SHPD Administrator

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

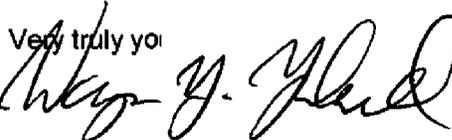
We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

The Honorable Laura Thielen
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,


WAYNE Y. YOSHIOKA
Director

Attachment

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 22, 2009

Mr. Wayne Yoshioka
Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

LOG NO: 2009.1900
and 2009.2785
DOC NO: 0905ST08
and 0907ST09
Architecture

Dear Mr. Yoshioka:

**SUBJECT: Section 106 (NHPA) Consultation
Honolulu High-Capacity Transit Corridor Project
Historic Effects Determination Report
Island of O'ahu
TMK: (1) (various)**

This is in regards to your transmittal, dated June 22, 2009 which responds to SHPD's letter (Log No 2009.1900, Doc No 0905ST08). As discussed with your staff, we requested and received an extension of our 30-day comment period.

We acknowledge that the following do not require additional consultation:

- Boulevard Saimin – the building does not retain historic integrity;
- Solmirin House – already demolished; and
- Radford High School – part of the Moanalua Alternative that was not chosen.
- Aiea (Honolulu Plantation) Cemetary

We request further consultation for the following regarding an “adverse effect” determination, including an assessment of cumulative effects:

- Pearl Harbor National Historic Landmark (NHL) and World War II Valor in the Pacific National Monument;
- CINCPAC Headquarters NHL;
- Tong Fat Wood Tenement Buildings;
- Aloha Tower;
- Walker Park;
- Irwin Park;
- Pier 10/11;
- DOT Harbors Division Building;
- Merchant Street Historic District ;
- HECO Downtown Plant and Leslie A. Hicks Building; and
- Six Quonset hut grouping along Dillingham Boulevard.

Mr. Wayne Yoshioka, Director
Page 2

LOG NO: 2009.2785
DOC NO: 0907ST09

We will be providing more specific reasons for our determinations and look forward to continued consultation in the historic preservation review process.

Thank you for the opportunity to comment. Should you have any additional questions or concerns, please call Susan Tasaki at (808) 692-8015.

Sincerely,



Nancy A. McMahon
Deputy State Historic Preservation Officer

c:

Laura H. Thielen, State Historic Preservation Officer and Chairperson, Department of Land and Natural Resources [email]
U.S. Department of the Interior, National Park Service
Frank Hays, Director, Pacific West Region-Honolulu [email]
Dr. Elaine Jackson-Retondo, Architectural Historian, Pacific West Region [email]
National Trust for Historic Preservation
Brian R. Turner, Law Fellow, Western Office [email]
Elizabeth S. Merritt, Deputy General Counsel, Law Department [email]
Historic Hawaii Foundation, Kiersten Faulkner, Executive Director [email]
Advisory Council on Historic Preservation, Katry Harris, Historic Preservation Specialist,
Office of Federal Agency Programs, 1100 Pennsylvania Avenue N.W., Suite 809,
Washington, D.C. 20004
Office of Hawaiian Affairs Honolulu, 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i
96813
Dee Ruzicka and Wendy Wichman, Mason Architects Inc. [email]
Lawrence Spurgeon, Supervising Environmental Engineer, Parsons Brinckerhoff [email]



U.S. Department
of Transportation
**Federal Transit
Administration**

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San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. John M. Fowler, Executive Director
Attention: Ms. Blythe Semmer, Program Analyst
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Ms. Laura H. Thielen, State Historic Preservation Officer
Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit
Corridor Project - Section 4(f)
de minimis Determination

Dear Mr. Fowler and Ms. Thielen:

Pursuant to 23 U.S.C. 138 and 49 U.S.C. 303 (hereinafter, "Section 4(f)") and its implementing regulations codified at 23 C.F.R. part 774, the Federal Transit Administration ("FTA") is transmitting this letter to notify your agency of its intent to make the Section 4(f) *de minimis* impact determinations identified below.

Section 4(f) implementing regulations are codified at 23 C.F.R. part 774. Implementing regulations for Section 106 of the National Historic Preservation Act of 1966 are codified at 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(i), if the FTA intends to make a *de minimis* impact determination, the FTA must consult with consulting parties identified in accordance with 36 C.F.R. part 800. Under 23 C.F.R. § 774.5(b)(1)(ii), the FTA must obtain written concurrence from the State Historic Preservation Officer ("SHPO") and the Advisory Council on Historic Preservation ("ACHP") in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 C.F.R. part 800. The FTA must inform SHPO and ACHP of its intent to make a *de minimis* impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected." According to 23 C.F.R. § 774.5(b)(1)(iii), "public notice and comment, beyond that required by 36 C.F.R. part 800, is not required."

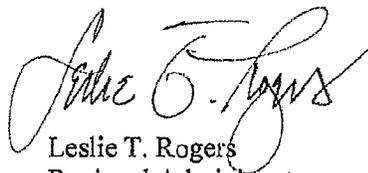
SHPO's finding of "no adverse effect" or "no historic properties affected" was memorialized in its correspondence to the City and County of Honolulu Department of Transportation Services on July 22, 2009 (hereinafter, "SHPO's Letter").

The FTA hereby notifies SHPO and ACHP of its intent to make Section 4(f) de minimis impact determinations on the following two historic properties that were determined by SHPO's Letter to have a no adverse effect under Section 106:

- Boulevard Saimin
- O'ahu Railway & Land Co. Basalt Paving Blocks and Former Filling Station

Please contact Mr. Ted Matley at (415) 744-2590 should you have any questions.

Sincerely,



Leslie T. Rogers
Regional Administrator

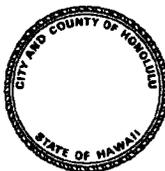
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR



December 31, 2009

RT12/09-347327

The Honorable Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

Attention: Ms. Nancy McMahon, Deputy State Historic Preservation Officer

Dear Ms. Thielen:

Subject: Honolulu High-Capacity Transit Corridor Project

Recently, during the process of completing the Section 106 Programmatic Agreement for the subject project, questions have arisen regarding the procedure that was followed. This letter explains the following steps that the Federal Transit Administration (FTA) and City and County of Honolulu have taken for the Honolulu High-Capacity Transit Corridor Project to complete the process set forth in Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470f), and its implementing regulation at 36 CFR 800.

- In accordance with §800.16(d), the Area of Potential Effects (APE) was established in consultation with the Hawaii State Historic Preservation Division (SHPD). The SHPD concurred with the APE delineation in a letter dated February 4, 2008.
- Consulting parties were identified and invited to participate through a letter dated December 5, 2007, in accordance with §800.3(f).
- Determinations of eligibility were completed according to §800.4; determination of eligibility forms and the *Historic Resources Technical Report* were submitted to the SHPD in August 2008; all consulting parties received copies of the *Historic Resources Technical Report*. The SHPD responded by concurring with the determinations of eligibility for all eligible properties, but requested that a small subset of properties that were determined to be not eligible be researched to confirm

this status. Upon more intensive research, the FTA concluded that a few of these properties were eligible. The SHPD concurred with these determinations in a letter dated October 3, 2008, as modified by a follow-up e-mail from Astrid Liverman dated November 14, 2008. Please note that Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated and submitted separately at that time, and the The Honorable Laura Thielen proposed boundary for each was the one reflected in the maps that were distributed during consultation on the Programmatic Agreement (PA). The SHPD, upon reviewing these separate determinations, did not indicate that the historic districts should be combined, nor did the SHPD convey information that the U.S. Navy had combined these two distinct housing areas in its *Integrated Cultural Resources Management Plan* (ICRMP).

- Determinations of effect were completed in April 2009 according to §800.5. These effect determinations are described in detail in the *Historic Effects Report*. In June 2009, the SHPD concurred with all determinations of effect, with the exception of 11 historic properties. FTA had determined that these properties were not adversely affected, but the SHPD believed that the Project would result in adverse effects. FTA accepted the SHPD's effect determinations for these 11 resources. As a result, 33 resources received adverse effect determinations. As part of this process and consistent with the *Historic Resources Technical Report*, Makalapa Navy Housing and Little Makalapa Navy Housing were evaluated separately. FTA determined that there would be an adverse effect to Makalapa Navy Housing and there would be no adverse effect to Little Makalapa Navy Housing. The SHPD concurred with these determinations and did not state that it preferred that these two housing areas be evaluated as a single property, nor did it cite the ICRMP as a source for basing such an opinion.
- All work on the determinations of eligibility and effect were completed by architectural historians who meet or exceed the standards set forth in 36 CFR 61, Appendix A.
- FTA and the consulting parties met 11 times between July 2009 and November 2009 to develop the PA to resolve adverse effects, as set forth in §800.6. At this time, the PA is in a final draft form.

The National Trust for Historic Preservation notified the FTA on November 23, 2009 that the Navy's ICRMP, drafted in 2002 and currently being updated, had presented the Makalapa Navy Housing and Little Makalapa Navy Housing as a single historic property. The Navy commented on December 10, 2009, repeating the National Trust's comment. At no time during the entire consultation process—including eligibility and effects determinations and PA development—did the SHPD or other consulting parties (many of whom were involved in multiple Navy Section 106 consultations) mention that the two individual districts that had been identified as eligible should be a single district as considered in the Navy's ICRMP. One of the

The Honorable Laura Thielen
Page 3
December 31, 2009

most important roles of consulting parties is to convey information in a timely manner about resources with which they are familiar or have specialized knowledge. The National Trust was copied on the submittal of the eligibility determination to the SHPD in August 2008, which depicted the boundaries for the potential Makalapa Navy Housing and Little Makalapa Navy Housing districts.

Discussion with Mason Architects, who prepared both the 2002 ICRMP and eligibility determination forms for the Project, confirmed that the approach taken in their work on the ICRMP emphasized how the Navy would manage its resources. In response to their work on the Section 106 determination they stated that “[T]he housing types are different and they originally housed different populations, with Little Makalapa housing civilians and the Makalapa proper housing Naval officers’ families. [Mason Architects] identified Makalapa and Little Makalapa as two separate areas because the two areas are currently distinct.”

The contents of the 2002 ICRMP does not constitute a determination of eligibility. The determinations of eligibility set forth in the *Historic Resources Technical Report* were formally submitted to the SHPD. After appropriate consultation, the SHPD concurred with these determinations of eligibility, which included Makalapa Navy Housing and Little Makalapa Navy Housing evaluated as two separate historic properties. The SHPD also concurred with the effects determinations on these two distinct historic districts. Neither the National Trust nor the U.S. Navy commented on the two potential districts during their reviews of the *Historic Resources Technical Report* and the *Historic Effects Report*. Specifically, §800.5(c)(2)(i) states that consulting parties should notify the agency official of any disagreements with findings within a 30-day review period. At no time did the U.S. Navy state that it would prefer that the two properties be evaluated as a single historic property. Under §800.5(c)(1), the agency may proceed if the SHPD has concurred or not provided a response and no consulting parties have objected.

Each consulting party was notified of the PA meetings and had the option to attend or call in to the meetings. The U.S. Navy participated minimally in these meetings, calling in to only one meeting. In an attempt to engage the U.S. Navy, project staff met with U.S. Navy staff at Pearl Harbor on July 22, 2009 to apprise the U.S. Navy of the project status. Again, at no time did the U.S. Navy or the SHPD state that they would prefer that the two properties be evaluated as a single historic property. The FTA has upheld both the letter and spirit of Section 106, following the procedural law carefully.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



Wayne Y. Yoshioka
Director

cc: Mr. Ted Matley, Federal Transit Administration
Ms. Blythe Semmer, Advisory Council on Historic Preservation
Dr. Pua Aiu, State Historic Preservation Division
Mr. John Muraoka, U.S. Navy Region Hawaii
Mr. Lawrence Spurgeon, PB Americas, Inc.

From: Spurgeon, Lawrence
Sent: Monday, January 04, 2010 2:07 PM
To: Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; Ted.Matley@dot.gov; Miyamoto, Faith
Cc: Aranda@infraconsultllc.com; Ross.W.Stephenson@hawaii.gov; Hogan, Steven; Foell, Stephanie; Assum-Dahleen, Laura; Nagao, Bruce
Subject: FW: Makalapa Housing

Aloha Pua,

Per Faith's request, the e-mail below provides the architect's explanation of the different boundaries for different purposes at Makalapa. It should provide the requested record. This is in response to the e-mail that Faith forwarded to me as clipped here:

From: Pua.Aiu@hawaii.gov [mailto:Pua.Aiu@hawaii.gov]
Sent: Monday, January 04, 2010 9:37 AM
To: Miyamoto, Faith
Subject: RE: FW: Makalapa Eligibility Forms

How does Mason reconcile that the 2008 ICRMP still treats the two Makalapa's a housing zone?
And are they willing to go on record to support the separation of the zone?

pua

Also, We are working on when Radford Drive was constructed to access the base. From a 1951 Aerial photo from USGS, the roadway existed at Kamehameha Highway, but was configured differently, splitting into separate roadways into Makalapa and Little Makalapa areas and not continuing through mauka on the current Radford Drive alignment. It appears that the original entrances must have been eliminated when Radford Drive was continued through (possibly around the time of H-1's construction). I have included the 1951 aerial on the attached FTP link.

<https://ftp.pbworld.com/GetFile.aspx?fn=1243787412.zip>

From: Dee Ruzicka [mailto:dr@masonarch.com]
Sent: Monday, December 28, 2009 11:43 AM
To: Spurgeon, Lawrence
Cc: Glenn Mason
Subject: RE: Makalapa Housing

Hi Lawrence,

The reason for the difference is due entirely to the difference in purpose of the two studies that were done. The 2002 ICRMP was, as the title indicates, an Integrated Cultural Resource Management Plan. The two housing areas were grouped together because they are relatively contiguous and shared a common function at the time of the 2002 ICRMP. The ICRMP also calls them "two distinct sub-areas . . . Spatially and physically separated by natural topography and vehicular circulation" (page 3-219). Although the two housing areas were built about the same time, the housing types are different and they originally housed different populations, with Little Makalapa housing civilians and the Makalapa proper housing Naval officers' families. MAI identified Makalapa and Little Makalapa as two separate areas because the two areas are currently distinct. In other words MAI did not change its approach to the areas in question between 2002 and 2007. The ICRMP

was designed to guide the Navy's management decisions concerning historic resources. The ICRMP identified other management zones. For example, all of Ford Island was identified as one management zone in the ICRMP, but it includes a very wide variety of resources. Our study for the transit project was simply to help identify historic resources; it dealt with a specific plan for a specific project that contained the potential for various impacts. For the same reasons we identified in the 2002 ICRMP, we felt that for the transit study that Makalapa and Little Makalapa should be identified as distinct resources when considering the project's impacts. There is no inconsistency here – the purpose of the two studies was entirely different.

Thanks,
Dee

From: Spurgeon, Lawrence [mailto:Spurgeon@pbworld.com]
Sent: Monday, December 28, 2009 9:30 AM
To: Dee Ruzicka; Ann Yoklavich (Mason Architects)
Cc: Foell, Stephanie; Hogan, Steven
Subject: Makalapa Housing

Aloha Dee and Ann

(I think I heard that Ann is back from sabbatical, if wrong, I apologize).

We are trying to conclude the Section 106 PA process with the SHPD, but they have recently asked us to consider starting-over with the Makalapa housing areas. I am trying to get some background. The SHPD told us that Mason Architecture identified Makalapa and Little Makalapa as a single area for the Navy in 2002 ICRMP analysis, and are now asking why it was identified as two separate areas in our Section 106 documentation. Can you explain Mason's reasoning for changing approach between 2002 and 2007?

Thanks,
Lawrence

Lawrence Spurgeon
Parsons Brinckerhoff
(808)768-6147
spurgeon@pbworld.com

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U.S. Department
of Transportation
**Federal Transit
Administration**

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415-744-3133
415-744-2726 (fax)

APR 28 2010

Ms. Laura Thielen, State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Blvd.
Kapolei, Hawaii 96707

Attention: Ms. Nancy McMahon,
Deputy State Historic Preservation Officer

RE: Refinement of Proposed Alignment for the
Honolulu High Capacity Transit Corridor
Project –

Dear Ms. Thielen:

The Federal Transit Administration (FTA), and City and County of Honolulu Department of Transportation Services (DTS) have modified the Honolulu High-Capacity Transit Corridor Project (the “project”) in the vicinity of Honolulu International Airport to avoid encroachment into the center portion of the runway protection zone of Runways 22L/4R and 4L/22R. The alignment will now transition from Aolele Street to Ualena Street between Ohohia Street and Keehi Lagoon Beach Park.

The FTA has amended the Area of Potential Effects (APE) to reflect this design refinement. The revised APE follows the approach that FTA established with the Hawaii State Historic Preservation Officer (SHPO) in December 2007. The revised APE in this area is included as an attachment to this letter.

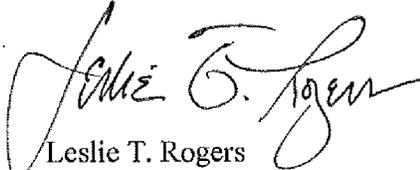
The FTA has surveyed all built resources constructed prior to 1969 within the revised APE. In addition, architectural historians who meet the Secretary of the Interior’s Standards for Professional Qualifications assessed each property for National Register of Historic Places eligibility. The FTA has determined that there are no historic resources eligible for listing on the National Register of Historic Places within the revised APE. Eligibility forms for each pre-1969 property within the revised APE are attached to this letter.

Because no new eligible resources are present within the revised APE, the project would have no effect on historic properties within this new area, and the refinement of the proposed alignment would not change the adverse effect determination for the overall project.

On July 22, 2009, the SHPO concurred with FTA's adverse effect determination for the proposed project regarding the Hawaii Employers Council Building's (HECB) setting, feel, and association. With the design refinement, the proposed rail alignment would be closer to the National Register eligible HECB. Ground vibration from construction activities does not often reach levels that can damage structures. The new proximity of the rail alignment to the HECB is within a range such that, as a precautionary measure, FTA would require further study on construction-related vibration during final design. This evaluation would be included in the Noise and Vibration Mitigation Plan already specified in Stipulation X of the current Programmatic Agreement. The Noise and Vibration Mitigation plan would contain numeric limits, monitoring measures, and mitigation based on FTA's 2006 *Transit Noise and Vibration Guidance*. This letter requests SHPO concurrence with the FTA's eligibility determinations for the properties within the revised APE.

This determination does not change any of the resources addressed in or commitments made in the Section 106 Programmatic Agreement; therefore, the FTA intends to proceed with the execution of the current Programmatic Agreement.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures:

Maps of APE for Ualena Design Option

Eligibility forms for properties within the revised APE area

cc: Ms. Blythe Semmer, Advisory Council on Historic Preservation
Dr. Pua Aiu, State Historic Preservation Division
Ms. Faith Miyamoto, City and County of Honolulu

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUMI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 7, 2010

Mr. Matt McDermott
Cultural Surveys Hawai'i
P. O. Box 1114
Kailua, Hawai'i 96736

LOG NO: 2010.1748
DOC NO: 1005NM14
Archaeology

Dear Mr. McDermott:

**SUBJECT: Section 106 National Historic Preservation Act (NHPA) Review
Archaeological Inventory Survey Plan--
For Construction Phase II of the Honolulu High-Capacity Transit Corridor Project,
Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, 'Aiea and Halawa
Ahupua'a, 'Ewa District, O'ahu, Hawai'i
TMK: (1) 9-7, 9-8, 9-9 (Various Plats and Parcels)**

Thank you for providing us the opportunity to review this Archaeological Inventory Survey Plan (AISP), (*Archaeological Inventory Survey Plan For Construction Phase II of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, 'Aiea and Halawa Ahupua'a, 'Ewa District, O'ahu, Hawai'i TMK: (1) 9-7, 9-8, 9-9 (Various Plats and Parcels)[Hammatt and Shideler MA, March 2009]*) which we received on April 7, 2010.

The transit corridor is a very complex project which includes stations, park-and-ride facilities, and piers and requires flexibility on the part of archaeological contractors in inventorying historic properties. Due to geography, urban settlement, previous archaeological work, or the lack thereof, and the non-sensitive and sensitive archaeological areas, the approach was to split the project area in construction phases. All aspects of the archaeological inventory survey were developed around these distinct loci.

Archaeological survey techniques to be employed are driven by the necessity to determine historic properties subsurface in areas of sensitivity. Additionally, these techniques will also confirm the lack of properties in areas not sensitive. These techniques include test trenching, Ground Penetrating Radar (GPR) and limited areal excavations. We agree that these methods will adequately document historic properties that, if significant and with further consultation with this office, be investigated in a mitigation phase.

At the Oahu Island Burial Council Meeting on May 13, 2010, the AISP was presented and no specific comments or revisions were made. The OIBC did suggest that some literature on the chants be included in the background section of the final report.

This AISP is accepted and meets the minimum standards for compliance under Hawai'i administrative Rules.

We are in receipt of a hardcopy of this document, which we will mark as FINAL. Please send text-searchable PDF version on CD along with a copy of this review letter to the attention of Wendy Tolleson and "SHPD Library" at the Kapolei SHPD office.

Please contact me at (808) 692-8015 if you have any questions or concerns regarding this letter.

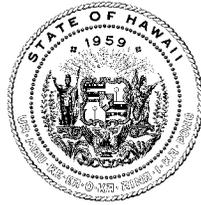
Matt McDermott
Page 2

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon". The signature is written in black ink and is positioned above the typed name.

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 27, 2010

Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105

LOG NO: 2010.1865
DOC NO: 1005MA10

Architecture

Dear Leslie Rogers:

SUBJECT: NHPA Section 106 Review
Refinement of Proposed Alignment for the Honolulu High Capacity Transit
Corridor Project
Multiple parcels in TMK plat 1-10-40 and 1-1-16

Thank you for the opportunity to comment on the architectural inventory sheets and maps for the aforementioned proposed project, which we received on April 28, 2010. The FTA has decided to move the transit corridor project from Aolele Street to Ualena Street between Ohohia Street and Keehi Lagoon Beach Park, and has asked SHPD for concurrence on its determination of "no effect to historic properties" along the Ualena Street corridor between Ohohia Street and Keehi Lagoon Beach Park.

We have reviewed the April 28, 2010 materials you submitted to our office (Prepared by PB, as well as such previously submitted materials, as a "Historic Effects Report Honolulu High-Capacity Transit Corridor Project" report dated April 14, 2009, and a set of inventory forms entitled, "Historic Resources Eligibility Forms Honolulu High-Capacity Transit Corridor Project," dated August 15, 2008. It appears the area covered by the materials included in your office's April 28, 2010 e-mail was not covered in the initial rapid transit historic sites inventory.

The inventory of August 15, 2008, by Mason architects had evaluated buildings along Ualena and Koapaka Streets. Only one building in the former APE was determined eligible for the National Register. This was the Hawaii Employer's Council Building, eligible under Criteria A and C. Although built in 1961, it will attain 50 years before project construction. It has already been determined that the project will have an adverse effect on this property, and therefore, mitigation measures are already addressed in the Programmatic Agreement. SHPD agreed with this determination and with the other "not eligible" determinations for other properties along Ualena and Kaoapaka Streets (LOG 2008.3917, DOC 0810L02). We note that SHPD disagreed with determinations made for other sectors of the project.

The additional significance sheets provided to our office by e-mail on April 28, 2010, and dated November 2009, by PB, evaluated 15 additional historic buildings potentially affected by the revised route. None of the buildings were evaluated as eligible for the National Registers. Therefore FTA determined that the revised project route would have no additional effect to historic properties from

Ms. Rogers
Page 2

Aolele Street to Ualena Street between Ohohia Street and Keehi Lagoon Beach Park. SHPD concurs with this determination.

Should you have any questions regarding architectural concerns, please contact Nancy A. McMahon at (808) 692-8015.

Aloha,

A handwritten signature in cursive script that reads "Nancy A. McMahon". The signature is written in black ink and is positioned above the typed name and title.

Nancy A. McMahon (Deputy SHPO)
State Historic Preservation Officer

- cc. Ms. Blythe Semmer, Advisory Council on Historic Preservation
- Ms. Faith Miyamoto, City and County of Honolulu
- Ms. Pua Aiu, Historic Preservation Division



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

Linda Lingle
Governor

James S. Kometani
Chairperson

Daniel Dinell
Executive Director

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E-Mail
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www.hcdaweb.org

Ref. No.: PL TRANS 7.18

January 12, 2006

Mr. Kenneth Hamayasu
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Hamayasu:

Re: The Honolulu High-Capacity Transit Corridor Project
Environmental Impact Statement ("EIS") Preparation Notice

Thank you for the opportunity to comment on the EIS Preparation Notice. The Hawaii Community Development Authority ("HCDA") is the redevelopment agency for the Kakaoko and Kalaeloa Community Development Districts as authorized under Chapter 206E, Hawaii Revised Statutes. Our comments specifically pertain to the portions of the various fixed-guideway alignments that impact the Kalaeloa and Kakaoko districts. We offer the following comments for your consideration.

Kakaoko. The EIS Preparation Notice indicates that the Draft EIS will assess impacts of the alternative alignments with respect to social, environmental and financial resources. However, in addition, please include detailed information on the various alignments through Kakaoko, including sections of the tunnels, the system's transition into an above-grade alignment as well as the above-grade alignment through the district. We are especially concerned with the project's impact on properties and infrastructure along the proposed alignment. Please identify any required relocation and/or land acquisitions along the alignment route.

The proposed action may require HCDA's Development Permit approval for any construction-related activities along the alignment route within the Kakaoko District.

Kalaeloa. We find that Alternative 4d will better serve future residents and business in the area for the following reasons:

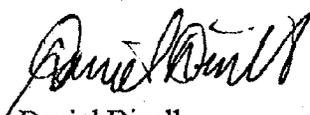
- Alternative 4d is more centrally located within the Kapolei/Kalaeloa district and will serve a greater number of people who live and work in Kalaeloa.

Mr. Kenneth Hamayasu
Page Two
January 12, 2006

- Alternative 4d most closely resembles the transit alignment proposed in the Kalaeloa Master Plan ("Master Plan"). The Master Plan incorporates transit oriented development ("TOD") along the realigned Saratoga Road, which is compatible with Alternative 4d. TOD would provide a new opportunity for the residents of Kapolei and Ewa to take full advantage of the transit system. Such a housing type would provide an alternative to the single family and townhouses that dominate Ewa today.
- There is ample land in Kalaeloa to accommodate a park and ride type facility for commuters from Ewa. Residents from Ewa and Ocean Pointe could enter and egress Kalaeloa from Geiger Road and the planned extension of North South Road.
- Use of land in Kalaeloa for a transit/rail base yard was specified in our Kalaeloa Master Plan and was favorably received by the community as an opportunity to create jobs and further transit oriented development.

We appreciate the opportunity to comment on the subject EIS Preparation Notice and look forward to additional information on the Alternative Analysis. We are generally supportive of the proposed high-capacity transit system and anticipate that the project will enhance the livability of the Kalaeloa and Kakaako districts. Should you have any questions with regard to Kakaako, please call Teney Takahashi and with regard to Kalaeloa, Stanton Enomoto. Both can be reached at 587-2870.

Sincerely,



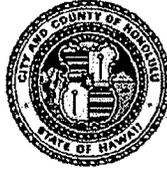
Daniel Dinell
Executive Director

DD/ST:ll

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00456

Mr. Teney K. Takahashi, Interim Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard
Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Teney K. Takahashi, Interim Executive Director
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

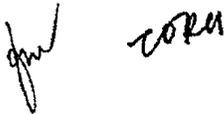
Very truly yours,


WAYNE Y. YOSHITAKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276161

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Attention: Mr. Deepak Neupane, P.E. AR

Dear Mr. Ching:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

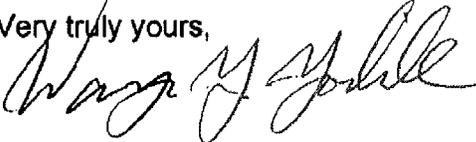
As part of the Section 106 process, DTS would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed is one (1) printed copy of the Historical Resources Technical Report along with one (1) CD containing the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

Mr. Anthony Ching, Executive Director
Page 2
August 25, 2008

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,


Wayne Y. Yoshioka
Director

Enclosures:

Historical Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKA'IKO
KALAELOA

Linda Lingle
Governor

Jonathan W. Y. Lai
Chairperson

Anthony J. H. Ching
Executive Director

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Ref. No.: PLTRANS 7.18

September 16, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Re: Section 106 – Coordination for the Honolulu
High-Capacity Transit Corridor Project

Thank you for the opportunity to review the documents relating to the Honolulu High-Capacity Transit Corridor Project. In particular, we have reviewed the proposal with respect to effects on historic, cultural, and archaeological resources.

We have the following comments to offer:

1. On page 5-21 of the Cultural Technical Report, reference was made to the "Queen Street Burial Mound" and the "Halekauwila Street Burial Mound." The location of these burial mounds within a Kakaako Community Development District ("KCDD") reference map would greatly enhance public and agency review.
2. Based on the potential of the project to impact pre-contact and post-contact archaeology and burials in the Kakaako District, we recommend:
 - (a) an Archaeological Inventory Survey is conducted along the proposed area of the Transit Corridor;
 - (b) a preservation plan for known historical and cultural resources is articulated; and
 - (c) a strategy is defined for coordinating the development of the Transit Corridor with the likely discoveries of iwi or other finds in the Transit Corridor Project area.

Mr. Wayne Yoshioka
Page Two
September 16, 2008

The City and County should work closely with the State Historic Preservation Division, the Office of Hawaiian Affairs, and Native Hawaiian community in developing and implementing these strategies, protocols and programs.

3. The Hawaii Community Development Authority ("HCDA") should be notified in writing of any burials or archaeological finds that may be unearthed due to the project.
4. We recommend that your department work with area landowners (General Growth Properties, Inc. and Kamehameha Schools) and the HCDA in finalizing the alignment of the Transit Corridor and station locations within the KCDD.

If there are any questions, please feel free to call me at 587-2870.

Sincerely,


Anthony J. H. Chung
Executive Director

AJHC/DN/TM:ll



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAAKO
KALAELOA

Linda Lingle
Governor

Jonathan W. Y. Lai
Chairperson

Anthony J. H. Ching
Executive Director

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contact@hcdaweb.org

Web site
www.hcdaweb.org

Ref. No.: ~~PE-TRANS-7.18~~

January 29, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

Re: Honolulu High-Capacity Transit Corridor Project Draft
Environmental Impact Statement/Section 4(f) Evaluation

Thank you for the opportunity to review the Draft Environmental Impact Statement ("DEIS"), Section 4(f) Evaluation, relating to the Honolulu High-Capacity Transit Corridor Project. Please include our comments and your responses in the Final Environmental Impact Statement ("FEIS").

We have the following general comments to offer:

1. Due to the high level of Archaeological Resources Occurrence identified in Chapter 4, Figure 4-50 of the DEIS, we recommend that an Archeological Inventory Survey Plan and Survey be conducted for the proposed route of the Honolulu High-Capacity Transit Corridor Project within the Kakaako and Kalaeloa Community Development Districts. All study and documentation should be coordinated with the State Historic Preservation Office, Department of Land and Natural Resources, State of Hawaii.
2. We are concerned about the impact of the Project to the Queen Street Park as noted on page 5-15 of the DEIS. It appears that the straddle-bent columns would be located within the Mauka portion of the park. Public parks within the Kakaako Community Development District represent an important and scarce resource. We recommend alignment of the Honolulu High-Capacity Transit Corridor in this area

Mr. Wayne Yoshioka
Page Two
January 29, 2009

to lie entirely within the roadway right-of-way to avoid any loss of park space to straddle-bent columns.

3. Native Hawaiian re-internment burial sites are located within the Ewa portion of the Queen Street Park and within the Mauka Diamond Head corner of Mother Waldron Park. The City and County of Honolulu should coordinate with the State Historic Preservation Office and Oahu Burial Council in identifying and monitoring native Hawaiian burial sites during construction.
4. The Hawaii Community Development Authority ("HCDA") has planning and zoning jurisdiction within Kakaako and Kalaeloa Community Development Districts and a development permit from HCDA is a requirement for any development within these Districts. Development permits from the HCDA shall be required for construction of the transit guideway, transit stations and any other accessory structures associated with the Honolulu High-Capacity Transit Corridor Project within the Kakaako and Kalaeloa Community Development Districts.
5. Small businesses in Central Kakaako are a vital part of the State's economy and include nearly 200 businesses employing close to 1,000 people and generating approximately \$60 million in annual sales. Any impact to these businesses due to construction and operation of the transit project needs to be discussed in the FEIS.
6. Halekauwila Street is identified as the alignment for the Locally Preferred Alternative. It appears that the elevated guideway support columns will encroach into the traffic lanes on Halekauwila Street. If there will be a loss of a travel lane on Halekauwila Street, regional traffic impact due to the loss of travel lane needs to be addressed in the FEIS.

Mr. Wayne Yoshioka
Page Three
January 29, 2009

7. It appears that portions of the Locally Preferred Alignment and transit stations are located within lands owned by General Growth Properties, Inc. (“GGP”) and Kamehameha Schools (“KS”). The HCDA is currently reviewing master plan applications submitted by both GGP and KS for the development of lands within the Kakaako Community Development District. We request that your department coordinate the alignment as well as the location and detailed design of the stations with the HCDA, GGP, and KS and report its findings and recommendations in the FEIS.
8. The issue of “elevated” or “at-grade” track for the Kakaako and Kalaeloa Districts does not appear to be fully explored. This issue needs to be analyzed in depth and (at a minimum) the Kakaako and Kalaeloa communities need to be engaged. Though the DEIS refers to the possibility of building sections of the transit corridor in Kapolei “at-grade”, stakeholder discussions conducted in the Kalaeloa Community Development District have produced support for a grade-separated system. We request that the FEIS include community feedback and analysis of the costs and benefits of constructing “elevated” and “at-grade” tracks for this project.
9. The alignment of the Project within the Kalaeloa Community Development District will impact multiple landowners and created a level of confusion as to the timing, requirements and impacts to future program activities and plans. The FEIS should document any comments received from and response given to the Hawaii Army National Guard, Ford Island Properties, Department of Hawaiian Homes Land, Carmel Partners, Hawaii Public Housing Authority and the Veteran Administration with respect to alignment and other expected impacts of the project upon their land use and programs.
10. The Kalaeloa, Kapolei and Ewa Beach communities currently suffer from the lack of a multi-modal transportation system and the distance to employment centers. The DEIS does not discuss how the Honolulu High-Capacity Transit

Mr. Wayne Yoshioka
Page Four
January 29, 2009

Corridor Project will be integrated into a transit-bus-shuttle system and will meet the needs of these communities.

Along with the general comments listed above, specific comments include the following:

- Provide the extent of acquisition of additional right-of-way along alignment including size, location and dimension of anticipated right-of-way acquisition. Page 3-39, Table 3-21.
- Provide more detailed information on neighborhood parking programs. Page 3-44, Section 3.4.5.
- Industrial uses should also be included in the description of Kakaako. Existing Land Use Overview by Planning Area (last paragraph) Page 4-11, Table 4-2.
- Include Kalaeloa Master Plan and Kakaako Community Development District Mauka Area Plans in Future Land Use Plans and Policies, Page 4-13.
- Identify Symbol “H” on Page 4-32, Figure 4-12, as the John A. Burns School of Medicine.
- The Kakaako Community Development District is comprised of 614 acres, including the Makai Area. Page 4-42, Ala Moana-Kakaako. Please note that the Ala Moana Boulevard is not a part of Kakaako Mauka Area.
- Chapter 1, P. g. 1-7, Figure 1-4, Major Activity Centers in the Study Corridor refer to the Kalaeloa Industrial Park near Fort Barrette and Roosevelt Roads. The reference to the Kalaeloa Industrial Park is incorrect as this facility does not exist. The reference should instead refer to the Kalaeloa Community Development District.

Mr. Wayne Yoshioka
Page Five
January 29, 2009

If there are any questions, please feel free to call me at 587-2870.

Sincerely,


Anthony J. H. Ching
Executive Director

AJHC/DN:ak
c: ✓ Mr. Ted Matley, FTA Region IX

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305846

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Mr. Anthony Ching, Executive Director
Page 2
March 31, 2009

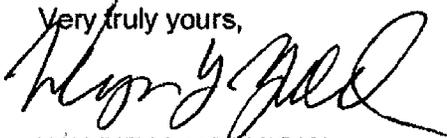
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322908

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

Mr. Anthony Ching, Executive Director
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours



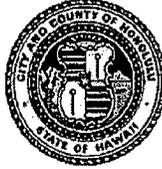
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00457

Mr. Clyde Namuo, Administrator
Office of Hawaiian Affairs
711 Kapi'olani Boulevard
Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

**Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Clyde Namuo, Administrator
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

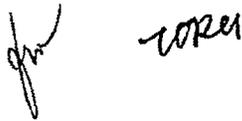
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)





STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

December 26, 2007

HRD 07/2156E

Wayne Y. Yoshioka, Acting Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Dear Mr. Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 5, 2007 submission concerning Section 106 coordination for the Honolulu High-Capacity Transit Corridor Project and offers the following comments:

Our office appreciates the offer to be a consulting party as part of the Section 106 process. OHA recognizes that this will be an important process in order to preserve and protect any known and unknown historic properties that may coincide with the proposed rail alignment. We accept this invitation as a consulting party and look forward to any future consultations.

In regards to your request for other consulting parties in the Section 106 process, we recommend that you consult with Hui Mālama o Nā Kūpuna o Hawai'i Nei and the O'ahu Island Burial Council.

Thank you for the invitation to be a consulting party. If you have further questions or concerns, please contact Jason Jeremiah, Policy Advocate-Preservation, Native Rights, Land and Culture, at (808) 594-1816 or jasonj@oha.org.

Aloha,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Administrator

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 - Fax: (808) 523-4730 - Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274143

Mr. Clyde Nāmu`o
Office of Hawaiian Affairs
711 Kapi`olani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Nāmu`o:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement and also pertinent Technical Reports for your review and comment. These Technical Reports include those regarding Historic Resources, Archaeological Resources, and Cultural Resources.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

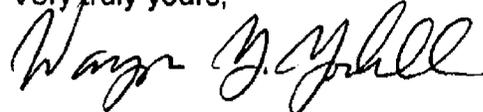
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Mr. Clyde Nāmu`o
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:

CD containing the following:

- Purpose and Need for the Project
- Alternatives
- Historic Resources Technical Memorandum
- Archaeological Resources Technical Memorandum
- Cultural Resources Technical Memorandum



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

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DIRECTOR'S OFFICE
DEPT. OF
TRANSPORTATION SERVICES

September 23, 2008

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai'i 96813

RE: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated August 18, 2008. The Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS) is seeking to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High Capacity Transit Corridor Project (Project). OHA has reviewed the project and offers the following comments.

The Project extends from Kapolei to UH Mānoa with future planned spurs in Waikīkī, UH Mānoa, and the Airport areas. In addition to the fixed guideway, the project will also include the construction of transit stations and supporting facilities. The supporting facilities include a vehicle maintenance facility, transit centers, park-and-ride lots, and traction power substations.

The mayor of the City and County of Honolulu has expressed a highly ambitious construction timetable for the Project. We realize that if environmental compliance takes a little longer than expected, the start of project construction must be pushed back until all necessary approvals are met. The proposed timetable of the Project is of great concern to our office. We request assurances that all environmental compliance requirements will be fulfilled before the start of construction.

Our office is also concerned about the level of anticipated archeological, cultural, and historic investigations that are planned to be conducted for the Project. After a review of Chapters 1 and 2 of the Draft Environmental Impact Statement (DEIS), the documentation states that the project study area will extend from Kapolei to UH Mānoa. The survey area of the archeological, cultural, and historic reports will only include the currently funded project area which stretches from East Kapolei to Ala Moana. This would not include the Airport, UH Mānoa and Waikīki routes and spurs, which would therefore require additional environmental compliance to comply with Hawaii Revised Statutes (HRS) Chapter 343 and the National Historic Preservation Act of 1966 and its implementing regulations.

The Area of Potential Effect (APE) includes an approximate 300-foot-wide corridor centered on the project alignment. Included within the APE are the footprint of potential locations of project-related park-and-ride lots, maintenance facilities, and construction staging areas. According to the submission, confining the archeological resources within the APE to the limits of ground disturbance is warranted, because the surrounding built environment is largely developed and becoming progressively more urban as the Project progresses Koko Head.

As a result of the surrounding built environment of the Project, the submission states that the archeological resource identification efforts may include a phased identification process, which would be detailed in a Memorandum of Agreement (MOA). The approval of the Archeological Inventory Survey Plan (AIS), Archeological Monitoring Plan (AMP), and Burial Treatment Plan (BTP) should also be submitted to review by the SHPD before the commencement of each planned phase of the Project. The BTP should also be submitted to the O'ahu Island Burial Council (OIBC) for their approval.

Furthermore, the archeological technical report states that consultation with Native Hawaiian groups and organizations, including Hui Mālama, OHA, and the OIBC will be particularly important. OHA stresses that our office should not be the end-all for consultation with Native Hawaiian Organizations (NHOs). Consultation efforts must be conducted with each individual NHO that may have a special connection, expertise, or desire to provide input during the consultation process. OHA also stresses the importance of consulting with Native Hawaiian individuals and families that may have particular ties to areas within the APE of the project.

The OIBC has been actively involved in consultation with the DTS and its contractor Parsons Brinkerhoff (PB) concerning the Project. As early as October 2007, the DTS has discussed the project methodology with the OIBC. During recent OIBC meetings, the OIBC has expressed grave concerns with the methodology of the project and have actively asked for the exact details on how an MOA would be drafted for the Project. These concerns should be addressed by the DTS and its contractors of the Project.

OHA would defer to the OIBC on all decision-making authority that an MOA would entail. The OIBC has statutory obligations to protect iwi kūpuna and burial sites, pursuant to HRS Chapter 6E. OHA strongly advocates that the OIBC and OHA be included as invited

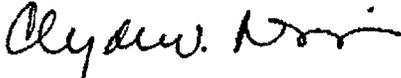
Wayne Y. Yoshioka, Director
September 23, 2008
Page 3

signatories to the MOA by the Federal Highways Administration, the lead federal agency on the project.

Finally, we request the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator

C: Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, Hawai'i 96707



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/2156 K

February 2, 2009

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

RE: Honolulu High-Capacity Transit Corridor Project, Draft Environmental Impact Statement/Section 4(f) Evaluation, Island of O'ahu, Honolulu and 'Ewa Districts

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated November 12, 2008. The Department of Transportation Services – City and County of Honolulu (DTS) has submitted a copy of the Draft Environmental Impact Statement/Section 4(f) Evaluation (Draft EIS) for the Honolulu High-Capacity Transit Corridor Project (Project) to our office for review and comment. OHA has reviewed the project and offers the following comments.

The Draft EIS was prepared pursuant to the National Environmental Policy Act (NEPA), Section 4(f) of the U.S. Department of Transportation Act of 1966, Hawaii Revised Statutes (HRS) Chapter 343 and the Hawaii Administrative Rules, Title 11, Chapter 200. The review of this Draft EIS was triggered by both state and federal environmental and transportation policy laws and thus our comments on this document will reflect these laws and policies. OHA would also like to note that Section 106 consultation, pursuant to the National Historic Preservation Act of 1966 (NHPA), has also been triggered by this proposed action and is being conducted concurrent to the Draft EIS/Section 4(f) Evaluation.

The Role of OHA

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. The HRS mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and

coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians.” (HRS § 10-3)

By direction of the statutory mandates, OHA continues to conduct advocacy efforts to protect the traditional cultural landscapes of Hawai‘i. This includes the protection of archeological and historic resources, the perpetuation of traditional and cultural practices, and the continued health of our terrestrial and marine ecosystems. The dialogue that has played out in the decision on whether the City should pursue the largest public works project in the history of the State of Hawai‘i has been controversial and widely publicized. OHA seeks not to weigh in on the controversial merits of development but seeks to assess the potential impacts that the Project will have on the landscape of the transit corridor.

Public Hearings for the Draft EIS

OHA is deeply concerned with format of the public hearings during the Draft EIS process. The public meetings were scheduled for 2 hours, but the local media reported that the first meeting on December 6, 2008 ended after thirty-one minutes. It was also reported that only ten residents offered testimony during the first meeting on December 6, 2008. OHA staff was able to attend the December 11, 2008 public hearing for the Draft EIS at Bishop Museum at 6:00pm. The meeting started shortly after 6:00pm with public comments being accepted at 6:05pm after a brief introduction by the project staff. After three members of the public offered testimony, the public hearing was officially closed at 6:12pm.

Our staff is concerned that members of the public who were not able to make it to the meetings on time may not have been afforded the opportunity to comment during these public meetings. Residents are often faced with many hardships, have many responsibilities and time commitments, may go to great lengths in order to attend public meetings, and are not always able to make the meetings precisely on time. The public should have been allowed to offer comments on the proposed project during the full two hours that was allotted and advertised for public comment.

Archeological, Cultural, and Historic Resources

Archeological, cultural, and historic preservation laws and regulations provide a regulatory context from which these resources will be identified, evaluated, and treated. As the Project is federally regulated by the NHPA, and its implementing regulation 36 CFR 800, an early determination of “adverse effects toward historic properties” was determined by the DTS and the Federal Transit Authority.

As a result of the determination of “adverse effects toward historic properties”, a Memorandum of Agreement (MOA) is being developed to address the adverse effects toward historic properties. According to the consultation process described in the EIS, the process would involve the State Historic Preservation Division (SHPD) and other consulting parties in discussions regarding adverse effects on historic properties resulting in an MOA.

To our knowledge, consultation with the SHPD and the O'ahu Island Burial Council (OIBC) has been taking place in recent months and the development of an MOA has been progressing. OHA asks that our office be included as a consulting party to the MOA, as OHA is a specifically named Native Hawaiian Organization in the NHPA. As Section 106 consultation has commenced with our office, we further request that consultation continue with our agency. Early and continued consultation with all parties of the MOA shows a proactive effort is being made by the lead agencies responsible for consultation under Section 106 regulations.

According to the Draft EIS, a phased approach to identify archeological resources, including burials will be used in the Project. As a phased archeological inventory survey will be completed as the project commences, the extent of archeological resources that may be present is yet to be seen. Therefore, a Programmatic Agreement (PA) is being developed by the leads of the Project which will stipulate the full extent of responsibilities prior to each construction phase, identify invited concurring signatories, and provide direction on mitigation of adverse effects. OHA would like to be offered an opportunity to review and provide comment on the PA upon its completion.

Mitigation measures for any potential archeological resources that may be affected during construction include archeological monitoring, preserving archeological resources, and burial treatment. Subsurface archeological resources including burials could be impacted by construction. OHA advocates for archeological monitoring in any ground disturbing activities associated with the project. At the very least, archaeological monitoring should be performed in areas identified with a "Moderate" and "High" rating. Because an archeological monitoring plan is yet to be drafted and released we request to be provided this plan for review and comment upon completion. An approved archeological monitoring plan pursuant to the MOA should be enacted to set up a process to handle any archeological resources or iwi kūpuna that may be unearthed during construction.

OHA request DTS's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law. OHA would also like to be notified at that time.

Natural Resources

During early consultation for this project, concerns were expressed about the ko'oloa'ula (*Abutilon menziesii*), commonly known as the red 'ilima. The ko'oloa'ula is an endangered plant which is known to inhabit areas of Kapolei. The federal government is currently implementing a conservation plan for this endangered plant. OHA notes that the proposed project would encroach into within 200 feet of an established contingency reserve contained within a habitat conservation plan of these endangered plants. (DEIS, page 4-119) OHA realizes that mitigation measures have been specified for this habitat conservation plan that include future developments; however, we recommend that the incidental take license be reviewed to ensure that this particularly large and unique proposal will comply with specified measures previously determined. Therefore, we urge that the DTS reconsider their assertion of a finding of no effect

on any threatened, endangered or protected species (DEIS, page 4-125) until this is done. Also, has the DTS consulted with the U.S. Fish and Wildlife Service regarding seabird attraction preventative measures and incorporated them into their design plans? We would like to see a copy of DTS's Section 7 consultation.

Contaminated Sites

As the DEIS states on page 4-113, there are a number of properties proposed to be used that are contaminated. DTS should assess whether chemicals of potential concern are present in shallow soil or groundwater at these sites. If allowed to go forward, remediation of the contaminated areas before deconstruction will likely be necessary. Additionally, long-term biological and chemical monitoring should be established to measure any change in contaminant levels over time and the associated biological response.

OHA does appreciate that DTS proposes permanent best management practices (BMPs) to address water quality that include an inspection and maintenance plan to ensure that they are attaining their objectives. (DEIS, page 4-132)

Stormwater

Generally, OHA wishes to see stormwater as a resource to be captured and conserved rather than a nuisance to be channeled and drained away. The use of permeable paving materials can be used to retain some of the rain that falls, and catch basins can capture and help to slow the runoff thereby reducing turbidity. We hope that DTS can incorporate these ideas into their water management system, which already includes some of these concepts.

Pearl Harbor National Wildlife Refuge and Wetlands

OHA notes that the Pearl Harbor National Wildlife Refuge is listed habitat for endangered fauna and it exists within the project corridor. (DEIS, pages 4-123) In fact, DTS proposes to put a possible "maintenance and storage facility" (DEIS, page 4-132) a mere 1,000 feet from this protected habitat. OHA appreciates that the wetlands are to remain intact (DEIS, page 4-126); however, this in no way ensures that there will be no adverse effects to them.

For example, OHA sees that DTS proposes to fill in some wetlands. (DEIS, page 4-128) We also point out that the Draft EIS plainly states that this "maintenance and storage facility will include an increased level of BMPs because it would be the system's most industrial facility." (DEIS, page 4-132, emphasis added) OHA urges that strict BMPs should apply to this type of facility no matter where it is located and that since this is a "possible" location, placing it next to endangered species habitat is not the best citing for it. We recommend that alternative locations be analyzed in the EIS.

OHA seeks clarification that the classification of the receiving state waters for this estuary is Class 2. As such, we point out that DTS must be aware of the obligations to protect these waters for recreation, aquatic life (and wildlife), water supplies, and that any discharge must receive the best degree of treatment compatible with this class. Further, no new treated sewage discharges shall be permitted within estuaries. OHA notes that the Pearl Harbor estuary

will be impacted by this proposal and regardless of the current state of the water quality of any of the receiving waters; it is not to serve as an excuse for DTS to shirk their obligations. We also ask about compatibility with section 320 of the Clean Water Act and its associated National Estuary Program.

Energy

OHA would also like to point out that Hawai'i is re-inventing its energy portfolio. As such, DTS should consider that by 2020, 20% of Hawai'i's electricity is to be from renewable sources. Further, on January 28, 2008, Assistant Secretary of the Department of Energy and Governor Linda Lingle signed a groundbreaking Memorandum of Understanding (MOU) between the state government and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. The MOU estimates that Hawai'i can potentially meet between 60 and 70 percent of its future energy needs from clean, renewable energy sources.

As such, the legislature has recommended applicants consider the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. OHA recommends the use of photovoltaic and small wind harvesting electrical generation for peripheral uses such as parking lot lighting. Solar energy should also be incorporated into the building plans. During construction, OHA urges the use of recyclable materials: steel studs and structural members, and wood products from certified sustainable sources. Landscaping should include native species and large trees to provide shade and cooling to buildings as well as parking lots. Additionally, state agencies are regulated by HRS §196-9 dealing with energy efficiency and environmental standards for state facilities, motor vehicles, and transportation fuel. Although the DTS is not obligated to adhere to this statute, as it is not a state agency, any efforts by your agency to comply with the standards set forth in the statute would show a good faith effort to minimize the impact that the Project will have on energy consumption.

Environmental Justice Concerns

OHA expresses some concern over the situation with the 100 percent minority Banana Patch community that will be dramatically affected by this proposal. OHA agrees that this community is unique and we recognize that this tight-knit community has been living there for generations. Displacement of this entire community is something that will have to be adequately addressed. We also point out that the residents of this area (who do not have access to basic infrastructure services such as water and sewage) are living in multi-generational housing, mainly as a result of economic circumstance, not so much as a result of cultural influences. (DEIS, page 4-55)

Signage as a Tool for Preservation

When cultural resources are affected, effective documentation of the resources and the cultural landscape in which it is located in should be considered as a mitigation measure. Signage related to the preservation of resources or the location of a relocated or displaced resource should be considered in order to preserve the history and culture of a landscape. This

mitigation measure could also have the potential to develop economic or community-based activities which would benefit the local communities that will be affected by the Project. Consultation regarding this matter could be conducted with local community organizations and local Hawaiian Civic Clubs.

Visual and Aesthetics Concerns

There is no doubt that the Project will create and produce visual and aesthetic effects on the landscapes within the transit corridor. Mitigation measures discussed in the DEIS focus on preserving visual resources and enhancing the project design to comply with applicable policies. The DEIS includes measures to consult with the communities surrounding each station for input on station design elements. OHA supports this measure and recommends consultation with each respective community's Neighborhood Board and Hawaiian Civic Club.

Many residents have expressed concerns over the visual and aesthetic impacts that the proposed project will have on the landscape. As a form of mitigating the effects the proposed project will have on the cultural landscape, we advocate that native plants should be incorporated into the landscaping and vegetation plans around the rail transit corridor including the transit stations when at all possible. Landscaping with native plants furthers the traditional Hawaiian concept of mālama 'āina and creates a more Hawaiian sense of place. This concept is one small way the cultural landscape can be preserved in an urban setting.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator

C: Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Katherine Puana Kealoha, Director
Office of Environmental Quality Control
Hawai'i State Department of Health
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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Phone: (808) 788-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305888

Mr. Clyde Namuo, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Mr. Clyde Namuo, Administrator
Page 2
March 31, 2009

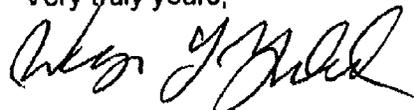
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/21 56 M

April 28, 2009

Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

RE: Section 106 Historic Resources Effects Determination for the Honolulu High-Capacity Transit Corridor Project

Aloha e Wayne Y. Yoshioka,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated April 15, 2008. The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) has sent the effects determination on historic resources under Section 106 of the National Historic Preservation Act for eligible resources located within the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project (Project) for review. OHA has reviewed the submission to our office and offers the following comments.

The FTA in coordination with DTS has evaluated eligible historic properties within the Project's APE using the criteria of adverse effects outlined in 36 CFR 800.5. As a result of this evaluation 81 identified National Register Historic Places-listed and eligible properties were evaluated. Of the 81 identified historic resources, 22 properties were determined to be adversely affected by the Project. 51 remaining properties would have no adverse effect and 8 remaining properties would have no effect as a result of the Project.

According to the submission, the planners and design staff were notified of the presence of historic resources within the APE and considered these resources during the Alternatives Analysis phase of the Project. An adverse impact to historic properties has been made as an overall determination for this Project. It is noted that additional coordination with the State Historic Preservation Division (SHPD) and other consulting parties will be undertaken to

Wayne Y. Yoshioka, Director
April 28, 2009
Page 2

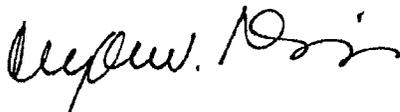
develop appropriate mitigation measures to address these adverse effects to historic properties. OHA requests continued consultation on this and any other matter related to the Project.

According to the Advisory Council on Historic Preservation (ACHP), "public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process." Alongside the ACHP's recommendation for successful consultation, OHA recommends that FTA and DTS engage in meaningful consultation based upon building relationships with individuals, families, and organizations, including Native Hawaiians Organizations (NHOs) representing a wide viewpoint.

NHOs should be afforded equal opportunities to engage with FTA and DTS in the Section 106 process and consultation should be directly initiated with these organizations. Consultation letters addressed to several Hawaiian Civic Clubs were sent to OHA with the expectation that we were going to forward these letters and CDs to the appropriate NHOs. OHA finds this unacceptable and questions the level of consultation that FTA and DTS has engaged in with these NHOs. Furthermore, we request that the FTA and DTS send any future consultation letters directly to these NHOs. If assistance is needed to find correct and current contact information for any NHO, OHA will gladly assist.

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah by phone at (808) 594-1816 or e-mail him at jasonj@oha.org.

'O wau iho nō me ka 'oia 'i'o,



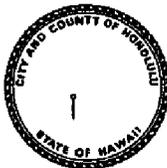
Clyde W. Nāmu'o
Administrator

C: Laura Thielen
State Historic Preservation Officer
Department of Land and Natural Resources
601 Kamokila Boulevard, Room 555
Kapolei, Hawai'i 96707

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322922

Mr. Clyde Namuo, Executive Director
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Namuo:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

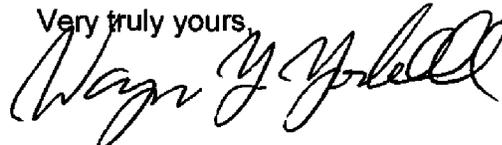
Mr. Clyde Namuo, Executive Director
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/21560

October 21, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

**Re: Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement**

Aloha e Leslie Rogers and Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) would like to offer the following comments on the programmatic agreement (PA) being executed pursuant to applicable provisions of the National Historic Preservation Act of 1966, as amended for the Honolulu High-Capacity Transit Corridor Project (project). OHA staff has had the opportunity to attend stakeholder meetings regarding the PA and we have considered the wide range of thoughts which have been expressed on various aspects of the PA.

OHA has substantial obligations to protect the natural and cultural resources of Hawai'i for our beneficiaries, the people of this land. The decision on whether to move forward with the largest public works project in the history of the State of Hawai'i has been controversial and widely publicized. At this juncture, OHA seeks to fulfill our statutory mandates by assessing the potential impacts that this project will have on iwi kūpuna (ancestral remains) or other significant sub-surface cultural resources within the project corridor.

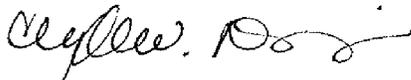
We acknowledge the comments and suggested revisions to the PA that have been offered by the O'ahu Island Burial Council (OIBC) and Hui Mālama I Nā Kūpuna o Hawai'i Nei (Hui Mālama). These thoughtful and detailed letters from two Native Hawaiian Organizations not only reflect their commitment to the PA consultation process, but also demonstrate their commitment to the protection and proper care of iwi kūpuna, a practice which has been fostered through many generations of Native Hawaiians and is a fundamental value of our culture. OHA strongly advocates that at a minimum, the Federal Transit Administration (FTA) is obligated to respond to the OIBC and Hui Mālama with a level of detail that

and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as “delays” or “inconveniences” in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward.

With this in mind, OHA supports the position that a comprehensive archaeological inventory survey (AIS) which includes a complete subsurface archaeological excavation in all areas which will be subject to ground disturbance related to this project must be completed as soon as possible. Any burials identified during this AIS would be classified as “previously identified” pursuant to the Hawaii Revised Statutes and Hawaii Administrative Rules. The OIBC would then have the statutory authority to render a determination of “preservation in place” or “relocation” for any previously identified Native Hawaiian burials and will provide recommendations on any appropriate mitigation measures. The FTA and City and County of Honolulu will then be able to consider the OIBC’s determinations and recommendations before committing to a final alignment and costly engineering and design plans.

Thank you for considering these comments. OHA would also like to express our sincere appreciation to all parties involved in this most important matter and remain committed to continuing our work with you to reach a respectful and appropriate conclusion. Should you have any questions or concerns, please contact Keola Lindsey, Advocate, Native Rights, Land and Culture at 594-1904 or keolal@oha.org.

‘O wau iho nō me ka ‘oia‘i‘o,



Clyde W. Nāmu‘o
Administrator



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/21560

October 26, 2009

Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawai'i 96813

**Re: Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement**

Aloha e Leslie Rogers and Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) would like to offer the following comments on the programmatic agreement (PA) being executed pursuant to applicable provisions of the National Historic Preservation Act of 1966, as amended for the Honolulu High-Capacity Transit Corridor Project (project). OHA staff has had the opportunity to attend stakeholder meetings regarding the PA and we have considered the wide range of thoughts which have been expressed on various aspects of the PA.

OHA has substantial obligations to protect the natural and cultural resources of Hawai'i for our beneficiaries, the people of this land. The decision on whether to move forward with the largest public works project in the history of the State of Hawai'i has been controversial and widely publicized. At this juncture, OHA seeks to fulfill our statutory mandates by assessing the potential impacts that this project will have on iwi kūpuna (ancestral remains) within the project corridor.

We acknowledge the comments and suggested revisions to the PA that have been offered by the O'ahu Island Burial Council (OIBC) and Hui Mālama I Nā Kūpuna o Hawai'i Nei (Hui Mālama). These thoughtful and detailed letters from two Native Hawaiian Organizations not only reflect their commitment to the PA consultation process, but also demonstrate their commitment to the protection and proper care of iwi kūpuna, a practice which has been fostered through many generations of Native Hawaiians and is a fundamental value of our culture. OHA strongly advocates that at a minimum, the Federal Transit Administration (FTA) is obligated to respond to the OIBC and Hui Mālama with a level of detail that reflects a thorough review and consideration of their comments and suggested revisions. The FTA must

Leslie Rogers and Wayne Yoshioka
October 26, 2009
Page 2

also affirm that the intent and all provisions of applicable Federal regulations such as, but not limited to the National Environmental Policy Act and Section 4(f) of the U.S. Department of Transportation Act of 1966 have been fully considered and applied before allowing this project to move forward.

Of particular concern is Phase 4 of the project which includes the Downtown Honolulu and Kaka'ako corridors. It would be accurate to summarize that all parties involved with this project realize that there is a high probability that Native Hawaiian burials will be identified in this corridor of the project. A detailed listing of the numbers of Native Hawaiian burials which have been impacted over the years by specific projects in this area would offer a brutal reminder of the kaumaha (sadness) those involved with these situations have endured and to certain degree, will always carry. Through these tragic lessons, the Native Hawaiian community has come together to advocate for a paradigm shift in how and when iwi kūpuna are identified during the development process so that they can be afforded appropriate protective measures and care. This new paradigm includes incorporating the most modern and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as "delays" or "inconveniences" in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward.

With this in mind, OHA supports the position that a comprehensive archaeological inventory survey (AIS) which includes a complete subsurface archaeological excavation in all areas which will be subject to ground disturbance related to this project must be completed as soon as possible. Any burials identified during this AIS would be classified as "previously identified" pursuant to the Hawaii Revised Statutes and Hawaii Administrative Rules. The OIBC would then have the statutory authority to render a determination of "preservation in place" or "relocation" for any previously identified Native Hawaiian burials and will provide recommendations on any appropriate mitigation measures. The FTA and City and County of Honolulu will then be able to consider the OIBC's determinations and recommendations before committing to a final alignment and costly engineering and design plans.

Thank you for considering these comments. OHA would also like to express our sincere appreciation to all parties involved in this most important matter and remain committed to continuing our work with you to reach a respectful and appropriate conclusion. Should you have any questions or concerns, please contact Keola Lindsey, Advocate, Native Rights, Land and Culture at 594-1904 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,

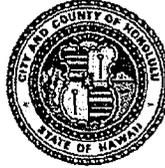


Clyde W. Nāmu'o
Administrator

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00454

Royal Order of Kamehameha I
Moku Kona
P. O. Box 1924
Kailua Kona, Hawaii 96745

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Royal Order of Kamehameha I
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,


WAYNE Y. YOSHITOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

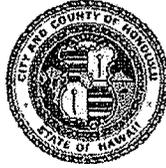
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275911

Royal Order of Kamehameha I
Moku Kona
P.O. Box 1924
Kailua Kona, Hawaii 96745

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Royal Order of Kamehameha I
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)



Alifī Sir Wayne Iokepa, K.G.C.K.
Alifī 'Ai Moku

www.royalorderofkamehameha.org

Alifī Sir Māhealani Pal, K.C.K.
Kāka'ōlelo

**OFFICE OF THE KŪ'AUHAU
MOKU O KONA**

P.O. Box 1924

Kailua Kona, Hawai'i 96745

October 6, 2008

Mr. Wayne Yoshioka
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawai'i 96813

Re: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Aloha Mr. Yoshioka,

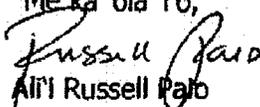
Mahalo a nui loa for your letter dated August 21, 2008 with regards to the above subject matter. We have had time to review the Cultural & Archaeological Resources Technical Reports and at this time have no immediate concerns or questions about the project. If we do have concerns or questions at a later time, we will inform you by a follow-up letter.

The Order of Kamehameha I was established on April 11, 1865 by his Majesty King Kamehameha V (Lot Kapuaiwa) to honor the legacy of his grandfather, the unifier of these islands, Kamehameha the Great. The Order was re-organized by Prince Jonah Kūhiō Kalaniana'ole in 1902. One of the Order's major purpose is to preserve and perpetuate the ancient customs and traditions of Hawai'i.

Mahalo again for your letter and if in the future you find the need for our assistance, do not hesitate to contact us through our website, www.royalorderofkamehameha.org.

*"E nā'i wale no 'oukou, i ku'u pono 'a'ole i pau."
"Strive to pursue my unfinished good deeds."*

Kamehameha I

Me ka 'oia 'i'o,

Alifī Russell Pal
Kū'auhau, Moku O Kona



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305892

Royal Order of Kamehameha I
Moku O Kona
P. O. Box 1924
Kailua-Kona, Hawaii 96745

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Royal Order of Kamehameha I
Page 2
March 31, 2009

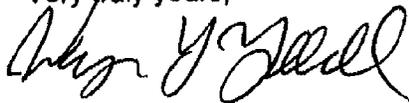
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

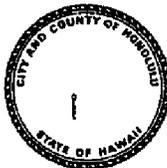
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone (808) 788-8305 • Fax (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THDM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322927

Royal Order of Kamehameha I
P.O. Box 1924
Kailua-Kona, Hawaii 96745

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

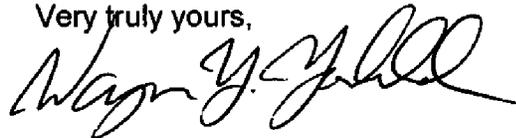
Royal Order of Kamehameha I
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



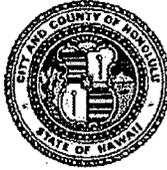
WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00461

Ms. Donna Lei Smythe
The Ahahui Kaahumanu
58 Old Pali Place
Honolulu, Hawaii 96817

Dear Ms. Smythe:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ms. Donna Lei Smythe
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

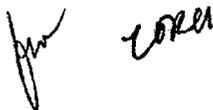
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

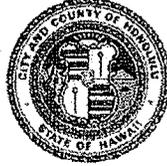
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275912

Ms. Donna Lei Smythe
The Ahahui Kaahumanu
58 Old Pali Place
Honolulu, Hawaii 96817

Dear Ms. Smythe:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Ms. Donna Lei Smythe
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFU HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305895

Ms. Donna Lei Smythe
The Ahahui Kaahumanu
58 Old Pali Place
Honolulu, Hawaii 96817

Dear Ms. Smythe:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ms. Donna Lei Smythe
Page 2
March 31, 2009

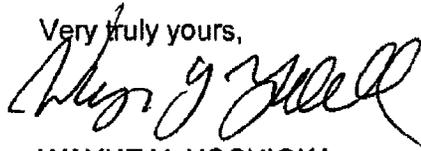
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

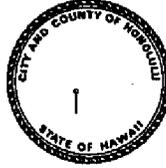
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322928

The Ahahui Kaahumanu
58 Old Pali Place
Honolulu, Hawaii 96817

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

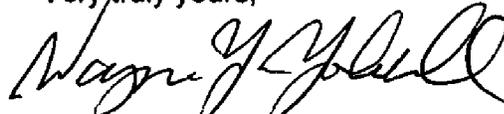
The Ahahui Kaahumanu
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 766-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00462

Mr. Hailama Farden
The Hale O Na Ali'i O Hawaii
P. O. Box 15704
Honolulu, Hawaii 96804

Dear Mr. Farden:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Mr. Hailama Farden
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

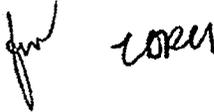
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

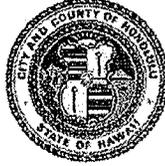
dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275913

Mr. Hailama Farden
The Hale O Na Ali'i O Hawaii
P.O. Box 15704
Honolulu, Hawaii 96804

Dear Mr. Farden:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Hailama Farden
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
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Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305923

Mr. Hailama Farden
The Hale O Na Alii O Hawaii
P. O. Box 15704
Honolulu, Hawaii 96804

Dear Mr. Farden:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Pursuant to Section 106 of the National Historic Preservation Act, the Department of Transportation Services (DTS), on behalf of the Federal Transit Administration, invited your organization to be a Consulting Party for the *Honolulu High-Capacity Transit Corridor Project (HHCTCP)*, in a letter dated December 5, 2007. As of the date of this letter, no response has been received to this invitation. The purpose of this letter is to request acknowledgement that your organization has either accepted or declined this invitation.

In the meantime, during the course of the HHCTCP, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report - 2008*
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation (CD and DVD) - November 2008*

Mr. Hailama Farden
Page 2
March 31, 2009

In addition, with this letter, we are providing a CD containing the *Archaeology Sampling Plan* for your review and request your comments, if any.

We continue to seek your organization's input, in an official capacity, regarding concerns and questions about the HHCTCP, including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

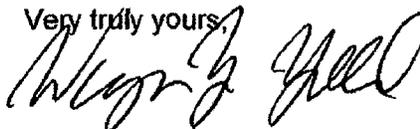
If your organization wishes to continue as a Section 106 Consulting Party to the project, please confirm, in writing, by April 30, 2009, to:

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If we do not receive written correspondence back from your organization by this date, we will remove your organization from our Section 106 consultation list. If you choose not to be a Consulting Party, your organization is still welcome to provide comments to the project either in writing to Mr. Yoshioka, or on our Project website at www.honolulustransit.org.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

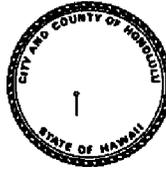
Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax (808) 768-4730 • Internet www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322907

The Hale O Na Alii O Hawaii
P.O. Box 15704
Honolulu, Hawaii 96804

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

The Hale O Na Alii O Hawaii
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours.

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

WAYNE Y. YOSHIOKA
Director

Attachment

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00463

Ms. El-rayna Adam
The Daughter & Sons of the Hawaiian Warriors
928 9th Avenue
Honolulu, Hawaii 96816

Dear Ms. Adam:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

Ms. El-rayna Adam
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

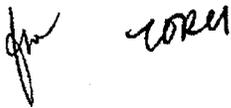
Very truly yours,


WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 21, 2008

RT8/08-275914

Ms. EiRayna Adams
Daughters & Sons of Hawaiian Warriors
928 9th Avenue
Honolulu, Hawaii 96816

Dear Ms. Adams:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, project staff would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed are one (1) printed copy each of the Archaeological Resources and Cultural Resources Technical Reports along with one (1) CD containing these two reports and the Historical Resources Technical Report as well.

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Ms. EiRayna Adams
Page 2
August 25, 2008

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,

Wayne Y. Yoshioka
Director

Enclosures:

Archaeological Resources Technical Report
Cultural Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

dc (F. Miyamoto)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 765-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305922

Ms. EiRayna Adams
The Daughters & Sons of the Hawaiian
Warriors
928 9th Avenue
Honolulu, Hawaii 96815

Dear Ms. Adams:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Ms. EiRayna Adams
Page 2
March 31, 2009

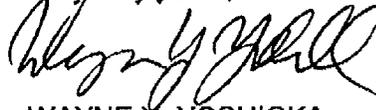
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322906

The Daughters & Sons of the Hawaiian Warriors
928 9th Avenue
Honolulu, Hawaii 96816

Dear Sir or Madam:

**Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion**

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

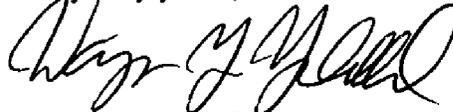
The Daughters & Sons of the Hawaiian Warriors
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Captain Taylor Skardon
Pearl Harbor Naval Station
850 Ticonderoga St., Ste 100
Pearl Harbor, HI 96860

Re: Invitation to be a Cooperating Agency in the Environmental Review Process for the
Honolulu High-Capacity Transit Corridor Project

Dear Captain Skardon:

The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) is initiating the preparation on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Mānoa with a branch to Waikīkī. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The purpose of the project, as currently defined, is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Mānoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to private automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The Honolulu High-Capacity Transit Corridor Project proposed improvements likely will require the U.S. Navy approval related to crossing U.S. Navy property, so we are formally requesting the U.S. Navy to be a cooperating agency. The enclosed scoping information packet provides more details including a preliminary schedule.

FTA seeks the U.S. Navy's cooperation in coordinating and determining effects of the proposed construction of the build alternatives under study and associated facilities on the Honolulu High-Capacity Transit Corridor Project, including those related to other project alternatives, environmental consequences, and mitigation. You can expect that the EIS will, to the greatest extent possible, satisfy the U.S. Navy statutory responsibilities and concerns. The

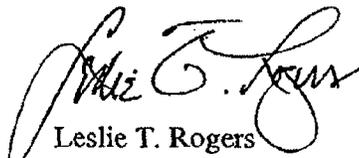
environmental documentation will address environmental and programmatic concerns identified by the U.S. Navy and will be sufficiently detailed to enable the U.S. Navy to grant necessary permits or other approvals that may ensue from the build alternatives under study. If at any point in the process your needs are not being met, please let us know. We expect that at the end of the process the EIS will satisfy your NEPA requirements.

We are providing a copy of the Federal Register Notice of Intent with this letter. Scoping materials are also available on the project website at <http://www.honolulustransit.org>. The interagency scoping meeting will be held on the following date and location:

- Honolulu Hale, Mission Memorial Auditorium at 558 South King Street, Honolulu, HI 96813 at March 28, 2007 from 10:00 a.m. to 12:00 p.m.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact Mr. Ted Matley at (415) 744-2590 or Mr. Toru Hamayasu of DTS at (808) 768-8344. This contact information supercedes the information provided in the Notice of Intent. An City and County of Honolulu project representative will be contacting your office as the project proceeds.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures (3):

1. Scoping Information Packet/Schedule
2. Federal Register NOI
3. Draft Coordination Plan

cc: City and County of Honolulu, Department of Transportation Services



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5000
Ser N00/163
23 Apr 07

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers,

In response to your letter, which we received on March 26, 2007, Naval Station Pearl Harbor welcomes the opportunity to participate as a Cooperating Agency for the Honolulu High-Capacity Transit Corridor Project. This is an important initiative that will provide great benefit to the community and help abate the increasing traffic congestion on Oahu.

My point of contact is CDR Mike Zucchero, NAVSTA PH Public Works Officer. He can be reached at (808) 471-2647 and e-mail at michael.zucchero@navy.mil.

Sincerely,

TAYLOR W. SKARDON
Commanding Officer

Copy to:
City and County of Honolulu, Department of Transportation
Services

Blind copy to:
NAVFAC HI ARE2

*change to participating
COS aware of the change*



COMMANDER
NAVY REGION HAWAII
NAVAL SURFACE GROUP MIDDLE PACIFIC



EXECUTIVE SUMMARY MEMORANDUM

8 May 2007

From: Lynn K. T. Tanaka, Regional Engineer Office

Subj: NAVY TO CHANGE TO PARTICIPATING AGENCY IN THE ENVIRONMENTAL REVIEW PROCESS FOR THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

BLUF: The U.S. Department of Transportation, Federal Transit Administration (FTA) has requested that the Pearl Harbor Naval Station participate as a Cooperating Agency for the Honolulu High-Capacity Transit Corridor Project. Based on further review of the route and input from City and County of Honolulu, Department of Transportation Services (DTS), recommend that NAVSTA role change to Participating Agency.

BACKGROUND:

- The FTA in cooperation with the City and County of Honolulu, Department of Transportation Services (DTS) has initiated the proposal for the fixed-guideway transit system in the corridor between Kapolei and the University of Hawaii with a branch to Waikiki.
- Three alternatives to be considered in the Environmental Impact Statement:
 - o No Build Alternative
 - o Fixed Guideway Transit Alternative via Salt Lake Boulevard
 - o Fixed Guideway Transit Alternative serving Airport and Salt Lake (future fork in Salt Lake Boulevard route) but will not be included in the Finding of No Significant Impact (FONSI).

DISCUSSION:

- Lead Agencies – FTA and DTS. Agencies must identify and involve participation agencies; develop coordination plans; provide opportunities for public and participating agency involvement in defining the Purpose and Need and determining the range of alternatives; and collaborate with participating agencies in determining methodologies and the level of detail for the analysis of the alternatives
- Cooperating Agencies – these are any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.
- Participating Agencies – these are agencies with an interest in the project. The standard for these agencies is more encompassing than the standard for cooperation agencies, therefore, cooperating agencies are participating agencies but not all participating agencies are cooperating agencies.
- Based on recommendations from DTS based on the preferred route of Salt Boulevard, NAVSTA should be a Participating Agency vice Cooperating Agency.
- Schedule of EIS Coordination Activities:
 - o Now – FTA letters of invitation to participate
 - o Mar/Apr – Project Scoping, meeting held on 28 Mar without Navy attendance however per DTS only scoping provided
 - o May to Dec 07 – ongoing consultation
 - o Spring 08 – Draft EIS
 - o Fall/Winter 08 - Preliminary Final and Final EIS
 - o Mid 2009 – Record of Decision

RECOMMENDATION:

None. For information only.



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5000
Ser N00/ 209
29 May 2007

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

SUBJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

In our letter dated April 23, 2007, Ser N00/163, Naval Station Pearl Harbor accepted your invitation to be a cooperating agency in the National Environmental Policy Act (NEPA) review process for the subject project.

Subsequent to our April 23, 2007 response, we have had further discussions regarding this matter. Based on our better understanding of the proposed project, we anticipate that the Navy's role in the project, if any, would be small due to the preferred route along Salt Lake Boulevard. At this time, we, therefore, do not think that cooperating agency status would be appropriate for Naval Station Pearl Harbor. Instead, we are prepared to participate in the subject project as a participating agency.

Also, based on our current understanding of the proposed project, a separate environmental impact statement will not be required under the Navy's NEPA regulations in conjunction with any Navy approval.

My point of contact is CDR Mike Zuccherro, NAVSTA Pearl Harbor Public Works Officer. He can be reached at (808) 471-2647 and e-mail at michael.zuccherro@navy.mil.

Sincerely,

TAYLOR W. SKARDON
Commanding Officer

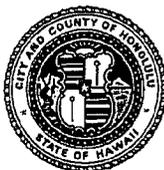
Copy to:
City and County of Honolulu, Department of Transportation
Services

Blind copy to:
CNRH N4 (L. Tanaka)
NAVFAC Hawaii (PWD)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00460

Commanding Officer Taylor W. Skardon
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: CDR Mike Zucchero
NAVSTA Pearl Harbor Public Works Officer

Dear Commander Skardon:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

1059

AR00005527



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5750
Ser N00/060
23 Jan 08

Mr. Toru Hamayasu
Project Manager, High-Capacity Transit
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Hamayasu:

In response to Mr. Wayne Yoshioka's letter dated December 5, 2007 Naval Station Pearl Harbor accepts the City's offer to be a consulting party in the National Historic Preservation Act Section 106 process. We look forward to the opportunity to provide assistance in this endeavor.

My point of contact remains CDR Mike Zuccherro, Naval Station Pearl Harbor Public Works Officer. He can be reached at (808)471-2647 and e-mailed at michael.zuccherro@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor W. Skardon".

TAYLOR W. SKARDON
Commanding Officer

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 18, 2008

RT8/08-274137

Commanding Officer Taylor W. Skardon
Naval Station
Department of the Navy
850 Ticonderoga Street, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Commander Mike Zucchero
NAVSTA Pearl Harbor Public Works Officer

Dear Commanding Officer Skardon:

Subject: Honolulu High-Capacity Transit Corridor Project
Participating Agency Project Update

Thank you for agreeing to become involved in the environmental review process for the Honolulu High-Capacity Transit Corridor Project as a Participating Agency. Pursuant to stipulations in the National Environmental Policy Act (NEPA), Section 6002 of the *Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users* (SAFETEA-LU) guidance for federally funded projects, and Chapter 343 of the Hawaii Revised Statutes, and your participation as a Participating Agency with the Project, the City and County of Honolulu Department of Transportation Services (DTS) is providing internal and confidential intergovernmental copies of the Purpose and Need for the Project and Alternatives Chapters from the Draft Environmental Impact Statement for your review and comment.

DTS also requests to formally present an update on the project. This briefing will provide an overall project update and will allow discussion of any specific questions and/or concerns about this project.

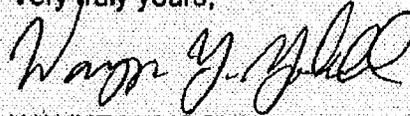
Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Commanding Officer Taylor W. Skardon
Page 2
August 18, 2008

If you would like for project staff to provide an update, please contact Ms. Stephanie Roberts at (808) 768-6143 to schedule a meeting. We look forward to updating you about the project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure:
1 CD containing the following:
Purpose and Need for the Project
Alternatives



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION HAWAII
850 TICONDEROGA ST STE 110
PEARL HARBOR HI 96860-5101

5750
Ser N4/ 00113
12 NOV 2008

CERTIFIED MAIL NO. 7003 1680 0000 7269 2083

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

We recently received a copy of your Historic Resources Technical Report for the Honolulu High-Capacity Transit Corridor Project. We are concerned that the City and County of Honolulu (CCH) has conducted assessments of Navy properties and evaluated said properties for National Register eligibility without Navy input. Accordingly, several of the eligibility determinations listed in the Transit Corridor report conflict with determinations upon which Navy previously received State Historic Preservation Office (SHPO) concurrence. These include both sites and structures on Navy owned property at the former Naval Air Station Barbers Point. We maintain that Navy's National Register for Historic Places (NRHP) eligibility determinations remain valid and that CCH may not revise these determinations on Navy's behalf.

Navy consulted with the SHPO during development of the 1999 Barbers Point Base Realignment and Closure (BRAC) Environmental Impact Statement (EIS) and during the 2002 Ford Island Master Development (FIMD) Programmatic EIS. Through these processes, Navy received concurrence on all Barbers Point NRHP eligibility determinations as documented in these EISs. Surveys conducted during the 1990s including our 1997 Phase I Cultural Resources Survey and Inventory Summary, cultural resource surveys leading up to the 1997 survey, and the Navy's 1999 Cultural Resources Management Plan formed the foundation for these consultations.

As we recently conveyed 499 acres at Barbers Point pursuant to congressional mandate, we are especially interested in the following structures on the 499 acres:

- Quonset huts 1144, 1149, 1150, 1152, 1153, 1562, and 1570
- Facilities 5, 77, 128, 476, 477, and 484

With respect to the Quonset huts, Navy determined these Quonset Huts as "not eligible" for listing on the NRHP. Navy operates under a nationwide Programmatic Memorandum of Agreement (PMOA) for World War

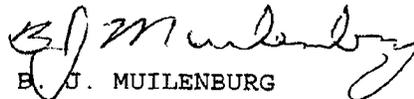
5750
Ser N4/ 00113
12 NOV 2008

II Temporary Buildings. The Advisory Council for Historic Preservation (ACHP) and the National Council of State Historic Preservation Officers (NCSHPO) established conditions and stipulations under which the temporary building demolition program would be carried out for the Department of Defense. The Navy, SHPO, ACHP, National Trust for Historic Preservation, Historic Hawaii Foundation, and the Oahu Council of Hawaiian Civic Clubs subsequently signed a 2003 *Programmatic Agreement Regarding Navy Undertakings in Hawaii* which recognizes the World War II Temporary Buildings PMOA and addresses treatment of these Quonset huts. Specifically, the parties to the 2003 PA will be notified of any adverse action to be taken with respect to these structures, and the Navy agrees to engage in discussions to explore preservation options for these structures.

Navy surveys determined facilities 5, 77, 128, 476, and 477 as "not eligible" for NRHP listing. Navy also considers facility 484 as "not eligible" for NRHP listing because of its association with facility 128 (radio transmitter facility). Navy is unaware of any new information that has surfaced since we received SHPO concurrence on our site evaluations. Only Building 77, which was constructed in 1958, has become 50 years old since our surveys were conducted. Despite its age, Building 77 was originally included in our 1997 survey as part of the Cold War Building Inventory (Appendix B.II in Tuggle and Tomanari-Tuggle 1997 Part I) and was determined ineligible for listing on the NRHP.

We request that you revise your report to reflect Navy's eligibility determinations for the above-listed structures. We plan to review your Historic Resources Technical Report in more detail with respect to all Navy property at the former NAS Barbers Point, and we look forward to receiving your reply related to the 499 acres. We also intend to send separate correspondence on the proposed corridor alternatives as they relate to Navy property and operations. Please contact Mr. John Muraoka, (808) 473-4137 extension 239, if you require additional information related to historic resources.

Sincerely,



E. J. MUILENBURG
Captain, CEC, U.S. Navy
Regional Engineer
By direction of the
Commander



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 400
PEARL HARBOR HI 96860-5102

11011
Ser N4/548
17 Dec 08

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

SUBJ: NAVY HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
PARTICIPATING AGENCY PROJECT UPDATE

Dear Mr. Yoshioka:

Thank you for the opportunity to participate in the review process for this endeavor, and for the project updates, draft Environmental Impact Statement, and preliminary discussions of inter-agency agreement provided by your staff to the Navy on November 14 and 18, 2008.

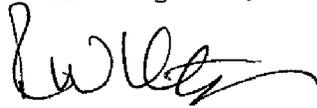
In a separate letter dated November 12, 2008, the Navy raised concerns that the Historic Resources Technical Report for the Honolulu High-Capacity Transit Corridor (HHCTC) Project evaluated Navy property for National Register eligibility without Navy input. This letter provides additional information in response to your letter dated August 18, 2008 requesting Navy's written comments on the project.

The Salt Lake Alignment poses fewer concerns but also offers fewer benefits to the Navy compared to the Airport Alignment. The Navy previously indicated support for the Airport Alignment due to benefits for the Pearl Harbor Navy workforce, family housing areas and historic visitor destinations at Halawa Landing. In either case, careful collaboration to ensure a satisfactory outcome for all parties is needed. Navy's concerns relate to security, noise and traffic impacts (both during and after construction), appearance and the need for adequate transportation spokes between the closest HHCTC station and major Pearl Harbor area work centers, including Pearl Harbor Naval Shipyard which is the largest industrial employer in Hawaii. The enclosed document discusses these concerns in greater detail.

As mandated by the 2005 Base Realignment and Closure legislation, Hickam Air Force Base and Naval Station Pearl Harbor will join to form Joint Base Pearl Harbor Hickam in 2010. As Navy is the lead service for the Joint Base, for planning purposes the issues discussed in the enclosure can be expected to apply to Hickam AFB and related housing areas.

Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo, at 471-2647 or email maria.aguayo@navy.mil

Warm regards,



R. W. KITCHENS
Captain, U. S. Navy
Commanding Officer
Naval Station Pearl Harbor

Enclosure:

- (1) U. S. Navy Initial Comments for the Honolulu High-Capacity Transit Corridor Project, dtd 24 NOV 08

November 24, 2008

U.S. NAVY INITIAL COMMENTS FOR THE HONOLULU HIGH-CAPACITY
TRANSIT CORRIDOR PROJECT

1. Impacts to Security and Operations

This issue was discussed in the security meeting of July 16, 2008 attended by both U.S. Navy and DTS key players. The Navy cites potential security issues regarding the Airport Alternative as it runs adjacent to Navy property. The location of the Pearl Harbor Station (#32) raises security concerns due to its proximity to the Makalapa Entry Control Point and other high occupancy or critical Navy facilities such as barracks, medical facilities and administration buildings. The location, elevation and design of all stations should incorporate measures to protect Navy property and prevent increased visibility of and access to Navy assets and operations. The Navy is also concerned about potential increases in traffic along Kamehameha Highway at the Pearl Harbor Station and congestion around drop-off zones for this station. Security concerns along the Salt Lake Alternative are noted below under Item 3. Impacts to Navy Housing.

2. Navy Real Property Encroachments

City use of Navy land requires issuance of appropriate real estate documents prior to use of the property. Please provide information on all Navy lands required by the City for the transit project to this office for Navy review. A formal request must be submitted to Navy Region Hawaii for such use at least nine months in advance to enable the processing of the request. Based on the information provided thus far, impacts to Navy property were noted at the locations listed below. In addition, it is our understanding that the project may also encroach upon Navy property along other parts of the transit route outside of the Pearl Harbor main base area.

Salt Lake Alternative

- a. #20, near Lawchana Street
- b. #21, near Radford Drive
- c. #22, near Peltier Avenue

Airport Alternative

- a. Aloha Stadium Station
- b. Arizona Memorial Station
- c. Pearl Harbor Station
- d. Ohana Nui Area

3. Impacts to Navy Housing

Navy housing is currently managed and controlled by Ohana Military Communities, LLC. Any necessary adjustments to property boundaries or real property encroachments

Enclosure (1)

1067

AR00005535

should be addressed through formal agreements between City and County and the Navy as discussed above.

In addition, the Navy is concerned about possible visual impacts of an elevated track system, increases in ambient noise levels in adjacent housing areas, and traffic congestion generated by transit stations. In particular, the Navy is concerned about the location of the Ala Lilikoi Station, the potential increase in vehicular traffic on Camp Catlin Drive and the impacts to surrounding housing areas and pedestrian safety. Camp Catlin Drive traverses through three residential areas. When fully developed, Camp Catlin will have 318 homes, Doris Miller Park will have 214 homes and Halsey Terrace will have 477 homes. Although Camp Catlin Drive is primarily a residential secondary street servicing local traffic needs, construction of a light rail station at the north end of Camp Catlin/Arizona Road will likely result in Camp Catlin Drive becoming a primary thoroughfare.

Camp Catlin Drive is a federally-owned road that is an integral part of a security plan negotiated between Ohana Military Communities, LLC and the Department of the Navy. Substantial increases in traffic on Camp Catlin Drive may adversely impact implementation of the security plan and jeopardize the security of the housing residents. Camp Catlin Drive is also a major pedestrian route used by students in the housing area to walk to Aliamanu Elementary and Intermediate Schools. Current vehicular traffic is heavy enough to warrant the provision of a security guard to assist pedestrians across the street. The Navy requests that the City implement appropriate mitigation measures for affected streets and surrounding areas and consider accepting fee title to this roadway.



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

11011
Ser NOO/028
05 FEB 2009

CERTIFIED MAIL NO. 7007 3020 0002 3044 3834

Mr. Wayne Yoshioka, Director
Department of Transportation Service
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Honolulu High-Capacity Transit Corridor Project. These comments supplement initial comments provided in our December 17th 2008 letter.

Navy's status should be changed from Participating Agency to Cooperating Agency based on our jurisdiction by law and our special expertise related to the use of Navy lands both within and outside the Pearl Harbor area and along the proposed corridor alignments. As stated in our December 17th letter, Hickam Air Force Base (AFB) and Naval Station Pearl Harbor will join to form Joint Base Pearl Harbor - Hickam in 2010. As such, issues discussed in this letter and accompanying enclosures can be expected to apply to Hickam AFB and related housing areas.

In addition to concerns raised in our December 17th letter, Navy requires a complete understanding of Navy and Air Force properties needed for the corridor alignment. Although the DEIS discusses reduction of Navy road widths and land acquisition at Nimitz Field, Richardson Field, Navy-Marine Corps Golf Course, and Makalapa Branch Medical Clinic, we have not been provided a detailed listing of the full scope of Navy and Air Force properties along the entire corridor alignment. Request the City and County of Honolulu (CCH) provide Navy a letter listing all Navy and Air Force properties required, including detailed drawings and property lines, for all alternatives considered. This will allow Navy to fully understand the scope and breadth of impacts and to provide guidance related to those properties.

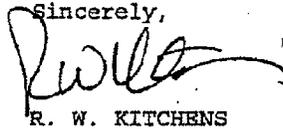
Associated general concerns and specific DEIS comments, along with a site location map of Halawa Landing, are provided as enclosures (1) and (2) to this letter. As a result of the many issues associated with the transit corridor proposal and potential impacts to Navy and Air Force properties, Navy has assembled a team of subject matter experts to address areas such as real estate, security, family

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Ser N00/028
05 FEB 2009

housing, utilities, fuels, hazardous waste and cultural resources. This will assist in the coordination required between Navy and the City in our role as a Cooperating Agency.

We look forward to continued dialogue throughout this process. Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo, at (808) 471-2647 or e-mail maria.aguayo@navy.mil.

Sincerely,



R. W. KITCHENS

Enclosures (2)

Copy to:

COMNAVREG HI (N3, N4, N9)
FISC PH (Code 700)
HICKAM AFB (15 CES/CEV - R. Lanier)
NAVFAC HI (ARE1, EV, OPHAM, OPHAM1GW, PRP)
PACFLT (N01CE)
PHNSY&IMF (Code 900 - D. Webber)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 525-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIDKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305911

Commanding Officer Rick Kitchens
Department of the Navy
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Ms. Lynn K. T. Tanaka

Dear Commanding Officer Kitchens:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit
Corridor Project

The Department of Transportation Services (DTS) previously invited your organization to be a Consulting Party in the Section 106 of the National Historic Preservation Act process for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP) in a letter dated December 5, 2007. Because of your participation in the project through various communications with DTS and/or project staff, we have assumed that you have accepted this invitation. As a result, this letter confirms your continued participation as a Section 106 Consulting Party.

During the course of the project, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Commanding Officer Rick Kitchens
Page 2
March 31, 2009

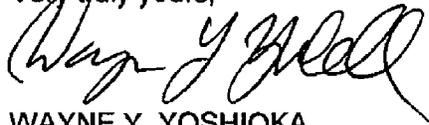
Although we may or may not have received comments from you on these documents, we will continue to forward other project documents for your information and review as required by Section 106. In this regard, we are enclosing a CD that contains the *Archaeological Inventory Survey Plan for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project* for your review and request your comments, if any.

In the next few months, we will provide, for your review, a draft Memorandum of Agreement (MOA) that the Federal Transit Administration (FTA) will enter into with the Hawaii State Historic Preservation Division, which will formalize all commitments under the Section 106 process. As a Consulting Party, you will be invited to concur to the MOA.

We appreciate your input and comments in the project and look forward to continued consultation with your organization through the completion of the Section 106 process and throughout the duration of the project.

We thank you for your continued interest and involvement on the Project. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5750
Ser N00/361
2 Jul 09

Mr. Wayne Yoshioka, Director
Department of Transportation Service
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for the opportunity to provide comments on the Historic Effects Report (HER) for the Honolulu High-Capacity Transit Corridor Project. This letter references and reiterates comments provided in our February 05, 2009 and December 17, 2008 letters.

The Navy has reviewed the HER and is concerned about the City and County's assessment of Navy historic properties without the Navy's input. It is also our understanding that the State Historic Preservation Officer (SHPO) and the National Parks Service (NPS) have expressed their concerns over the visual impacts of the rail corridor on the Pearl Harbor National Historic Landmark. We would like to meet at your earliest convenience to discuss these issues further before the HER and Environmental Impact Statement is finalized.

We look forward to continued dialogue through out this process. Should you have further questions, please contact my Public Works Officer, CDR Lore Aguayo, at (808) 471-2647 or email maria.aguayo@navy.mil.

Sincerely,

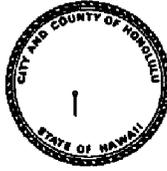
R. W. KITCHENS

Copy to: Naval Facilities Engineering Command, Hawaii (PRP)  

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 788-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322921

Commanding Officer Rick Kitchens
Department of the Navy
Naval Station Pearl Harbor
850 Ticonderoga, Suite 100
Pearl Harbor, Hawaii 96860-5102

Attention: Commander Lore Aguayo

Dear Commanding Officer Kitchens:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

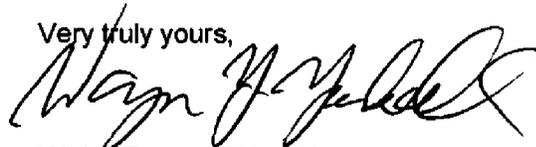
Commanding Officer Rick Kitchens
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment



U S Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii Nevada Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

Captain R. W. Kitchens
Commanding Officer
Naval Station Pearl Harbor
850 Ticonderoga Street, Suite 100
Pearl Harbor, HI 96860

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Captain Kitchens:

This letter serves to notify you of the Federal Transit Administration's (FTA) request to have the National Park Service participate in the execution of the Programmatic Agreement (PA) for the Honolulu High-Capacity Corridor Project as an invited signatory of this document.

Earlier the City and County of Honolulu Department of Transportation Services sent you an invitation to a pair of Section 106 consulting parties meetings. The purpose of these meetings, the first of which will be held on July 28, 2009, is to discuss the contents of the PA, which discusses mitigations measures for the adverse effect that this project will have to historic resources. Please contact us immediately if you have not received this invitation.

We are attaching a copy of the draft PA for your review.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590.

Sincerely,

for Leslie T. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL STATION
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96850-5102

11011
Ser N00/479
15 Sep 09

Mr. Wayne Yoshioka, Director
Department of Transportation Division
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka,

Thank you for the opportunity to provide comments on the Final Environmental Impact Statement (FEIS) for the Honolulu High-Capacity Transit Corridor (HHCTC) Project. The Navy's comments are as follows:

a. Land acquisition. Navy Real Estate division reviewed Appendices B (Plan and Profile) and C (Right-Of-Way Plan & Property Tabulation) and has determined that the descriptions provided in the FEIS do not provide sufficient information to process a formal request for real estate rights. The drawings included in the FEIS do not show Navy property boundaries, the dimensions/square footage of the land areas required, and type of real estate rights requested. Please note that the Navy requires an official request from the City and County of Honolulu (CCH), with the required information in order to process a real estate agreement and/or action.

b. Bus routes, schedules and connections. Bus routes and schedules need to be expanded and revised to include service from the projected train stations to the major work areas of the Naval Station Pearl Harbor (NSPH) as well as Hickam Air Force Base (HAFB). Appendix D, Bus Service, of the FEIS, illustrates the proposed new bus routes on NSPH and HAFB. The Navy requests that the proposed bus routes also include: Ford Island, entire island; Halawa Gate, along Neches Street; Fleet and Industrial Supply Center; Pearl Harbor Naval Shipyard & Intermediate Maintenance Facility on Kuahua Avenue; NSPH on South Avenue; Makalapa Crater, office buildings; HAFB, via Porter Gate on South Avenue (note: this route will allow two entries into HAFB).

11011
Ser N00/479
15 Sep 09

c. Utility lines. The FEIS appears to imply that the rail project will only be responsible for environmental issues for active utilities. /The Navy requests that it be noted that the project should be responsible for the environmental issues for both active and inactive utilities that are affected. The Navy also would like it stated that the Navy will have the right to stop construction activities in the event there are unforeseen impacts on either the Navy's mission, or the military family housing areas. The Navy also requests that it be noted that the City or its contractors will be responsible for correcting or rectifying any situation that occurs as a result of any rail transit project construction.

We look forward to continued dialogue as a cooperating agency throughout this process. Should you have any questions, please contact my Public Works Officer, CDR Lore Aguayo at (808) 471-2647 or e-mail maria.aguayo@navy.mil.

Sincerely,


C. J. CARTER
Acting

Copy to:
NAVFAC HI (PRP, ARE1JM, ARE1PC)

From: Muraoka, John T CIV NAVREGHAWAII N45 [john.muraoka@navy.mil]
Sent: Tuesday, September 29, 2009 8:45 AM
To: Assum-Dahleen, Laura
Subject: RE: Revised Draft PA for your review
Signed By: There are problems with the signature. Click the signature button for details.

Aloha Laura,

Did a quick review. Just a few questions. In the last Whereas clause on the bottom of page 2, the list of Navy properties that were determined by the SHPD to be historic include the following:

United States Naval Base, Pearl Harbor National Historic Landmark (NHL); CINCPAC Headquarters Building NHL; Makalapa Navy Housing Historic District; Ossipoff's Aloha Chapel, SMART Clinic, and Navy-Marine Corps Relief Society

We are not familiar with the SMART Clinic or the Navy-Marine Corps Relief Society bldgs. Could you provide us with more information about these bldgs? e.g. bldg numbers, specific locations, etc.

Also, the Whereas clause also lists "six quonset huts". Could you please provide us with more information on these quonset huts, and confirm that these quonset huts do not belong to the Navy.

Thanks for your help and clarification on these issues.

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

From: Assum-Dahleen, Laura [mailto:Dahleen@pbworld.com]
Sent: Monday, September 28, 2009 17:43
To: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; kirsten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com; sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov; Melia_Lane-Kamahale@nps.gov; taahine.hina@gmail.com; keabad@ksbe.edu; kawikam@hawaii.rr.com; Pua.Aiu@hawaii.gov; Nancy.A.McMahon@hawaii.gov; susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov; James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; Muraoka, John T CIV NAVREGHAWAII N45; Takara, Pamela N CIV NAVFAC HI, OPHBD1; tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com; hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net
Cc: Hogan, Steven; Spurgeon, Lawrence; Leland Chang; fmiyamoto@co.honolulu.hi.us; Judy Aranda; kpatterson@honolulu.gov; rtaml@honolulu.gov
Subject: Revised Draft PA for your review

Aloha Section 106 Consulting Parties,

As promised the updated Draft Programmatic Agreement is enclosed for your review. A clean copy and track versions copy is provided.

Laura K. Assum-Dahleen
Project Assistant / Quality Facilitator
HHCTCP
dahleen@pbworld.com <mailto:dahleen@pbworld.com>
808-768-6179 (no voice mail)

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From: Muraoka, John T CIV NAVREGHAWAII N45 [john.muraoka@navy.mil]
Sent: Wednesday, December 30, 2009 2:29 PM
To: Ted.Matley@dot.gov; Assum-Dahleen, Laura; Miyamoto, Faith
Subject: Honolulu Transit Programatic Agreement
Signed By: There are problems with the signature. Click the signature button for details.



High Capacity Rail
Project Com...

Aloha All,

Attached are the Navy's revised comments on the proposed PA for the Honolulu Rail Transit Project. We have deleted the request for the Navy to be an invited signatory to the PA. Please let us know if there are any questions or problems.

Reviewer:
 Agency, Organization/Code: NAVFAC Hawaii (NFH); Navy Region Hawaii (NRH)
 Project Title: Honolulu High Capacity Transit Corridor Project

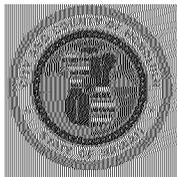
No.	Page	Para., Line	Com. By:	COMMENT	Action/Response
1.	2	1	CNRH	"CINCPAC Headquarters Building NHL" should be changed to "COMPACFLT Headquarters Building 250 NHL"	
2.	2	5	CNRH	"Makalapa Navy Housing Historic District" should be changed to "Makalapa Navy Housing Historic District, to include the Little Makalapa Housing area."	
3.	11	V.B.4	CNRH	Navy would like to review draft CLR's for Navy properties	
4.	12	V.I.B	CNRH	"CINCPAC Headquarters Building NHL" should be changed to "COMPACFLT Headquarters Building 250 NHL"	
5.	12	V.I.B	CNRH	Insert the following: "The City shall reimburse the Navy for personnel and other costs that are required by the Navy to support the completion of any requirement of this Programmatic Agreement."	
6.	13	V.I.F	CNRH	The Navy reserves the right to approve the inclusion of any Navy historic properties in any public database.	
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Deleted: CNRH
 Deleted: The Navy is requesting to be an invited signatory to the Programmatic Agreement

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 † Fax: (808) 768-4730 † Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

December 31, 2009

RT12/09-347328

Commander Lore Aguayo
Code PRP
Naval Facilities Engineering Command Hawaii
400 Marshall Road
Pearl Harbor, Hawaii 96860-3139

Dear Commander Aguayo:

Subject: Honolulu High-Capacity Transit Corridor Project

As part of the Honolulu High-Capacity Transit Corridor Project (the Project), the Federal Transit Administration (FTA) followed the Section 106 process of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470f) and its implementing regulation at 36 CFR 800. Qualified architectural historians assessed the eligibility and effects of the Makalapa Navy Housing and Little Makalapa Navy Housing areas. The two housing areas were evaluated as separate historic districts. Both were determined to be eligible for listing in the National Register of Historic Places (NRHP). As a consulting party, the U.S. Navy was provided with the *Historic Resources Technical Report* in August 2008. The Navy's comments on this report did not reflect any concern with the evaluation of the Makalapa Navy Housing and Little Makalapa Navy Housing areas as separate resources. The Hawaii State Historic Preservation Division (SHPD) concurred with the eligibility determinations for the Makalapa Navy Housing and Little Makalapa Navy Housing areas.

Continuing the Section 106 process, FTA completed a separate effects report in April 2009. The *Historic Effects Report* assessed project effects on all historic properties that were eligible for listing in the NRHP. Because the Makalapa Navy Housing and Little Makalapa Navy Housing areas were evaluated for eligibility separately, they were also evaluated separately for effects. The U.S. Navy assisted the Project's architectural historian with access to all Pearl Harbor properties.

The Project has been determined to have an adverse effect on the Makalapa Navy Housing. The guideway will introduce a substantial new element into the Makalapa Navy Housing's setting that is not in keeping with the area's residential appeal. While the Project will have no effect on the integrity of location, design, materials, workmanship, and association, its setting will be altered by the guideway. Also, views from the backyards of residences along Kamehameha Highway will be adversely affected by the elevated guideway. However, no audible or atmospheric effects to this property were identified.

Based on SHPD's concurrence, the station will be located outside of the NRHP boundary and will not adversely affect the historic property. However, the Project will adversely affect the integrity of feeling of the historic property. The Makalapa Navy Housing has a moderate level of integrity of feeling. It conveys its origins as a 1940s military housing complex despite changes to the houses. The Project will not affect any of the property's physical features, but it will diminish the property's expression of its historic residential character. The Project will introduce a new and incompatible component into the adjacent setting, resulting in an adverse effect.

The Project will have no adverse effect on the Little Makalapa Navy Housing, which is adjacent to Kamehameha Highway. There will be no effect to the integrity of location, design, materials, association, and feeling. Also, there will be no adverse effect to the integrity of setting. Within the NRHP boundary, the Project will not be visible from select areas because of distance to the guideway. Houses that are closer to the project alignment will be shielded from the guideway by an existing tall sound wall that screens the former residences from the roadway and also blocks views to the guideway. The station will be located outside of the NRHP boundary and will be screened by substantial vegetation from the rear of the closest houses. Furthermore, no audible or atmospheric effects to this property were identified. Because the guideway and station will introduce a new element into the Little Makalapa Navy Housing's setting, there will be an effect; however, these changes will result in a determination of No Adverse Effect to the setting.

The FTA provided the U.S. Navy with a copy of the *Historic Effects Report* in April 2009, which documented the above conclusions. The Navy did not provide comments on this report to the FTA within 30 days, as requested, implying concurrence with the report's contents. At a July 2009 meeting with U.S. Navy staff to discuss comments and questions about the Project's effects to historic resources, the U.S. Navy provided a copy of a map that was identified as being from its 2002 *Integrated Cultural Resources Management Plan* (ICRMP). We understand that the ICRMP is currently being updated. The map reflects a single management area that shows

distinct areas for both the Makalapa Navy Housing and the Little Makalapa Navy Housing. It is the City's understanding that the boundary shown in the 2002 ICRMP has not been formally determined by the U.S. Navy to be eligible for listing on the National Register of Historic Places under Section 106, nor has it been submitted to the SHPD for concurrence and/or submitted to the Keeper of the National Register of Historic Places for inclusion on the National Register.

The SHPD concurred with the effects determinations contained in the *Historic Effects Report*, with the exception of 11 resources that the agency believed were adversely affected. FTA accepted these determinations. Little Makalapa Navy Housing was not among those resources, and the no adverse effect determination remained in place.

Note that a change in the determination of eligibility and effect at this late time would also have implications to analysis of resources under Section 4(f) of the U.S. Department of Transportation Act. The re-evaluation could require the selection of an avoidance alternative to use of the resource.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Rapid Transit Division at 768-8350.

Very truly yours,



Wayne Y. Yoshioka
Director

cc: Mr. Ted Matley, Federal Transit Administration
Mr. Lawrence Spurgeon, PB Americas, Inc.
Mr. Aaron Poentis, Code EV, Naval Facilities Engineering Command Hawaii



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL STATION
650 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5750
Ser N00/029
25 Jan 10

Mr. Wayne Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Dear Mr. Yoshioka:

Thank you for your letter dated December 31, 2009 regarding the Honolulu High-Capacity Transit Corridor Project (Transit Project). The Navy firmly believes a rail station for Joint Base Pearl Harbor Hickam is essential to serve our Sailors, Airmen, and civilian professionals. The Navy's preferred location for this rail station remains the intersection of Kamahameha Highway and Radford Drive as currently proposed.

The Navy's Integrated Cultural Resources Management Plan (ICRMP) provides guidelines for the appropriate treatment of cultural landscape features, buildings, and structures. It looks at ways to integrate the guidelines into the Navy's project and program planning process. While the ICRMP does aid in assessing Navy property eligibility for the National Register of Historic Places, the maps and descriptions contained in the ICRMP should not automatically be assumed to indicate a specific historic or cultural significance.

The Navy's ICRMP for the Pearl Harbor Naval Complex has depicted a single Makalapa Housing Zone, with two distinct sub-areas, since 2002. This resource was available to the City as a publicly available document, and is also well known to the City's agents as the City and Navy share the same historic consultant. On the City's consultant's recommendation, the City chose to evaluate the two housing areas as separate districts rather than a single Makalapa Housing Zone. The Navy does not disagree with the approach taken by the City.

Mason Architects, Inc. (MAI), historic consultant for both Navy and the City, considers the Makalapa Housing area to consist of two separate contributing sub-areas, Makalapa and Little Makalapa, with a small open space and a major thoroughfare, Radford Drive, running between the two areas. Each sub-area is bordered by mature trees and rock croppings that are a remnant of the physical crater land forms. These two distinct sub-areas are spatially and physically separated by natural topography and vehicular circulation. Additionally, MAI feels that although the two housing areas were built about the same time, the housing types are different and the housing areas originally had different populations, with Little Makalapa housing civilians and the Makalapa housing Naval officers. A major thoroughfare exists dividing

5750
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25 Jan 10

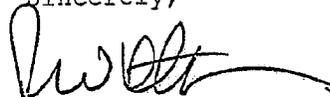
the two housing sub-areas, and the open area where the station will touch down is bordered very closely by Kamehameha Highway to the west, the H-1 Freeway to the east, and Radford Drive to the north. The ICRMP states that the construction of both the H-1 Freeway and Radford Drive has changed the character of the area between the two housing sub-areas. The Navy agrees with MAI's views.

The City has determined that the proposed rail station will have "no adverse effect" on Little Makalapa Housing. The State Historic Preservation Office has concurred with this determination. The Navy has not objected to this determination during previous reviews, nor does it object today.

The Navy feels strongly about its duty to protect and showcase the greater Pearl Harbor National Historic Landmark. Surrounded by historic sites, Navy would like to see this rail station's design and appearance honor the history and architecture of the Landmark in a manner to be appreciated by the entire ridership. Navy would like City's commitment to full partnership to accomplish this objective.

The Navy looks forward to substantial interaction with the City, Federal Transit Administration, and other stakeholders in further advancing progress on the Transit Project. Navy point of contact is CDR Lore Aguayo, at 471-2647.

Sincerely,



R. W. KITCHENS
Captain, U.S. Navy
Commanding Officer

Copy to: US Federal Transit Administration, Mr. Ted Matley
PB Americas, Inc., Mr. Lawrence Spurgeon
State of Hawaii Historic Preservation Office, Ms. Nancy McMahon



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:

A8817(PWR-C)

Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd floor
Honolulu, HI 96813
Attn: Honolulu High-Capacity Transit Corridor Project
www.honolulustransit.org/get_involved

Dear Sir:

This comment concerns the Honolulu High Capacity Transit Corridor Project and its impact on the safe arrival and departure of visitors to the USS Arizona Memorial, a unit of the National Park System. The USS Arizona Memorial receives 1.5 million visitors annually who arrive at the Visitor Center by public transit or private car.

The National Park Service understands the project is studying how to improve the ability of people to move in the highly congested east-west corridor between Kapolei and the University of Hawaii at Manoa. We also understand that over 60 percent of Oahu's population lives with the area served in this corridor and that the population is projected to grow.

Several of the alternatives do not consider a High Capacity Transit stop at the USS Arizona Memorial, instead proposing a single stop for the stadium across King Kamehameha Highway from the Memorial. The National Park Service opposes this concept because it encourages some of the 4,000 daily visitors to attempt the dangerous walk across this busy dual road into the Visitor Center rather than wait for the shuttle. Further, it will discourage or confuse our visitors about taking public transit, including bus service, increasing the number of cars attempting to make the dangerous left hand turn into the Memorial.

We believe these safety concerns point to the reason why the public and the Corridor Project will benefit from a transit stop for the USS Arizona Memorial, the most popular tourist destination on Oahu.

Thank you for providing this comment period. We remain interested in this project.

A copy of this letter has also been sent to the above website.

Sincerely,

Jonathan B. Jarvis
Regional Director, Pacific West Region

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IN AMERICA



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:

A3615 (PWR-PA)

Leslie Rogers
Regional Administrator
U. S. Department of Transportation
Federal Transit Administration
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Thank you for your recent letter notifying the Department of the Interior, National Park Service (NPS) of the City and County of Honolulu's Department of Transportation Services (DIS) consultation for a proposed 20-mile elevated guideway transit system on Oahu and your invitation to participate in this consultation per 36 C.F.R. § 800.10(c). The National Park Service accepts the invitation and looks forward to working with you and your staff.

Your letter also seeks our determination about prospects for a de minimus finding for the impact of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor National Historical Landmark District (NHL). The NPS supports the concept of a transit system with a primary or alternate route that includes a station with convenient access to the USS Arizona Memorial (included with the recently designated WWII Valor in the Pacific National Monument) and will participate in the planning process as applicable. However, the proposed de minimus finding seems premature and the NPS cannot, at this time, concur with a de minimus finding due to the reasons described below. NPS will participate in the ongoing consultation process and will provide our determination once an assessment of effect for the Pearl Harbor NHL District, the Bowfin NHL, and the Valor in the Pacific National Monument have been completed and once we have conferred with the State Historic Preservation Office. The NPS also will provide formal comments on the Draft Environmental Impact Statement (DEIS) by the February 6 deadline.

Proposed Transit System Construction within the Pearl Harbor NHL. The boundary of the NHL proceeds along the Pearl Harbor side of Kamehameha Highway from Aloha Stadium to the opposite side of Radford Drive. Three station entrances (stops) to the transit system are proposed within that distance: Aloha Stadium Station, Arizona Memorial Station, and Pearl Harbor Naval Base Station. The DEIS only discusses impacts associated with the Pearl Harbor Naval Base Station (Table 4-32, Historic Properties within Project's Area of Potential Effect). The DEIS should analyze the potential impacts of the other two proposed station entrances within the Pearl Harbor National Historic Landmark before a de minimus

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finding can be considered. For example, there would be a major impact at the proposed USS Arizona Memorial Station proposed to be located on an existing NPS parking lot. There is currently not enough parking at the site, so losing this parking space would have a major effect on NPS operations and visitation.

Visual Impact. A 30-40 foot tall elevated guideway transit system along Kamehameha Highway could cause significant negative impacts to the Pearl Harbor NHL view shed. The NPS recommends that a view shed analysis be completed for the proposed route before a de minimus finding can be considered.

Potential Impacts to Soundscape. The DEIS is not clear about the existing acoustic environment and what impacts to the soundscape of the Pearl Harbor NHL the proposed guideway rail system would generate. A soundscape analysis should be completed to determine impacts to the Pearl Harbor and USS Bowfin NHL's and the USS Arizona Memorial before a de minimus finding can be considered.

Potential Vibration Effects. The DEIS states that vibration levels should not exceed 65 VdB, which is below the 72 VdB allowed by the FTA around residential buildings. Analysis should be included for potential vibration effects on historic structures before a de minimus finding can be considered.

WWII Valor in the Pacific National Monument. The DEIS does not analyze the potential impact to the newly designated monument.

At this time, the NPS does not concur with a de minimus finding in regards to impacts of the Honolulu High-Capacity Transit Corridor Project on the Pearl Harbor NHL. The National Park Service looks forward to working with the conferees to develop the measures necessary to eliminate or mitigate adverse effects of the proposed transit project on the significant historic resources of the Pearl Harbor NHL District, the USS Bowfin NHL, and the WWII Valor in the Pacific National Monument.

Sincerely,



for Jonathan B. Jarvis
Regional Director, Pacific West Region



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:

A3615 (PWR-PA)

Wayne Y. Yoshida
Director, Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshida:

Thank you for your letter and Draft Environmental Impact Statement (EIS) to review regarding the City and County of Honolulu's Department of Transportation Services (DTS) proposed Honolulu High-Capacity Transit Corridor Project.

The National Park Service (NPS) supports the concept of a transit system with a primary or alternate route that includes a station with convenient access to Valor in the Pacific National Monument (formerly known as the USS Arizona Memorial) but has some significant concerns and comments. Please see the enclosure for a complete list of NPS comments. The National Park Service looks forward to working with the U. S. Department of Transportation on this important project. If you have any questions please contact Frank Hays at 808-541-2693 extension 723 or email him at Frank_Hays@nps.gov.

Sincerely,



Jonathan B. Jarvis
Regional Director, Pacific West Region

Enclosure

cc:

✓ Ted Matley, Federal Transit Administration, Region IX
Frank Hays, Pacific West Region, Honolulu
Patty Neubacher, Pacific West Region

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National Park Service
U.S. Department of the Interior

Pacific West Regional Office

1111 Jackson Street,
Suite 700
Oakland, California 94607

510-817-1428 phone
502-817-1484 fax

Pacific West Regional Office Fax

To: Wayne Yoshioka, Director
Dept. of Transportation Services
City and County of Honolulu

Fax number: 808 523-4730

From: Elaine Jackson-Retondo

Date: May 20, 2009

Pages to follow: 5

Section 106 Historic Resources Effects Determination for the Honolulu High Capacity Transit Corridor Project

Comments:

Mr. Yoshioka:

We are transmitting our comment letter for the above mentioned project by fax to expedite your receipt of our comments. A hard copy of the letter with the enclosures be sent via USPS.

Regards,

Elaine Jackson-Retondo, PhD.
National Historic Landmarks Program Manager

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

1092

AR00005560



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607



H34 (PWR-CR)

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 9681

RE: Historic Effects Report – Honolulu High-Capacity Transit Corridor Project

Dear Mr. Yoshioka:

Thank you for the opportunity to review the April 14, 2009 Historic Effects Report for the Honolulu High Capacity Transit Corridor Project, which we received on April 20, 2009. The National Park Service (NPS) is delegated the monitoring and technical assistance responsibilities by Congress to ensure that National Historic Landmarks (NHL) retain the highest level of integrity. Our responsibilities include review and formal comment on individual proposed changes as well as the cumulative effect of changes through time on NHL properties. These monitoring responsibilities are carried out by NPS staff in the regional offices.

Five NHLs on the Island of Oahu are located within, adjacent to, or in close proximity to the Honolulu High Transit Corridor Project – Pearl Harbor NHL, Commander in Chief, Pacific Fleet (CINPAC) NHL, the USS Bowfin NHL, USS Arizona NHL and the USS Utah. The World War II Valor in the Pacific National Monument, a unit of the National Park System also is within the area of potential effect (APE) for the project. Our participation in this Section 106 consultation process is aimed to fulfill our monitoring responsibilities for the NHLs and to protect the National Monument from adverse effects and impairment. The National Park Service continues to support the concept of a transit system with a primary or alternate route that includes a station with convenient access to the World War II Valor in the Pacific National Monument, USS Arizona Memorial. We look forward to further consultation for answers to our questions and resolution of our concerns.

General Comments and Questions

1. Throughout the document, the physical presence of the guideway system is compared to existing utility poles. This is not an accurate equivalency since the continuous linear elements of the transit system are significantly more massive than power lines in terms of



width, depth, materiality and transparency. This equivalency has potentially led to the minimization of the effect that the system may have on some historic properties within the APE. The assessments need to analyze the impact of the proposed system

2. Throughout the document, there is a statement that there are no audible or atmospheric effects on historic properties from the guideway system, even when the guideway and rail line are immediately adjacent to a historic resource (as close as 30 & 40 feet). The system, as described on page 2 of the document, will use a steel-wheel-on-steel-rail transit technology. It seems unlikely that a steel-on-steel system traveling at high speeds will have no audible or atmospheric effects on properties adjacent to the guideway. It is not enough to merely say that there is no effect. This needs to be demonstrated.
3. The presence of other non-historic properties or previous effects to the integrity of historic resources does not negate the possibility of negative effects from this project. It is not adequate to say that there is no effect or no adverse effect because a past action has had an effect on the integrity of the property. This is particularly true for those properties where the determination of eligibility or National Register status was established after these past interventions, since the property would have been evaluated in light of these changes and found to have adequate integrity to be eligible or to be listed on the National Register of Historic Places. It also is particularly true when assessing the effect on setting. An oversimplification or parsing of the aspects of integrity has, in some instances, resulted in a finding of no adverse effect when it seems that the feeling and association of a site would be effected by the project. We suggest adjusting your method of determining the integrity of a property and the method of assessing the effect as described on pages 19-20.
4. Page 7 – Section 3.1: The APE is defined in the document as *generally one TMK parcel deep from the project alignments but larger around stations and in a few other instances*; and the APE around transit stations is defined *...to include entire blocks or extend 500 feet where blocks are not discernable*. This definition of the APE seems somewhat inconsistent since TMK (tax map key/land parcels) vary in size according to zoning density. Furthermore, it is not always clear when the TMK is used and when the 500-foot is used to determine the APE. Please include, on all maps, at sufficient scale and resolution, clear graphic demarcations of the APE and areas where right of way is required.
5. It also is unclear where and how the development of exclusive right of way is determined. Please include the necessary information to provide a clear understanding.
6. The photographs of historic properties are useful; however, simulations of the transit system, especially in those locations where the historic property is immediately adjacent to the guideway system also are necessary to better understand the visual effects of the system on historic properties.
7. Page 22 paragraph 1: This paragraph states that *because of the scope and magnitude of the Project . . . and because the Project's full future effects cannot be known, this document assumes additional unidentifiable adverse effects to historic properties in the project APE. These presumed adverse effects cannot be adequately documented, but their likelihood shall inform the discussion of appropriate mitigation measures stipulated in a forthcoming Memorandum of Agreement*. This statement is very vague and broad.

- Please identify the types of historic properties that you anticipate may be adversely affected and are covered by this statement.
- If you know that there is the possibility of an adverse effect to a property, that assessment should be included in this document.
- If the properties and adverse effects are likely yet unidentifiable, how do we determine appropriate mitigation?

National Historic Landmarks, National Monuments and Memorials

1. Page 121 Pearl Harbor Introduction, paragraph 1: This paragraph ends with the following statement, *The NHL nomination specifically states that the national significance of Pearl Harbor stems from its continuing function rather than its physical facilities and those physical changes required to support this mission are "necessary, normal and expected."* This statement is misleading for the following reasons:
 - The statement was taken out of context. The point of the statements on Section 7, page 2 of the 1974 nomination is that Pearl Harbor was an active naval base at the time of NHL designation in 1964 and remains active to date; and that in order to continue its mission of supporting the fleet changes will occur. The nomination states that "There is no one water or land use, building or structure whose preservation for historic purposes per se takes precedence over the process of change necessary to maintain the support-of-the-fleet mission of Pearl Harbor." This project is not a Navy-driven effort in support of the fleet; and therefore does not fall into the category of "necessary, normal and expected" change to further the mission.
 - The referenced material is from the older 1974 update rather than the later 1978 update, which eliminates the language that elevates mission over preservation (most likely because this is a management decision and not a normal part of NHL documentation).
 - The Historic Assessment Report elevates a statement that down plays the importance of historic resources while excluding information from both the 1974 & 1978 updates that broaden the setting of the district beyond the NHL boundary. The report further excludes the fact that the 1978 update **specifically acknowledges** that more than 300 historic buildings have been "identified as of important to major significance" within the NHL boundary. This uneven representation has created a skewed baseline for assessing the effect of the project on the NHL district (see Section 7 page 1 of the 1974 NHL update).
2. Page 121 Pearl Harbor Introduction, Paragraph 2: The section of the paragraph regarding the NHL status of the Commander in Chief, Pacific Fleet (CINPAC) NHL is confusing and arguably irrelevant to the task at hand for the reasons listed below; it should be revised or deleted.
 - CINPAC was designated a NHL in 1987. At the time of the designation, the integrity of the resources was assessed and it was determined that the integrity was sufficient for NHL designation. Any other conclusion would have prevented it from being designated a NHL. Any assessment of the property's integrity for the purposes of reassessing NHL status should use the integrity of the property at the time of designation. It is unclear whether the survey form cited in your report assessed the integrity from the date of designation or from the period of significance. If the assessment does not use the date of designation as the baseline, then the conclusion that the NHL has lost integrity may not be accurate. Please verify the method of assessment and change accordingly.



- The process of de-designating an NHL does not go through the SHPO and NHL status cannot be withdrawn at the state level. CFR 800 Section 65.9(a) states that *National Historic Landmarks will be considered for withdrawal of designation only at the request of the owner or upon the initiative of the Secretary*. To our knowledge, no such request has been made by the Navy and the NPS has not initiated such an action. Delete the statements about removal of the NHL at the state level. They do not make sense and imply an action that cannot be fulfilled.
3. Page 121, Pearl Harbor Introduction, Paragraph 2: There is a statement at the end of the paragraph that the individually designated USS Arizona, USS Utah and USS Bowfin NHLs are located within the boundary of the Pearl Harbor NHL but outside the APE of the project. This statement does not address the concerns previously expressed by NPS regarding potential visual and atmospheric impacts to the setting, feeling, and association of the Monument and the Memorial. During a March 9, 2009 meeting with Faith Miyamoto and other members of the project team in our Oakland regional office, we requested additional studies of these effects. It was our understanding that staff in our Honolulu Office or at the Monument would meet with members of the project team to identify the locations within the monument for further study. To date, we have yet to meet or receive this information. There is no mention of WWII Valor in the Pacific National Monument under the Pearl Harbor section nor is it assessed in a separate section; therefore no assessment has been done regarding the effect of the project on the Monument. An assessment is needed.
 4. Page 122, Pearl Harbor Introduction, Paragraph 1: Please delete the statement that NHLs “. . . rarely, if ever, have received adverse effect determinations.” This statement is inaccurate and irrelevant to the discussion. Many projects at Pearl Harbor have been determined to have an adverse and I am familiar with projects that have resulted in a determination of adverse effect on a NHL; demolition of Doyle Drive at the Presidio of San Francisco and rehabilitation of Soldier Field are two recent examples that come to mind.
 5. Page 123 – Naval Base PH NHL – Historic Effects Document states that the *makai edge of the guideway would generally be approximately 25 feet from the mauka edge of the property's NHL boundary.* The maps included in Appendix A of the Historic Assessment Report show the guideway just outside the NHL boundary for the most part; however, in a few locations the guideway appears to be almost on top of the NHL boundary and the draft EIS shows three possible locations for transit stations within the boundary of Pearl Harbor National Historic Landmark at Aloha Stadium Station, Arizona Memorial Station and Pearl Harbor Naval Base Station and figure.
 - If the guideway is closer than 25, in areas, please make this clear. The phrase *would generally be approximately 25 feet* is too vague.
 - If the placement of stations within the NHL boundary has been eliminated, please make it clear that this option has been eliminated.
 - If the placement of stations within the NHL is still a possibility, then an assessment of the effect should be included in the Historic Assessment Report.
 - Clearly state whether the project assumes a right-of-way easement within the NHL boundary.
 6. Page 123-124, Naval Base PH NHL – We do not concur with the summary assessment that the project will have No Adverse Effect on the Pearl Harbor NHL District. In particular, we

believe that the project will have an adverse affect on the setting, feeling, and association of the district. It is incorrect to state that *Numerous other changes to the setting have not effected the integrity of the Pearl Harbor NHL's integrity.* What is the basis for this statement.? The integrity of the NHL has been negatively affected by any number of projects within and near the district. The *increasingly busy Kamehameha Highway, which has been widened in some areas; the installation of tall power transmission poles and lines that dwarf surrounding structures; and the large, nearby Aloha Stadium, built in 1975* that are cited in this section should be considered in the cumulative effect, not dismissed as non-threats to the integrity just because they exist. The elevated guideway system will run nearly parallel and in close proximity, if not overlapping, with a significant length of the NHL boundary; it will have an adverse effect on the setting, feeling, and association of the district.

We look forward to our continued participation in the Section 106 process for this project and to working with the project team to resolve our concerns. For your reference, we have enclosed copies of our February 6, 2009, January 6, 2009, and January 9, 2006 comment letters regarding this project. If you have any questions, please do not hesitate to email or call or Frank Hays, Pacific Area Director at Frank_Hays@nps.gov, (808) 541 2693 x723 or Dr. Elaine Jackson-Retondc, NHL Program Manager at Elaine_Jackson-Retondo@nps.gov, (510) 817 1428.

Sincerely,


Jonathan B. Jarvis,
Regional Director, Pacific West Region

Enclosure

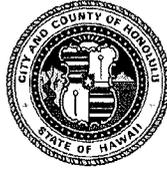
cc:
Frank Hays, Pacific West Region, Honolulu
Patty Neubacher, Pacific West Region
Paul Dejevy, USS Arizona Memorial



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

June 23, 2009

RT6/09-315626R

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U.S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, California 94607

Dear Mr. Jarvis:

Subject: Honolulu High-Capacity Transit Corridor Project

Thank you for your letter dated May 20, 2009, which contained comments on the Historic Effects Report for the Honolulu High-Capacity Transit Corridor Project. We appreciate your careful review of the document and additional comments offered during our conference call on June 5, 2009. As a follow-up to the informal responses that we provided to you prior to that call, we will be preparing an errata sheet for the Historic Effects Report, which will be distributed with the original report when the technical reports are released with the Final Environmental Impact Statement. The errata sheet will reflect the elements discussed below, as well as other issues discussed during our call.

During our June 5th discussion, we understood from Dr. Elaine Jackson-Retondo's comments that national monuments are automatically listed in the National Register. Following up on our understanding, we contacted Mr. Paul Lusignan, Historian at the National Register of Historic Places, about the status of the monument. He stated in an email on June 15, 2009 that *"National Monuments are totally different and separate from the National Historic Landmarks and National Register of Historic Places programs. The WWII Valor NM was an executive designation made by President Bush. Such sites are not automatically listed in the National Register of Historic Places (see 36 CFR 60.1 for the list of properties added to the Register). In fact most National Monument designations are made for natural areas that may or may not even contain historic cultural sites. The designation of a national monument is not the same as the establishment of a new historic unit of the National Park System, which does carry with it automatic NR listing."* Aside from the parking lot for the Arizona Memorial, the national monument boundaries remain outside of the APE and it will not be assessed for effects. We will attach Mr. Lusignan's email to the Historic Effects Report errata sheet.

Mr. Jonathan Jarvis
Page 2
June 23, 2009

On a related note, at the National Park Service's (NPS's) request, we conducted additional noise analysis and created visual simulations from the Pearl Harbor Historic Sites. The noise analysis, which will be included in the Final EIS, shows that there will be no impacts based on FTA impact criteria to the WWII Valor in the Pacific NM. The requested visual simulations are attached to this letter.

Although staff from NPS believe that the project has an adverse effect on the Pearl Harbor NHL, NPS did not propose measures to avoid or minimize impacts to the NHL resources. In the meantime, the project team has revised the design that reduces the impacts to the NHL to the greatest extent possible, but without guidance of the NPS as to which aspects of the Project specifically were causing the opinion of adverse effect.

Since our phone call, we have made substantial design changes to the project in the vicinity of the Pearl Harbor NHL in an effort to minimize impacts. In response to your concerns, the project team has removed two areas requiring property acquisitions in the vicinity of stations. We take very seriously the possibility of adversely affecting NHL resources and are actively engaged in minimizing potential impacts. The attached design sheets reflect the latest configurations of the Aloha Stadium and Pearl Harbor Naval Base Stations, which have been re-configured to avoid the NHL, resulting in less-optimum operations and access at these locations. These design changes, however, substantially minimize the impact to the NHL resources.

The project has no adverse effect on the Pearl Harbor National Historic Landmark or on the CINCPAC Headquarters National Historic Landmark. The project will not impact the resources' location, design, materials, or workmanship, as all work will occur outside of their boundaries. We assume that if Kamehameha Highway had contained any significant elements, it would have been designated as part of the NHL initially or during one of the subsequent NHL revisions. The setting outside of the NHLs does not contain character-defining features of either NHL. As you state in your letter of May 20, 2009, "The integrity of the NHL has been negatively affected by any number of projects within and near the district." We agree with this statement. The setting does not have integrity and does not contain significant features relating to the NHLs. Although you discuss the potential for cumulative effects compounded by the project, the setting at present does not retain integrity due to these prior undertakings. The project will have no adverse effect on either NHL's setting. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. However, no physical features of the NHLs will be impacted. The NHL's integrity of feeling will not be adversely affected by this project; both NHLs will continue to express their importance as World War II era military resources. Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. Again, the physical features of the NHLs will not be impacted. The NHLs will continue to retain integrity of association because the project will not impact their ability to convey the relationship that they had with Pearl Harbor's historically significant event. There will be no adverse effect to association. Therefore, the project will have no adverse effect to the Pearl Harbor NHL or the CINCPAC Headquarters NHL.

Mr. Jonathan Jarvis
Page 3
June 23, 2009

As we discussed during our call, recent changes to the project have required that a stormwater outfall drain will need to be installed within the NHL boundaries. No work will occur within the National Monument boundaries. All work will qualify as a temporary use wherein a pipe will be installed, but immediately covered. A small section of pipe opening will be visible at the outfall area. This work will be very similar to the work at Pearl Harbor completed by Leeward Community College. The pipe installation work will be temporary and the undertaking will have no adverse effect on the Pearl Harbor NHL.

We would like to reiterate our request to review the Section 106 documentation for the new visitor center work the NPS is undertaking at Pearl Harbor. We believe that your internal work may inform our approach to effect determinations. You stated that your office did not have purview over this review, but we have not received a response to our June 5, 2009 email request to Messrs. Frank Hays and Paul DePrey and ask for your assistance in obtaining these documents.

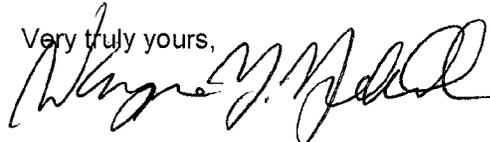
We are enclosing a corrected map showing the Pearl Harbor NHL boundaries and revised plan sheets for the proposed project alignment and stations. At the scale presented in the Historic Effects Report, the boundaries of the Pearl Harbor NHL and other districts and the project's relationship to them were unclear.

Finally, we request a meeting with your office, the Hawaii State Historic Preservation Division, Navy representatives, and FTA officials to discuss any outstanding concerns about the effect determination on Pearl Harbor. We anticipate that the effects determination can be concluded within 30 days of this letter.

An additional consulting party meeting to discuss mitigation will follow as soon as the effects determinations are resolved.

We appreciate your input to date and look forward to continuing consultation with your office. Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350.

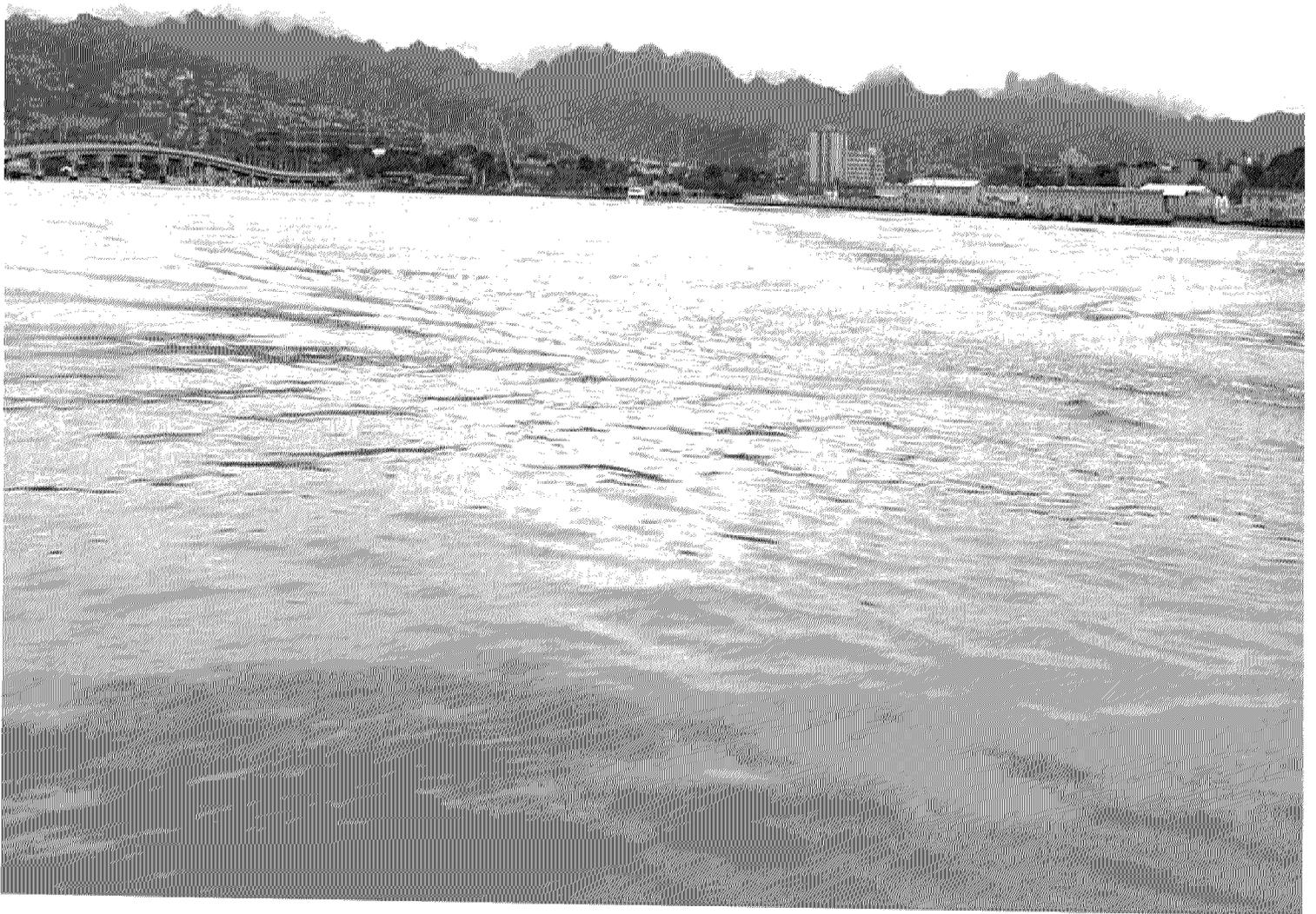
Very truly yours,



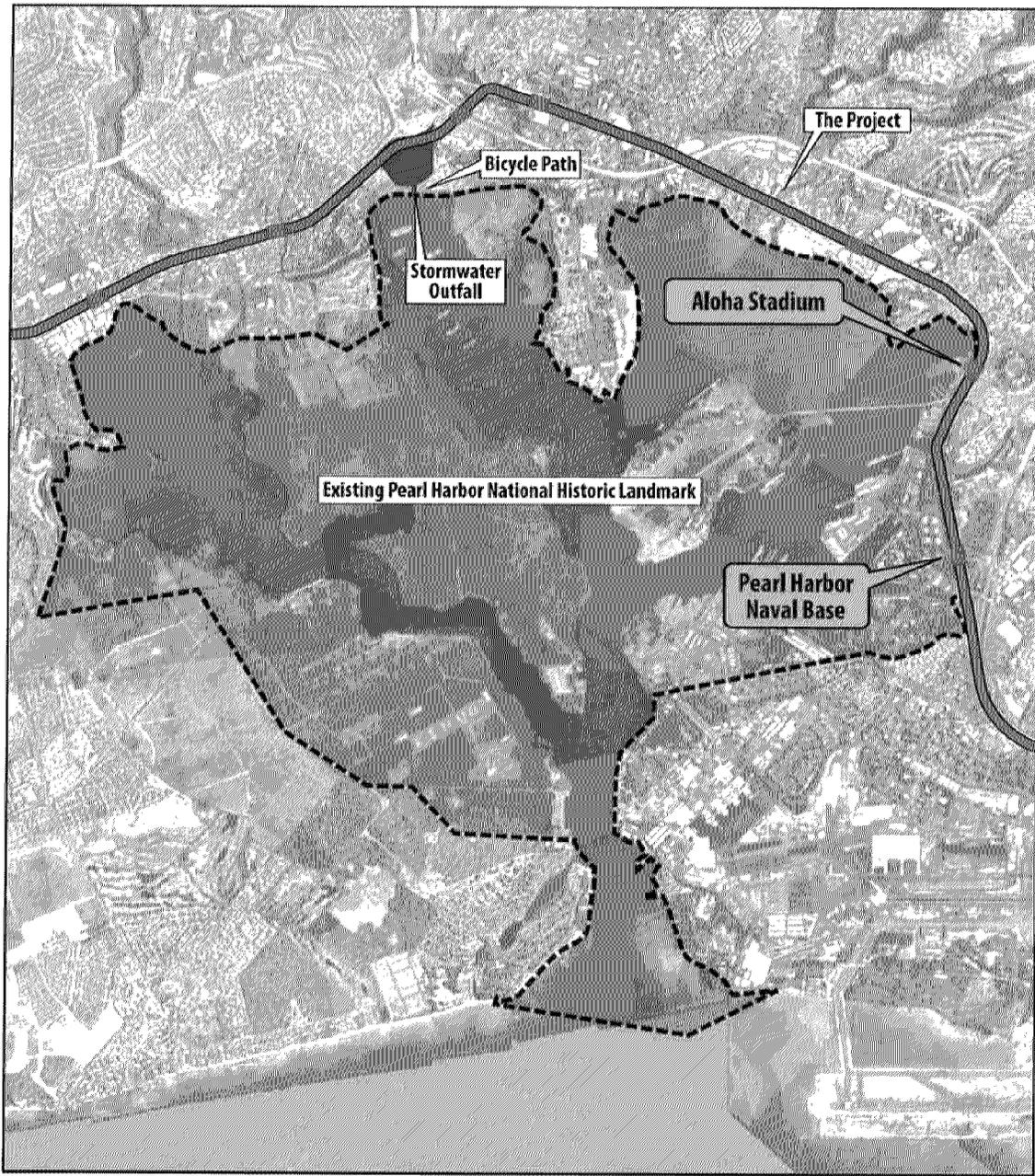
WAYNE Y. YOSHIOKA
Director

Enclosures

cc: Mr. Frank Hays, NPS Pacific West Region, Honolulu
Ms. Patty Neubacher, Pacific West Region
Mr. Paul DePrey, USS Arizona Memorial







LEGEND

 The Project
 Station

 Pearl Harbor National Historic Landmark

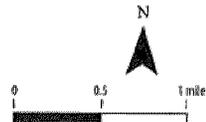
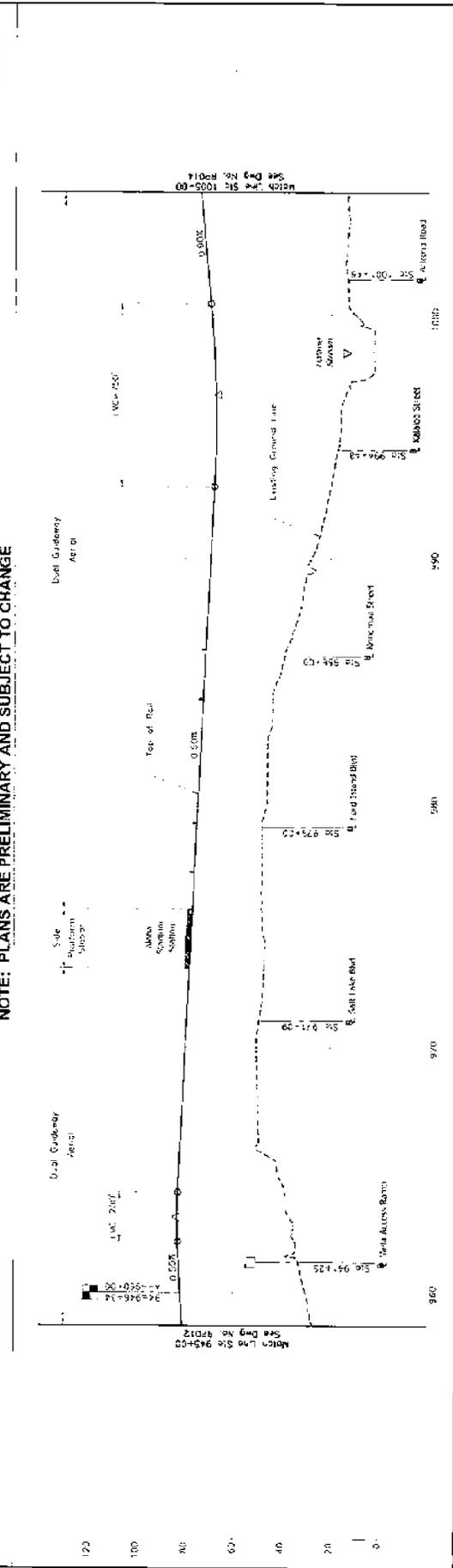
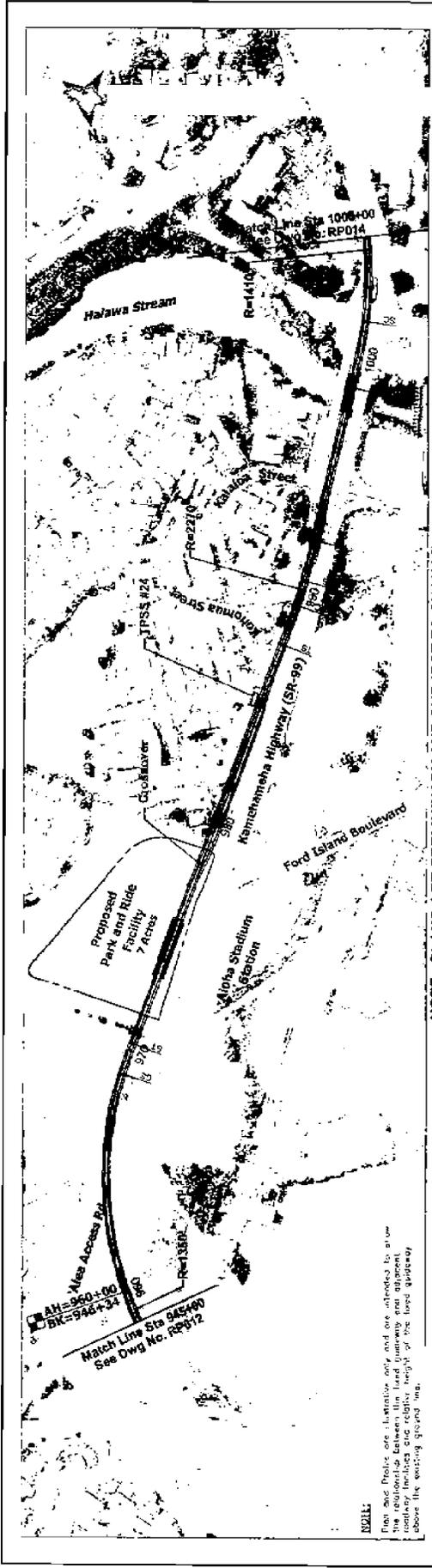


Figure 5-9 U.S. Naval Base Pearl Harbor National Historic Landmark Project Alignment and Feature

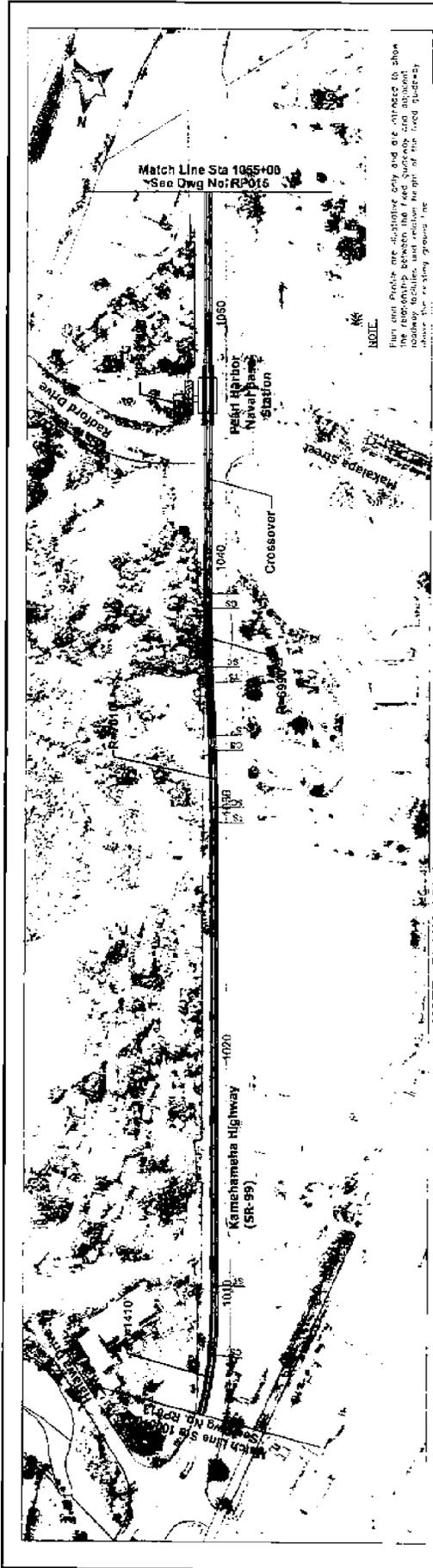



CITY & COUNTY OF HONOLULU
 DEPARTMENT OF TRANSPORTATION SERVICES
 RAPID TRANSIT DIVISION

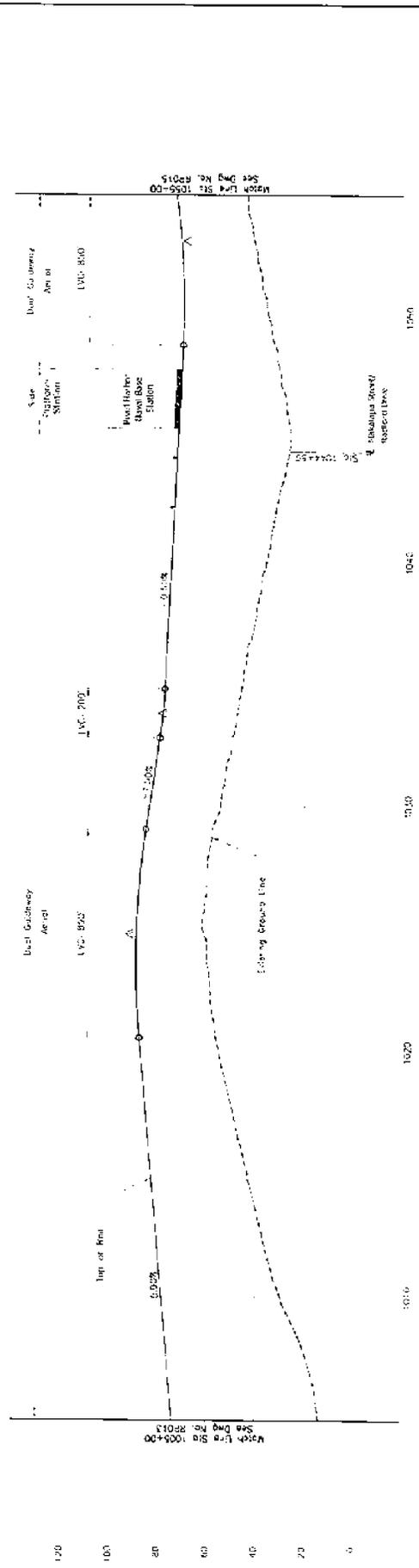
HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PRELIMINARY ALIGNMENT PLANS AND PROFILES
PLAN AND PROFILE
 STA 945+00 TO STA 1005+00
 SHEET 15 OF 28

Scale: HORIZ. 1" = 100' VERT. 1" = 10'
 Date: 08/27/08
 Drawing No: RP013



NOTE: PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE





CITY & COUNTY OF HONOLULU
DEPARTMENT OF TRANSPORTATION SERVICES
RAPID TRANSIT DIVISION

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PLAN AND PROFILE
STA 1005+00 TO STA 1055+00

SHEET 15 OF 26

DATE: 05/19/05

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 14, 2009

RT7/09-323207

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U. S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, California 94607

Attention: Dr. Elaine Jackson-Retondo
National Historic Landmarks Program Manager

Dear Mr. Jarvis:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

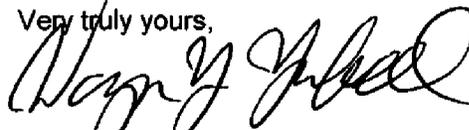
Mr. Jonathan B. Jarvis
Page 2
July 14, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment

cc: Mr. Frank Hays, Director, National Park
Service, Pacific West Region



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona California
Hawaii, Nevada, Guam
American Samoa
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco CA 94105-1839
415-744-3133
415-744-2726 (fax)

Mr. Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service
U.S. Department of the Interior
1111 Jackson Street, Suite 700
Oakland, CA 94607

Re: Honolulu High-Capacity Transit Corridor
Project

Dear Mr. Jarvis:

This letter serves to notify you of the Federal Transit Administration's (FTA) request to have the National Park Service participate in the execution of the Programmatic Agreement (PA) for the Honolulu High-Capacity Corridor Project as an invited signatory of this document.

Earlier the City and County of Honolulu Department of Transportation Services sent you an invitation to a pair of Section 106 consulting parties meetings. The purpose of these meetings, the first of which will be held on July 28, 2009, is to discuss the contents of the PA, which discusses mitigations measures for the adverse effect that this project will have to historic resources. Please contact us immediately if you have not received this invitation.

We are attaching a copy of the draft PA for your review.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590

Sincerely,

for Leslie I. Rogers
Regional Administrator

cc: Faith Miyamoto, City and County of Honolulu Department of Transportation Services

From: Elaine_Jackson-Retondo@nps.gov
Sent: Wednesday, September 23, 2009 9:33 AM
To: Assum-Dahleen, Laura
Cc: ailaw001@hawaii.rr.com; amy@aiahonolulu.org; antoinet@hawaii.edu; arakimataemon@aol.com; Aranda@infraconsultllc.com; aspencer@hawaii.edu; brian_turner@nthp.org; bsemmer@achp.gov; carl.bausch@fta.dot.gov; chazinhawaii@aol.com; deepak@hcdaweb.org; elizabeth_merritt@nthp.org; fmiyamoto@co.honolulu.hi.us; frank_hays@nps.gov; halealoha@wave.hicv.net; hhammatt@culturalsurveys.com; james.barr@fta.dot.gov; jeff@jn-architects.com; john.muraoka@navy.mil; katie@historichawaii.org; kawikam@hawaii.rr.com; keabad@ksbe.edu; keolal@oha.org; kiersten@historichawaii.org; ksokugaw@honolulu.gov; lani@aukahi.com; malamapono@aol.com; Melia_Lane-Kamahele@nps.gov; mmcdermott@culturalsurveys.com; nancy.s.mcmahon@hawaii.gov; pamela.takara@navy.mil; pua.aiu@hawaii.gov; sherry_campagna@hotmail.com; susan.y.tasaki@hawaii.gov; taahine.hina@gmail.com; theodore.matley@fta.dot.gov; tware@honolulu.gov; Van Epps, James
Subject: Re: Section 106 PA Meeting Reminder

Suggested changes to Section V.A -

The City shall consult with NPS Regional HABS HAER HALS staff to determine which resources should be documented for HHH recordation. All required HHH archival black and white photography will be completed, submitted to NPS Regional staff for approval and approval received by NPS regional staff prior to any pre-construction or construction activities to the resources.

The City shall submit all requisite final draft copies by (THIS IS WHERE YOU COULD INCLUDE A DEADLINE IF PARTIES WOULD LIKE).

I removed the statement t about offering a copy to SHPD, because - two archival copies are sent to NPS in the final submission; once we have reviewed and accepted the documentation, we forward the second archival copy to the SHPO.

Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817 1484 (f)

"Assum-Dahleen,
Laura"
<Dahleen@pbworld.com>

09/22/2009 07:33
PM

To
<jeff@jn-architects.com>,
<amy@aiahonolulu.org>,
<aspencer@hawaii.edu>,
<kiersten@historichawaii.org>,
<katie@historichawaii.org>,
<chazinhawaii@aol.com>,
<sherry_campagna@hotmail.com>,
<frank_hays@nps.gov>,
<elaine_jackson-retondo@nps.gov>,
<Melia_Lane-Kamahele@nps.gov>,
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<pua.aiu@hawaii.gov>,
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<keolal@oha.org>,
<malamapon@aol.com>,
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<hhammatt@culturalsurveys.com>,
<arakimataemon@aol.com>,
<halealoha@wave.hicv.net>,
<antoinet@hawaii.edu>,
<ailaw001@hawaii.rr.com>,
<Aranda@infraconsultllc.com>,
<fmiyamoto@co.honolulu.hi.us>,
<Spurgeon>, <Lawrence>, <Hogan>,
<Steven>, <Foell>, <Stephanie>

cc

"Van Epps, James"
<VanEpps@pbworld.com>

Subject

Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

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United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060

IN REPLY REFER TO:
H34 (PWR-CR)

August 6, 2009

Wayne Y. Yoshida, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshida:

This letter is in response to the revised draft programmatic agreement that was distributed during the recent July 28th Section 106 consultation meeting, the U.S. Department of Transportation Federal Transit Administration (FTA) letter dated July 24th, the City & County of Honolulu Department of Transportation Services (DOTS) letter dated June 23, 2009, and the additional noise study information requested by the National Park Service (NPS) and provided by your office on July 1.

The National Park Service is delegated monitoring and technical assistance responsibilities by Congress to ensure that National Historic Landmarks retain the highest degree of integrity possible. These monitoring responsibilities are carried out by NPS staff in our regional offices. Five NHLs are located within, adjacent to, or in close proximity to the Honolulu High Capacity Transit Corridor Project – Pearl Harbor NHL, Commander in Chief, Pacific Fleet (CINPAC) NHL, the USS Bowfin NHL, USS Arizona NHL and the USS Utah NHL.

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Noise Study Data

It is unlikely that the project would produce significant noise impacts at the Memorial. Furthermore, the park recognizes that noise at the memorial is currently dominated by industrial sources and the nearby road bridge to the island. Presence of the light rail could reduce the number of other traffic noise sources and reduce some noise overall. However the analysis is not sufficient to fully assess potential positive or adverse noise impacts from the project.

The Noise and Vibration report dated October 1, 2008 incorrectly states in Chapter 4 Affected Environment, Section 4.16 that "Land uses between the Aloha Stadium Station and the Pearl Harbor Naval Base Station are predominantly commercial and industrial (Category 3). There are no sensitive land uses along this section." The statement is repeated in Chapter 5 Consequences with multiple "no impact" conclusions. This misstatement has been noted by NPS in previous comments on the project. The analysis should acknowledge the presence of the Memorial and assess the potential impacts of noise on Park resources and values.

Impacts for three sites near the memorial are appropriately analyzed according to FTA Criteria 1. Criteria 1 lands include those where quiet is an essential element in their intended purpose, such as... "National Historic Landmarks where outdoor interpretation routinely takes place" and "Sites of national significance with considerable outdoor use required for site interpretation"

The FTA Manual shows in Table 3-2 (section 3.1.1) that the noise metric for impact analysis of Land Use Criteria 1 is Outdoor L eq (h). In section 3.2.2, the FTA Manual further states that " For land use involving only daytime activities (e.g. churches, schools, libraries, parks) the impact is evaluated in terms of L eq (h), defined as the L eq for the noisiest hour of transit-related activity during which human activities occur at the noise-sensitive location. "

Section 3.2.2 of the FTA Manual also states that "Although the maximum noise level (L max) is not used in this manual as the basis for the noise impact criteria for transit projects, it is a useful metric for providing a fuller understanding of the noise impact from some transit operations. Specifically, rail transit characteristically produces high intermittent noise levels which may be objectionable depending on the distance from the alignment. Thus, it is recommended that L max information be provided in environmental documents to supplement the noise impact assessment and to help satisfy the "full disclosure" requirements of NEPA." However the analysis does not address L max levels at the Memorial. NPS recommends that L max levels at the Memorial be reported in the document as suggested by FTA guidance and the resulting impacts to park resources and values be fully assessed.

According to the report, 15 minute measurements of existing conditions were made to determine sound levels at numerous locations along the transit corridor including three sites near the Memorial. However, it is not clear whether the 15-minute measurement periods adequately represent the L eq for the entire hour or whether the chosen measurement period represents the noisiest hour of transit-related activity as required by the FTA manual. The analysis should address the methods that were used to select the measurement periods and demonstrate that these periods are representative of the L eq for the entire hour and can be used to describe noisiest hour of transit-related activity

Th ilities identified in this programmatic
agreement; however, they are not listed either as a signatory or concurring party. We believe
they should be a signatory to the agreement.

We were informed during the call that Stipulation V.B has been deleted because the Navy will not allow access to the property to update the NHL. An update of the Pearl Harbor NHL nomination is needed and this stipulation seems appropriate for this agreement. We suggest that FTA work with or perhaps partner with the Navy so that this stipulation can be reinserted into the agreement. It may be possible that the research currently underway for the Pearl Harbor Cultural Landscape Report could be used to update the nomination and perhaps the Navy could provide the needed photo documentation for the update.

We would like to have a post construction noise monitoring stipulation added to this agreement. Projected noise levels are not always accurate. A recent case is the Seattle light rail system, which has posted much higher noise levels in some sections of the system than predicted. A post construction noise monitoring program should be implemented to ensure that actual noise levels do not exceed model predictions. If predicted levels are exceeded, additional analyses should be conducted to assess potential impacts to memorial resources from noise. NPS has protocols and methodologies for implementing an adaptive management approach to addressing noise impacts. Our staff is available to coordinate with HDOH to develop and implement an appropriate monitoring program.

We look forward to our continued participation in the Section 106 consultation. If you have any questions please call or email Frank Hays, Pacific Area Director (808-541-2693 ext 723; frank_hays@nps.gov), or Elaine Jackson-Retondo, Pacific West Region, NHL Program Manager (510 817 1428; elaine_jackson-retondo@nps.gov).

Sincerely,



cc:

Leslie Rogers, Regional Administrator, Federal Transit Administration Region IX, 201 Mission St. Suite 1650, San Francisco, CA 94105-1839

Patty Neubacher, Deputy Regional Director, Pacific West Region

Frank Hays, Pacific Area Director, Honolulu

Paul DePrey, Superintendent, World War II Valor in the Pacific

From: Elaine_Jackson-Retondo@nps.gov
Sent: Friday, September 25, 2009 11:12 AM
To: Miyamoto, Faith
Cc: ailaw001@hawaii.rr.com; amy@aiahonolulu.org; antoinet@hawaii.edu; arakimataemon@aol.com; Aranda@infraconsultllc.com; aspencer@hawaii.edu; brian_turner@nthp.org; bsemmer@achp.gov; carl.bausch@fta.dot.gov; chazinhawaii@aol.com; deepak@hcdaweb.org; elizabeth_merritt@nthp.org; fmiyamoto@co.honolulu.hi.us; Foell, Stephanie; frank_hays@nps.gov; halealoha@wave.hicv.net; hhammatt@culturalsurveys.com; Hogan, Steven; james.barr@fta.dot.gov; jeff@jn-architects.com; john.muraoka@navy.mil; katie@historichawaii.org; kawikam@hawaii.rr.com; keabad@ksbe.edu; keolal@oha.org; kirsten@historichawaii.org; ksokugaw@honolulu.gov; lani@aukahi.com; malamapono@aol.com; Melia_Lane-Kamahele@nps.gov; mmcdermott@culturalsurveys.com; nancy.s.mcmahon@hawaii.gov; pamelatakara@navy.mil; pua.aiu@hawaii.gov; sherry_campagna@hotmail.com; Spurgeon, Lawrence; susan.y.tasaki@hawaii.gov; taahine.hina@gmail.com; theodore.matley@fta.dot.gov; tware@honolulu.gov; Van Epps, James; Assum-Dahleen, Laura
Subject: Re: Section 106 Consulting Parties Reminders



Draft Honolulu PA
Clean 091609... Faith,

Please find attached our comments/questions on the Sept. 17 draft PA. The comments are via comment boxes in adobe acrobat. I will participate in the Sept 30 call via telephone.

Elaine

(See attached file: Draft Honolulu PA Clean 091609_NPScomments.pdf)

Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific
West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817
1484 (f)

"Assum-Dahleen,
Laura"
<Dahleen@pbworld.
com>

09/23/2009 07:32
PM

To
<jeff@jn-architects.com>,
<amy@aiahonolulu.org>,
<aspencer@hawaii.edu>,
<kiersten@historichawaii.org>,
<katie@historichawaii.org>,
<chazinhawaii@aol.com>,
<sherry_campagna@hotmail.com>,
<frank_hays@nps.gov>,
<elaine_jackson-retondo@nps.gov>,
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<taahine.hina@gmail.com>,
<keabad@ksbe.edu>

<kawikam@hawaii.rr.com>,
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<nancy.s.mcmahon@hawaii.gov>,
<susan.y.tasaki@hawaii.gov>,
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<carl.bausch@fta.dot.gov>,
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<brian_turner@nthp.org>,
<elizabeth_merritt@nthp.org>,
<john.muraoka@navy.mil>,
<pamela.takara@navy.mil>,
<tware@honolulu.gov>,
<ksokugaw@honolulu.gov>,
<mmcdermott@culturalsurveys.com>,
<hhamatt@culturalsurveys.com>,
<arakimataemon@aol.com>,
<halealoha@wave.hicv.net>,
<antoinet@hawaii.edu>,
<ailaw001@hawaii.rr.com>,
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<fmiyamoto@co.honolulu.hi.us>,
"Hogan, Steven"
<Hogan@pbworld.com>, "Spurgeon,
Lawrence" <Spurgeon@pbworld.com>,
"Foell, Stephanie"
<Foell@pbworld.com>, "Van Epps,
James" <VanEpps@pbworld.com>

cc

Subject

Section 106 Consulting Parties
Reminders

Aloha Section 106 Consulting Parties!

Just a couple of reminders:

Please send your comments on the remaining sections of the September 16 Draft Programmatic Agreement to us by 5 pm on Friday, September 25. Please send your comments to entire group as noted above.

Our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 to 11:30 am, Wednesday, September 30. You can join us in person at the PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294. Please rsvp or regrets directly to Laura Assum-Dahleen at dahleen@pbworld.com.

Mahalo for your continued participation and cooperation.

Aloha!

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

From: Elaine_Jackson-Retondo@nps.gov [mailto:Elaine_Jackson-Retondo@nps.gov]

Date: Monday, October 19, 2009 2:28 PM

To: Miyamoto, Faith

Cc: jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu;
kiersten@historichawaii.org; katie@historichawaii.org; chazinhawaii@aol.com;
sherry_campagna@hotmail.com; frank_hays@nps.gov; elaine_jackson-retondo@nps.gov;
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susan.y.tasaki@hawaii.gov; bsemmer@achp.gov; theodore.matley@fta.dot.gov;
James.Barr@dot.gov; carl.bausch@fta.dot.gov; Raymond.Sukys@dot.gov; deepak@hcdaweb.org;
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elizabeth_merritt@nthp.org; john.muraoka@navy.mil; pamela.takara@navy.mil;
tware@honolulu.gov; Sokugawa, Kathy K.; mmcdermott@culturalsurveys.com;
hhammatt@culturalsurveys.com; arakimataemon@aol.com; halealoha@wave.hicv.net; Hogan,
Steven; Foell, Stephanie
Subject: Fw: Honolulu High Capacity Transit Corridor

Faith,

The October 2 draft of the HHCTC PA has been improved through consultation during the last few weeks. The process has been intense and at times very rushed. Historic Hawaii Foundation has suggested that the document would benefit from additional editing and revisions and has requested the opportunity to review the document one more time before the final is distributed for signature. We concur with that request. Our comments on the October 2 draft PA follow our general concerns and questions.

Regards,
Elaine

General Comments

As the Section 106 consultations moves forward we would like to voice the following

questions and concerns.

RFP

The City and County of Honolulu issued Part I of an RFP for Phase I of the HHCTC project (East Kapolei to Pearl Highlands) in February 2009. After reviewing the RFP, we understand that the February RFP Part I was requesting Qualification Proposals to determine a priority list of up to the top four highest ranked firms. You have informed us that Part II of the RFP was subsequently issued, is now closed and in the procurement phase. NPS's has not seen Part II of the RFP; we were told that we could not see it since it is currently going through procurement. Therefore, our questions and concerns are based on the information available to us in Part I of the RFP.

Closure of the RFP prior to conclusion of the Section 106 process precludes any opportunity for consulting parties to request that contractors submitting bids have demonstrated experience and have the necessary persons on staff to protect historic and cultural resources; this is particularly crucial in this project given the number of adversely effected historic resources, the potential for inadvertent discoveries and the fact that this is a design-build project. We also are concerned that the issuance of an RFP prior to conclusion of the section 106, 4(f) and NEPA consultation may have presumed a least harmful alternative prior to completion of documentation and analysis.

Part I of the RFP states, "It is anticipated that the guideway would be precast segmental girder construction and the standard double track guideway section would be single-cell trapezoidal box girder." During one of the September consultation meetings, consulting parties were told that there was the potential to design the system with a thinner profile. Since the RFP describes an anticipated system and the bids are in, is it too late to expect a different type of profile?

Are any of the possible TCPs located in the first phase of the project? If yes, how will the design build contractor's work be coordinated with conducting the studies? If eligible, how will the design work of the contractor be informed to avoid, minimize, or mitigate effect?

Were the contractors who supplied bids provided the Historic Effects Document and provided specific information about the historic resources in the corridor?

Burials

We are concerned that the Archeological Inventory Survey Plan and the execution of this plan for Phase 4 is scheduled to take place long after construction has begun and two phases of the project will be so far along that the ability to avoid impacts will be extremely limited. Is it possible to execute the plan long before construction of Phase II has begun? If not, what assurances are there from the project team and FTA that there are alternatives that could avoid or minimize impact?

Dillingham Building

During the Sept 23 PA meeting, there was a somewhat lengthy discussion about the Dillingham Building, which has been determined eligible for listing on the NRHP. Currently, the project is planned with a station very close to and in the courtyard of the building. There was clear disagreement between the project team and FTA headquarters whether one of the avoidance alternatives for this station should have been adopted to avoid the adverse effect to the property. This was not adequately resolved during the meeting, and calls into question whether it is necessary to adversely affect this resource. Please provide additional information regarding this issue.

4(f)

We reiterate our request to have an opportunity to review the revised draft 4(f) analysis since the draft in the DSEIS recognized adverse effects to only 4 historic properties and the PA includes adverse effects to 33 historic properties.

This project will produce a tremendous work load for consulting parties. The expedited schedule and scale of the project require the production of multiple plans, studies, reports and other products in a short expanse of time. Almost all of these products have a 30-day review period for consulting parties per the PA. It does not seem that the project team has approached the production and review of these products in a coordinated fashion. Consulting parties will be inundated with reviews and overlapping 30-day review

periods that could result in an unrealistic workload for most, if not all of the consulting parties. The schedule that will be produced within 90 days of signing the PA per stipulation XII.B.2, will provide specific information (specific dates, milestones etc.), however, it will not ensure that the schedule deadlines are realistic. We are reiterating our request for a table or matrix that shows all of the products that will need review and the relative time schedule for review. The parties need to determine whether there is a need to adjust review times (where permitted) or address the workload issue in some other manner through the PA.

PA Specific Comments

Page 3 (Whereas Clause regarding direct and indirect effects) - This clause should be deleted from the PA since direct and indirect effect are NEPA, not NHPA regulatory nomenclature and because the terms are not being accurately used here. Even in NEPA terms, the 33 adverse effects are direct effects. Here is an excerpt from the regs:

Title 40: Protection of Environment
PART 1508-TERMINOLOGY AND INDEX
§ 1508.8 Effects.

Effects include:

(a) Direct effects, which are caused by the action and occur at the same time and place.
(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.
Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Page 5 Section I - Please add the following as Stipulation I.G. "NPS Responsibilities - Accept for those documents set forth in stipulations V.C and VI.B of this agreement, NPS may at its sole discretion review and respond to any of the other documents, if NPS chooses to respond it will do so in a timely manner. Lack of response should not be taken to indicate an opinion by the NPS.

Page 5; Section II.B.; line 4 - suggest replacing "acceptable mitigation" with "avoidance, minimization and mitigation measures."

Page 5; Section II.B.; line 7-8 - The statement that "The City shall complete all related mitigation prior to undertaking each construction phase that would adversely affect a TCP" still does not address the issue of foreclosing opportunities for avoidance and minimization.

Page 7; Section III.B.1 - This section states, "Within 60 days of execution of this PA, the City shall consult with the OIBC, lineal and cultural descendents, and other interested parties that are identified in discussion with OIBC, about the scope of investigation for the AIS Plan for construction of Phase 4." Why only phase 4; is that the only area where there may be burials? Wouldn't it be prudent to complete the AIS and know where burials are located ASAP? If it is only to be completed prior to beginning final design for phase 4, there may be little opportunity for avoidance.

Page 7; Section III.B.2 - This section states, "The City shall complete the AIS for Phase 4 (Middle Street to Ala Moana Center) prior to beginning Final Design for that area. Won't there already be construction ongoing at this point; shouldn't this come before start of construction?"

Page 7; Section III.B.3 - This section states, "The City, in coordination with the OIBC, lineal and cultural descendents, and other interested parties that are identified in discussion with OIBC shall complete a draft approach for consultation regarding treatment of . . . The approach shall address at minimum a process for communication of any discoveries, definitions that will be applied to the Project, " Should this be an agreement, not quite certain what an "approach" would include. Can't some of this be spelled out here in the PA? At minimum, shouldn't it also include a time frame for notification?"

Page 7; Section III.B.5 - Do the particulars of the consultation with the signatories need to be outlined in this clause?

Page 7; Section III.C Lines 1-5 - The first 2 sentences read, "The City shall conduct archaeological fieldwork as presented in the AIS Plan. For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that the presence of any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design.

We suggest rewriting the second sentence to read: "For each construction phase, the archaeological fieldwork shall be completed in advance of the completion of final design so that so that the final design may incorporate avoidance and minimization measures for any sensitive archaeological sites/burials discovered during fieldwork can be addressed during final design."

Page 8; Section III.C.4 This clause reference archeological method. Is there an archeological standard that should be referenced?
When is this AIS plan II.C be completed? The AIS mentioned in II.B. 2. references completion prior to final design of phase 4

Page 8; Section III.E - Do additional parties need to review the mitigation plans. As written, only SHPO is reviewing the plans.

Page 9; Section III.E.2 - Paragraph 2; line 1 - What is the limited distance - a couple of feet, 10-20 feet? Please specify.

Page 9; Section III.E.2.a - We thought data recovery was not allowable as mitigation. This is a question for ACHP.

Page 10; Section IV.A - The design guidelines should also apply if station is adjacent to a NR eligible or listed property or district.

Page 10; Section V.A - Shouldn't the context studies take the form of Multiple Property Documentation Forms? I believe that I asked this question before. If done as an MPD the form would go to the NR and provide the context for subsequent nominations.

Page 11; Section V.A.4 - It isn't clear why the draft context studies are only going to SHPO and why interpretive signage is included in this stipulation. Also, if copies are not provided to other parties how will they know to comment and send comments for the city's consideration?

Page 11; Section V.B.3 - Since CLR's are treatment documents, wouldn't the CLR's be completed prior to completion of design? Otherwise the document is not informing decisions. As proposed, only the photography and field work will be complete prior to construction. This doesn't make sense. If they are not done before design, then why do them?

Page 11; Section V.B.4 - Once again, not certain why only SHPO will have the opportunity to review.

Page 11; Section V.C.1 last line - The last line reads, "No construction activities shall be undertaken to the resources prior to approval from NPS Regional staff." Please revise the last part of the sentence to read ". . . prior to approval of the required documentation by NPS Regional staff."

Page 12; Section V.D; last line sentence - The last sentence reads, "The fulfillment of Stipulations V.C and V.D will ensure that all adversely affected resources are documented using large format photography. The current draft, as written, only ensures large format photography for stipulation V.C.

Page 12; Section V.F - Do you need to specify the medium (i.e. digital or film)?

Page 13; Section VI.A.4 - Should there be a minimum goal for the number of nominations included in the MPS?

Page 14; Section VI.C.4 - I believe "draft nomination form" should read "draft nomination forms."

Page 14; Section VI.C. - This stipulation should be numbered VI.D. (VI.C occurs twice).

Page 14; Section VI; last line - the last line seems redundant to VI.A.3.

Page 19; Section X.E - This stipulation addresses inadvertent damage to historic properties. We believe it is very important that a plan for protecting/preventing damage to historic resources should be required in the RFP.

Page 20; Section XI.A - The second sentence reads, "The City will begin the consultation process with the signatories and resolve any adverse effects in accordance with Section 106 of the National Historic Preservation Act within a period of 3 days." The language in the next sentence suggests that resolution is defined as amending the PA. 3 days is not enough time for resolution. If the 3 days only refers to start of consultation then the sentence should be revised; otherwise more time should be allotted for resolution.

Page 20; Section XI.C - Should this section reference NAGPRA for any burials discovered on Federal land?

Page 22; Section XIII.B.2 - The first sentence reads, "Within 90 days of the execution of this PA, the City shall develop a schedule for the implementation of the provisions of the agreement." There are some instances in the PA where commencement of a study or inventory will begin within 30 days (60 days before the schedule is produced). Where there is a known commencement date, even if it is relative to signing of the PA, there should be a matrix of some sort for review and discussion. This matrix would begin to illustrate the number of documents, plans or reports that consulting parties may be requested to review at the same time and may indicate a need to adjust review times. This follows our earlier request for a schedule or table.

Page 24; the NPS signature line currently reads:

Regional Administrator
National Park Service

Please revise to read:
Pacific West Regional Director
National Park Service

Page 24; bottom of page - I believe Attachment 1 is referred to as Attachment A in one of the early Whereas Clauses and there is a reference to Appendix A. Please provide all attachments and appendices for signatory and consulting party review.

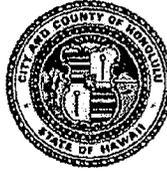
Elaine Jackson-Retondo, Ph.D.
National Register & National Historic Landmarks Program National Park Service . Pacific
West Regional Office

1111 Jackson Street, Suite 700 . Oakland, CA 94607-4807 510 817 1428 (v) . 510 817
1484 (f)

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

December 5, 2007

TPD07-00459

University of Hawaii Historic Preservation
Certificate Program
Department of American Studies
University of Hawaii at Manoa
1890 East-West Road, Moore Hall 324
Honolulu, Hawaii 96822-4733

Gentlemen:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu Department of Transportation Services (DTS) seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

The DTS, in cooperation with FTA, is preparing an Environmental Impact Statement (EIS) to evaluate alternatives that would provide high-capacity transit service on O'ahu. The project study area is the travel corridor between Kapolei and the University of Hawai'i at Mānoa and Waikīkī. This corridor includes the majority of housing and employment on O'ahu. A map of the transit corridor is enclosed. Scoping for the EIS was completed in two phases: Chapter 343, Hawaii Revised Statutes scoping was completed in December 2005 and scoping for the National Environmental Policy Act (NEPA) was completed in April 2007.

The DTS invites your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project. Project staff is available to brief your organization about the project. If you accept this invitation, staff soon will be contacting you regarding identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

University of Hawaii Historic Preservation
Certificate Program
December 5, 2007
Page 2

Project staff is also in the process of contacting other parties regarding the Section 106 consultation process and would appreciate any suggestions from your office of additional parties to be consulted.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 768-8344.

Very truly yours,



WAYNE Y. YOSHIOKA
Acting Director

Enclosure

cc: Mr. Ted Matley, FTA Region IX

dc (F. Miyamoto)



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

August 25, 2008

RT8/08-276163

University of Hawaii Historic Preservation
Certificate Program
University of Hawaii at Manoa
1890 East-West Road, Moore Hall 324
Honolulu, Hawaii 96822-4733

Dear Sir:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic resources. As part of the Section 106 process, the Federal Transit Administration (FTA) and City and County of Honolulu, Department of Transportation Services (DTS), seek to incorporate historic preservation principles into project planning through consultation with parties, including governmental agencies and Native Hawaiian Organizations, interested in the effects of the Honolulu High-Capacity Transit Corridor Project on historic, cultural, and archaeological resources.

DTS previously invited your organization to be a consulting party in the Section 106 process for the Honolulu High-Capacity Transit Corridor Project in a letter dated December 5, 2007. DTS is expected to issue the Draft Environmental Impact Statement for the project in Fall 2008.

As part of the Section 106 process, DTS would like to seek your input regarding concerns and questions about the project including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources. Enclosed is one (1) printed copy of the Historical Resources Technical Report along with one (1) CD containing the Archaeological Resources, Cultural Resources, and Historical Resources Technical Reports.

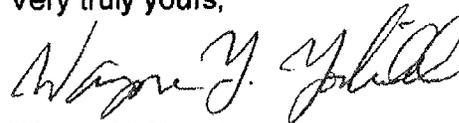
University of Hawaii Historic Preservation
Certificate Program
Page 2
August 25, 2008

Any formal written comments are requested by September 17, 2008, and should be addressed to:

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Project staff is also available to brief your organization about the project if requested. Should you have any questions regarding this matter, please contact Ms. Stephanie Roberts at 768-6143.

Very truly yours,



Wayne Y. Yoshioka
Director

Enclosures:

Historical Resources Technical Report
CD containing PDF of Archaeological Resources,
Cultural Resources, and Historical Resources
Technical Reports

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

March 31, 2009

RT3/09-305900

Dr. William Chapman
Historic Preservation Certification Program
Department of American Studies
University of Hawaii
1890 East-West Road, Moore Hall 324
Honolulu, Hawaii 96822

Dear Dr. Chapman:

Subject: Section 106 Coordination for the Honolulu High-Capacity Transit Corridor Project

Pursuant to Section 106 of the National Historic Preservation Act, the Department of Transportation Services (DTS), on behalf of the Federal Transit Administration, invited your organization to be a Consulting Party for the *Honolulu High-Capacity Transit Corridor Project* (HHCTCP), in a letter dated December 5, 2007. As of the date of this letter, no response has been received to this invitation. The purpose of this letter is to request acknowledgement that your organization has either accepted or declined this invitation.

In the meantime, during the course of the HHCTCP, we have sent the following project documents to your organization for your information and review:

- Honolulu High-Capacity Transit Corridor Project *Archaeological Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Cultural Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Historical Resources Technical Report* - 2008
- Honolulu High-Capacity Transit Corridor Project *Draft Environmental Impact Statement/Section 4(f) Evaluation* (CD and DVD) - November 2008

Dr. William Chapman
Page 2
March 31, 2009

In addition, with this letter, we are providing a CD containing the *Archaeology Sampling Plan* for your review and request your comments, if any.

We continue to seek your organization's input, in an official capacity, regarding concerns and questions about the HHCTCP, including identifying resources that could be affected by the project, assessing the project's potential effects on such resources, and seeking ways to avoid, minimize, or mitigate any adverse effects caused by the project to historic, cultural, and archaeological resources.

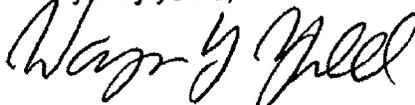
If your organization wishes to continue as a Section 106 Consulting Party to the project, please confirm, in writing, by April 30, 2009, to:

Mr. Wayne Y. Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

If we do not receive written correspondence back from your organization by this date, we will remove your organization from our Section 106 consultation list. If you choose not to be a Consulting Party, your organization is still welcome to provide comments to the project either in writing to Mr. Yoshioka, or on our Project website at www.honolulutransit.org.

Should you have any questions regarding this matter, please contact Ms. Faith Miyamoto at 768-8350.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Enclosure

cc: Ms. Faith Miyamoto
Advisory Council for Historic Preservation
National Trust for Historic Preservation

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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Phone: (808) 788-8305 • Fax: (808) 788-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

July 13, 2009

RT7/09-322929

University of Hawaii
Department of American Studies
Historic Preservation Certificate Program
1890 East-West Road, Moore Hall 324
Honolulu, Hawaii 96822

Dear Sir or Madam:

Subject: Honolulu High-Capacity Transit Corridor Project
Section 106 Mitigation/Programmatic Agreement Discussion

The Federal Transit Administration (FTA) and City and County of Honolulu (City) invite a representative of your organization to a pair of consulting parties' meetings to discuss the Programmatic Agreement under Section 106 of the National Historic Preservation Act of 1966 (as amended), that includes additional sampling and mitigation measures, for the Honolulu High-Capacity Transit Corridor Project. The first meeting will be held on July 28, 2009, and the second will follow on August 4, 2009. Both meetings will be held from 9:00 a.m. to 11:00 a.m. at the Laniakea YWCA, 1040 Richards Street, in Honolulu.

As you are aware, the FTA and City have determined that the project will have an adverse effect on historic resources. At this time, the City is continuing consultation with the State Historic Preservation Division to resolve the effect determinations on a limited number of resources. The City has completed preliminary review of archaeological resources and iwi kupuna in the project corridor. No known resources will be affected by the Project, but the City will complete additional investigations in advance of construction.

We anticipate that the remaining effect determinations will be resolved by the time of the first meeting, and we will be pleased to brief you regarding the outcome of this consultation. With effect determinations resolved, we will be able to engage in productive discussions regarding additional investigations and commitments, as well as mitigation measures for adverse effects, proposed in the project's draft Programmatic Agreement, which is attached. We ask that the person who represents your organization at this meeting be someone authorized to speak on its behalf and represent its interests.

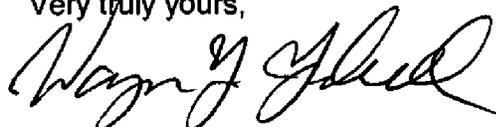
University of Hawaii
Page 2
July 13, 2009

For those parties that are unable to attend the meeting, you may participate by calling in to 1-888-742-8686 – Confirmation ID 3784294.

Please let us know how you will be participating in this meeting by contacting Ms. Danielle Yoshioka at (808) 768-6170 or yoshiokad@pbworld.com. Should you have any questions regarding these meetings or any preliminary comments on the Programmatic Agreement, please contact Ms. Faith Miyamoto of the Rapid Transit Division at (808) 768-8350 or fmiyamoto@honolulu.gov.

We are excited to have the opportunity to bring all the consulting parties together and look forward to working with you as we finalize the Programmatic Agreement. Thank you for your continued interest in this project.

Very truly yours,



WAYNE Y. YOSHIOKA
Director

Attachment