From:	elizabeth.zelasko@dot.gov
To:	Maria.Aguayo@navy.mil; kiersten@historichawaii.org; elizabeth.zelasko@dot.gov; Ted.Matley@dot.gov; Raymond.Sukys@dot.gov; Leslie.Rogers@dot.gov; fmiyamoto@honolulu.gov; Aranda@infraconsultllc.com; Zaref, Amy; Edward.Carranza@dot.gov; Carl.Bausch1111@dot.gov; Christopher.VanWyk@dot.gov; NancyEllen.Zusman@dot.gov; Renee.Marler@dot.gov; rnelson@achp.gov; cvaughn@achp.gov; Robyn.Sinquefield@dot.gov; jeff@jn-architects.com; amy@aiahonolulu.org; aspencer@hawaii.edu; 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; bsemmer@achp.gov; deepak@hcdaweb.org; keolal@oha.org; malamapono@aol.com; lani@aukahi.com; brian_turner@nthp.org; elizabeth_merritt@nthp.org; pamela.takara@navy.mil; tware@honolulu.gov; mmcdermott@culturalsurveys.com; arakimataemon@aol.com; wendy@historichawaii.org; eileen.dandrea@navy.mil; randall.y.young@navy.mil; david.m.sullivan1@navy.mil; LBrodnitz@achp.gov; halealoha@wave.hicv.net; wyoshioka@honolulu.gov; Gilliland, Barbara; Sherry.Riklin@dot.gov
Sent:	1/5/2011 9:29:44 AM
Subject:	Thank you from FTA!
Attachments:	PA Jan 4 2011.doc

Dear consulting parties,

Thank you for your assistance and comments in developing the Programmatic Agreement for the Honolulu Transit Project. As we mentioned on the phone on Monday, this is only the beginning of a collaborative process. Because of the structure of the Programmatic Agreement (PA), you will be hearing and receiving information about the project on regular scheduled intervals and more with the invitations and requests for collaboration and comments on the PA work products. Among the first steps of implementing the PA include the City drafting a schedule for implementing the PA and providing the consulting parties a 30-day period for commenting, undertaking additional work s on traditional cultural properties, and starting conversations on the scope of the AIS plan for construction phase 4.

For your information, please find attached the revised PA that will be formatted and moved forward for execution. FTA has included in this document revisions based on our discussion on Monday. In addition, we are taking a look at the APE maps to make sure they are in final form and looking at options to share the GIS file or a Google Earth layer of the APE with you.

One of the follow up questions from Monday was the relationship between the City TOD ordinance and the special district regulations for the Chinatown and Merchant Street Historic District. This was a comment raised by the SHPO and the signatories addressed it by adding additional language in the where as section on the ordinances and adding some additional language to stipulations under indirect and cumulative effects sections of the PA and the Kako'o Project manager position. In addition, the City provided the following text to further explain the relationship of the TOD ordinance to the historic district protections.

> This is in response to your question regarding whether transit-oriented development ("TOD") special districts regulations (Section 21-9.100 through 21-9.100-4, Land Use Ordinance ("LUO") of the City and County of Honolulu ("City")) would override the special district regulations (Article 9, LUO).
>
> TOD special districts regulations set forth a process for adopting TOD zones around rapid transit stations to encourage appropriate transit-oriented development. These TOD zones must be adopted by the City Council after an opportunity for public participation and comment through Council and planning commission meetings. TOD zones are required to take into account, among other things, the identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources. In addition, TOD zones based on TOD plans must be consistent with the applicable regional development plans (developed with community participation and adopted by the City council) and consistent with any applicable special area plans to the extent practicable. TOD zones may take precedence when conflicts arise with any underlying zoning district or special district regulation; however, as of this date, no TOD zones have been adopted. Notwithstanding local zoning and special district requirements, state and federal historic preservation laws always apply to historic properties.

Therefore, future third-party development, if any, shall comply with the applicable development controls that are set by the City Council, be it TOD special districts regulations or other land use regulations. These regulations must be developed, as required by City ordinance, with open public participation through both the planning commission and City Council. The programmatic agreement cannot control future third-party development outside of the City's LUO processes; but the Consulting Parties will have every opportunity to ensure the protection of historic resources by potential future third-party development, if any, by their participation in the TOD zone process.

In a discussion on Monday on the Makalapa historic housing districts, we agreed to include the Little Makalapa Housing District as one of the properties that would be nominated for the National Register of Historic Places. Because of the interest in this property and the Big Makalapa Housing District, we have included language in the PA where the documentation will be prepared and submitted to the Keeper of the National Register at the National Park Service prior to the second design workshop for the Pearl Harbor Station. The other nominations will still be submitted to the Keeper of the National Register prior to revenue service operation.

The final PA will first be circulated to the signatories and invited signatories for signature. The signatories are the parties that are necessary, per the Section 106 regulations, that are needed to execute the agreement. As soon as all the signatures are obtained to execute the agreement, the PA will be made available for consulting parties at the City offices if you would like to be a concurring party to the agreement. In addition, we are looking into options for consulting parties not located in Hawaii to concur on the PA.

Again, thank you for your time to draft this agreement and thank you in advance for all future work.

Liz

Elizabeth Zelasko
Federal Transit Administration
1200 New Jersey Ave. SE s E45-340 s Washington, DC 20590
elizabeth.zelasko@dot.gov s (202) 366-0244