From: Bausch, Carl (FTA)
To: Zelasko, Elizabeth (FTA)
Sent: 10/21/2010 11:20:11 AM
Subject: RE: Honolulu PA

Good deal, Liz. Thanks. Carl

From: Zelasko, Elizabeth (FTA)
Sent: Thu 10/21/2010 5:18 PM
To: 'Miyamoto, Faith'
Cc: Bausch, Carl (FTA); Matley, Ted (FTA)
Subject: Honolulu PA

Hello Faith,

I had a conversation with Blythe Semmer the other afternoon regarding our proposed language for cumulative effects. She suggested some changes to help make the process more defined for handling adverse effects. Below is language from an email that I sent her to help address her comments and clarify other language. In her way, she said that the edits get closer to addressing her comments.

Please review and let me know as soon as possible that you are fine with the language so that I can share it with the other signatories. Please note that before the process with review times and coordination with consulting parties discussing mitigation, FTA would need to determine that that there would be an adverse indirect or cumulative effect not previously evaluated in the PA or FEIS.

Blythe also commented on the length of time for the cumulative effects after operation. I believe the longest FTA would be willing to consider cumulative effects is about a year after a project is fully operating. FTA finalizes the before and after studies and closes out FFGAs at that time.

Thank you!

Liz

Thank you very much for your call yesterday with recommendations on the programmatic agreement process. After looking at the WTC cumulative effects section in the PA and comparing it to draft Honolulu PA, I developed some follow up questions and text revisions. Under Section IX. Measures to address reasonably foreseeable indirect and cumulative effects caused by the project, FTA prepared the following text which I have revised based on our conversation from yesterday and other edits that I did not catch initially.

If any signatory to this PA finds during the duration specified in stipulation XIV.D or within six months of full operation of the entire project (whichever is earlier), that there is likely to be an adverse indirect or cumulative effect on a resource determined eligible for the National Register ~~as part of the~~

~~Section 106 process~~ within the APE for this project and that the adverse effect was not evaluated in this PA or the FEIS, that signatory shall notify FTA or follow the procedures identified in Stipulation I.G.j.

If consulting parties identify during the duration of this PA or within six months of full operation of the entire project (whichever is earlier)an adverse indirect or cumulative effect on a resource determined eligible for the National Register ~~as part of the Section 106 process~~ within the APE for this project and that adverse effect was not evaluated in this PA or the FEIS, the consulting party shall follow procedures identified in Stipulation I.G.j.

~~Upon such notification, FTA will call a meeting of the consulting parties to discuss what next steps would be appropriate under the new circumstances to mitigate the effects on such resources.~~

After the process described in Appendix A with the Signatories, Invited Signatories, and appropriate concurring parties, if FTA determines that there would be an adverse indirect or cumulative effect not previously evaluated in the PA or FEIS, then the City, in coordination with the Kako'o, shall consider measures with respect to the Project to avoid, mitigate or minimize such effects. The City shall share written documentation of this consideration with consulting parties. Consulting parties shall have 30 days to review and comment on this documentation. The City, in coordination with the Kako'o and the FTA, shall consider comments made by consulting parties. The City shall share its final decision on measures to avoid, mitigate, or minimize these adverse effects with consulting parties as described in Stipulation XIV.E.

One of the concerns that I heard you describe is the lack of a specific process for resolving identified indirect or cumulative. Perhaps what is confusing is having last paragraph (highlighted in yellow) within the stipulation. Already in the stipulation, I tried to reference back to the process under stipulation I.G.j which is a process for consulting parties to raise unanticipated effects to the kako'o. This stipulation also references more process information in appendix A to the PA. This appendix was added by the SHPO in her incorporation of example language from the Knik Arm PA. Do these revisions get closer to addressing your comments from yesterday?