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**From:** Miyamoto, Faith  
**To:** Zelasko, Elizabeth (FTA)  
**CC:** Hogan, Steve; Foell, Stephanie; Spurgeon, Lawrence; Judy Aranda; Zaref, Amy; Souki, Jesse K.  
**Sent:** 9/16/2010 4:38:49 PM  
**Subject:** FW: Honolulu Programmatic Agreement Language

Hi Liz –

We reviewed the proposed language and have the following comments.

1. We don't think the language addresses the SHPO's concern; but we can try it and see if it does.
2. We think that this stipulation makes the Appendix A proposed by the SHPO redundant.
3. One question that I had was the definition of "construction". Is construction defined as the construction phase for the entire project or only the time when construction is ongoing adjacent to the eligible property?
4. A second question that I had was whether we should be specific that the eligible resources are within the project's APE?

I will be sending the PA that includes the revisions as discussed on the teleconference to the FTA persons on previous emails. This version will not include the new Stipulation IX.D.

If you have some time tomorrow or Monday, please give me a call.

Thanks.

Faith

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**From:** elizabeth.zelasko@dot.gov [mailto:elizabeth.zelasko@dot.gov]  
**Sent:** Wednesday, September 15, 2010 5:36 PM  
**To:** Miyamoto, Faith  
**Subject:** Honolulu Programmatic Agreement Language

Hello Faith,

FTA considered our call with the other signatories last week on the programmatic agreement and developed this draft language on the indirect and cumulative effects. This would be a new paragraph D under section IX. We are considering proposing this language to the signatories but we wanted to get your thoughts first. Could you discuss this with your staff and let us know whether you have any edits?

Thank you,

Liz

D. If any signatory to this PA finds during construction that there is likely to be an imminent and significant adverse affect on a resource determined eligible for the National Register as part of the Section 106 process for this project and that the adverse effect was not evaluated in this PA, that signatory shall notify FTA. 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.

**Elizabeth Zelasko**  
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