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Sent:	11/17/2010 12:18:40 PM
Subject:	Revised Honolulu Transit PA
Attachments:	PA Nov 8 2010 for consulting parties.doc; PROGRAMMATIC AGREEMENT_changes since May 2010.pdf

Dear Consulting Parties,

Last winter and spring after numerous meetings with consulting parties, FTA worked with the signatories to clarify and edit language in the Programmatic Agreement (PA) for the Honolulu Transit Project (Project). FTA shared a draft of the PA with the consulting parties by email on [date]. During that time, FTA evaluated a minor shift in the alignment adjacent to the Honolulu International Airport for potential changes to Section 106 effects findings. FTA determined that there would be no changes to the adverse effect findings for the project and received SHPO concurrence on that determination.

In early June, the State Historic Preservation Division (SHPD) shared the draft PA with Laura Thielen, the State Historic Preservation Officer (SHPO). During her review, Ms. Thielen identified three areas of concerns with the draft PA. First, the Ms. Thielen stated that the draft PA needed to provide a more detailed process, timetable and responsibilities for consultation, fieldwork, treatment plans and mitigation plans for post-review archeological discoveries. Second, the Ms. Thielen requested that the City should provide staff expertise and continuity to assist the SHPD in meeting reviews generated by the Honolulu Transit Project. Lastly, the Ms. Thielen expressed concern about potential indirect and cumulative effects to the Chinatown and Merchant Street Historic Districts. These concerns are further articulated in a letter to FTA from the SHPO on June 29, 2010 (attached). Also attached is the November 8, 2010 version of the draft PA compared against a May 12, 2010 version that was shared with consulting parties.

To respond to the first concern on the process for post review discoveries, additional language was added to Stipulation XII of the PA. This language continues to recognize that it is FTA and the City's sincere goal to appropriately identify measures to avoid, minimize, or mitigate impacts to all archeological and Native Hawaiian burials during the preliminary engineering stages of the Project. In the case that resources are discovered, a slightly extended time frame was added for SHPD determination of treatment in the case that burials are discovered. In addition, the revised language in Stipulation XII clarifies the City's role in carrying out burial treatment in accordance with treatment plans, after appropriate consultation, as swiftly as possible. Revisions to these sections are on pages 28 and 29 of the PA.

To address SHPD resource concerns, the SHPO, NPS, and ACHP proposed inclusion of an independent PA Project Manager (*Kako'o*) to assist with the coordination of all reviews and deliverables required under the terms of the PA. The principal task of the *Kako'o* position will be to monitor and assess and report to consulting parties on compliance by the City with the PA, specifically the implementation of measures to resolve adverse effects. The *Kako'o* is envisioned to be a consulting firm as opposed to a single individual and will not take the place of the City hiring an architectural historian to manage City obligations under the terms of the PA. The *Kako'o* will also act as a first reviewer of City work products to ensure quality and consistency with SHPD standards. Language on the *Kako'o* position starts on page 6.

Lastly, starting on page 24, language was added to Stipulation IX to address currently unanticipated projects or actions that, in conjunction with the Project, could lead to adverse cumulative effects on historic properties within the APE,

particularly the Chinatown and Merchant Street Historic Districts. Primarily, the new language outlines a process for identifying potential cumulative effects, consulting to discuss potential effects and developing measures to mitigate effects after the PA is executed.

In addition to the changes above to address concerns raised by the SHPO, the U.S. Navy has requested to become a signatory to the PA. As of this email, the Navy has not requested any changes to the PA.

Many of these changes touches on topics raised by you, the consulting parties, during the meetings we held last summer and fall. FTA feels that these changes *add* to the clarity of process and protection of historic properties, however, we are eager to have your comments. FTA and the signatories and invited signatories will consider all comments received by Friday, December 3rd. Please send your written comments by email to me at elizabeth.zelasko@dot.gov. If you would like, I would also be happy to discuss your written comments further by phone. You can reach me at 202-366-0244.

Thank you for your time,

Liz

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