I		**DRAFT** ***SHPD Remaining Topics of Concern in the PA***
A	**Comment:**	**The dPA needs to specify a process, timetable, and the various parties' responsibilities for post-review archeological discoveries**
	Response:	The PA is designed to minimize the likelihood for "post-review" burial discoveries. The intent is to investigate all locations requiring excavation and to address any discoveries as pre-construction discoveries with the assistance of the OIBC and SHPD. In the event of a "post-review" discovery, the PA follows State law and would apply to few, if any, situations. The experiences related about other projects in the letter are not for a linear project in which the intent is that 100% of the potential impacts would be addressed prior to construction. They are more relevant to large surface projects that are investigated by testing select locations. This can yield an unrealistic understanding of the location of burials or artifacts. The AIS for the Rail Project is designed to minimize that possibility. Pages 4-178 and 179 of the Final EIS describes the City's approach to evaluate archeological resources so that mitigation will be conducted in advance of, and in some cases during, the construction phases in the Project's different geographic areas.
B	**Comment:**	**The Project requires SHPO review well above and beyond the norm and thereby the City must provide staff expertise and continuity to meet the reviews generated by the Project and in this PA**
	Response:	The PA review requirements were established by the consulting parties and agreed to by the City at their request, including SHPD. The PA can be revised to reduce the requirements on SHPD. The City has identified the need for an architectural historian to supervise the implementation of the PA in close cooperation with SHPD. The City is also open to discussing providing contractors to perform the SHPO's PA review responsibilities.
C	**Comment:**	**The adverse effects upon the two Historic Districts generated by the Project require special mitigation tailored to preserve the unique characteristics of entire districts.**

	Response:	The Project does not directly affect buildings within either district. The Project is not located within the boundaries of the Merchant Street District, and the City determined that there were no adverse effects to this district. Although the SHPD did not concur with this finding, the agency has never provided required documentation on the cause of the adverse effect determination, despite repeated requests. While the Project does occur within the Chinatown Historic District boundaries, Nimitz Highway already bisects the district separating it from the water. Although the Project technically crosses the Chinatown Historic District, it does so along the centerline of Nimitz Highway, which is a pre-existing impact to the district. Recognizing the change, however, the PA provides mitigation for these two districts in the form of proposed National Register and HABS documentation. Additionally, resources within these districts may be documented as part of interpretive work contained within the PA and/or may be the subject of studies resulting from the Humanities Program funding of $100,000. Buildings and property owners within the district can also benefit from the educational effort/program to encourage rehabilitation that will be established as part of the PA mitigation. Finally, the City has established a fund of $2 million for a Historic Preservation Committee to distribute to eligible or listed historic properties (including contributing properties within historic districts) within the APE for exterior improvements. Buildings within the districts will be eligible for this funding.
II	***The Draft Programmatic Agreement Does Not Adequately Address the Direct, Indirect, Reasonably Foreseeable and Cumulative Adverse Effects on the Chinatown Historic District and the Merchant Street Historic District Caused by the Project.***	
A	**Comment:**	**Examples of Direct, Indirect, Reasonable Foreseeable and Cumulative Adverse Impacts on the Historic Districts**
	1	**Development of a high capacity rail corridor and transit stops which alter the characteristics of the low-density historic properties**
	2	**Development of a transit corridor which slices apart a historic district, segregating the waterfront community from the upper portions of the community**
	3	**Development of transit facilities which will provide additional shelter to a large homeless population**
	4	**Development of transit structures which will be targets for graffiti, areas for drug dealing and drinking**
	5	**Development of transit stops with high volume of daily commuter traffic, creating tremendous new markets for commerce, resulting in increasing pressure to redevelop the two Historic Structures to a higher density**
	Response:	Development will be subject to review as legally required within these districts. Existing roadways "slice" the district, and the adverse effect determination and subsequent mitigation, as described above, address the adverse effect of the Project. Remaining statements contained in this comment appear to be outside the provisions of Section 106 requirements and are social concerns. The concerns about

		indirect and cumulative effects are addressed in the EIS as required by NEPA. They need not be in the PA. Section 4.19 of the Final EIS Indirect and Cumulative Effects describes and analyzes the indirect and cumulative impacts anticipated from the Project. A qualitative assessment of indirect and cumulative effects, including growth, was based on available information on historical, present, and foreseeable future development. Information was obtained from DPP, planning officials in the areas, and plans and studies prepared by others related to future development, including land developers active in the study area. Quantitative analysis is included for resources where data was available and for the resource areas. Federal guidance was used in evaluating the Project's cumulative effects, specifically CEQ's Considering Cumulative Effects under the National Environmental Policy Act (CEQ 1997a). Section 4.19.2 of the Final EIS evaluated the effect of the Project on growth in areas around stations. The analysis concluded Chinatown and Downtown already have TOD or TOD-like developments. Redevelopment in the area has taken place with recent condominium towers being built downtown. Further redevelopment could occur, particularly around the port, and incorporate more TOD elements in the future. The historic districts restrict redevelopment to a degree. The Project is unlikely to substantially alter existing development plans in the Chinatown and downtown areas. In addition to the DPP's design review process for development within the historic districts, DTS is responsible for ensuring that the mitigation commitments made in the Final EIS, including the PA, are followed. DTS will review each design to ensure that it conforms to the commitments outlined in the PA. Consulting parties will also review and comment on designs.
B	Comment:	**Section IV Design Standards Should be Amended to provide Distinct Standards and Procedures for the Two Historic Districts**
	Response:	The language about the Secretary of Interior Standards was asked to be included by the consulting parties. The Historic Districts were addressed in the PA and the wording conforms to the agreement reached during the PA consultation process. The effect on the districts is greatly overstated in the letter and is addressed in the PA. Clarification can be made to indicate that zoning and design criteria affecting the historic districts will be respected. Each station design will be the subject of three public workshops with the community who will be asked to participate in developing the design. These have already been held for stations in Waipahu, Kapolei and Pearl City. The PA provides 30 days for comments on plans. An extension can be provided for if it occurs concurrently with the design process.
C	**Comment:**	**Section VIII Mitigation for Specific Historic Properties Should be Amended to Include the Two Historic Districts**

	Response:	This section was developed at the request of consulting parties to address mitigation for specific historic properties. Concerns were raised during consultation during the summer and fall of 2009, at which time the SHPD participated in meetings but did not actively engage in discussions. The PA provides $2 million to address the effects on properties. This would apply to the districts as well. See above response for additional information on mitigation that includes the districts. The City would consider the request in order to assist SHPD in addressing its NPS corrective action plan. The potential for a Main Street Program was addressed thoroughly during the PA consultation process and left out of the PA. The mitigation fund and the formation of the associated committee to oversee its use with direct relationship to the Project effects were included instead.
D	**Comment:**	**Section IX Measures to Address Reasonably Foreseeable Indirect and Cumulative Effects Caused by the Project**
	Response:	Section 4.19 of the Final EIS Indirect and Cumulative Effects describes and analyses the indirect and cumulative impacts anticipated from the Project in accordance with federal guidance. This analysis concluded that archeological, cultural and historic resources have been previously affected during prior development within the study corridor. The grant fund and its budget were defined in discussion with the consulting parties, at meetings where SHPD staff was present, to include the entire APE as opposed to only resources that were directly affected by the Project in an effort to address potential indirect and cumulative effects. The demolition provision was included to measure changes in the number of historic and older properties over time at the request of the consulting parties. It was not intended as a basis for mitigation as the changes may not have any relationship to the Project. Regarding the suggestions, while homelessness and graffiti are not a Section 106 issue, the Project has a safety and security plan and will provide funding to maintain and enhance safety and security at the stations which will help prevent homeless use and vandalism of the facilities. That provision is addressed in the EIS. Further prevention will also be provided by plantings on columns and specialized anti-graffiti surface treatments. The requested funds are available in and the proposed uses consistent with the grant program already defined in cooperation with the consulting parties in the PA.
E	**Comment:**	**Redevelopment and Pressure for Higher Redevelopment with the Historic Districts is a Reasonable Foreseeable and Cumulative Impact that Requires Mitigation**
	Response:	These are appropriately addressed in the EIS. The comments about the City's TOD ordinance are a mischaracterization of the intent. Clarification will be made to avoid misunderstanding. Most of the effects mentioned are desirable as noted in the last paragraph. The Project has always committed to complying with the preservation needs of the historic districts. Please see the above response for information on mitigation measures within the PA.