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1 HHF 11/05/09	Page 1, 4th Whereas List of Consulting Parties	Are all of the listed entities actually consulting parties? Did they ask to be included or accept an invitation to be consulting parties? Many did not attend the meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties and included on the matrix of comments. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, should it be listed as a consulting party?			All entities listed are considered consulting parties. Therefore, they have been invited to sign.
2 HHF 11/05/09	Page 2, 3rd Whereas Reference to Attachment 1, APE	Attachment 1 was not provided. If this is the same map that was included in the Historic Resources Technical Report of September 2008, there are errors to historic district boundaries that need to be corrected.			Attachment 1 has been distributed several times to the consulting parties and was again distributed prior to the November 6, 2009 meeting. Per the November 6th meeting, the historic architecture APE boundary is being added as a solid line in order to be printed in black and white. Also, corrections have been made on the historic district boundaries.
3 HHF 11/05/09	Page 2, 5th Whereas Adverse effects determination	An exhibit should be provided that summarizes the nature of the adverse effect, including demolition, physical occupation of the site, damage from noise or vibration, effect on setting, feeling, or association, etc.			An exhibit will not be included in the PA, since this information is provided in detail in the *Historic Effects Report*. Please note that the SHPD has not provided information on the nature of the adverse effects for 11 historic properties where the agency did not concur. Please refer to the *Historic Effects Report* for this information.
4 HHF 11/05/09	Page 4 1st Whereas States "the Project will cross lands controlled or	Which Federal agency(s) owns the land" By providing a right of access, that Federal agency may have its own undertaking, in which case, it will need to comply with Section 106 for that			In addition to FTA, several other federal agencies own land, including USPS, GSA, Navy, and Air Force. For this project, FTA, is proposing the undertaking and is a signatory party. The agency owning the land would only have an undertaking if they are proposing an action, which is not the case. PA

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	owned by the Federal Government…"	undertaking. Are those federal agencies invited signatories to this PA? Will another PA need to be developed? How will that affect the project schedule and final clearances?			language has been revised to state that any of these agencies may adopt the PA at a later date if they so choose.
5 HHF 11/05/09	Page 6, Stipulation III Identification and Protection of Archeological Sites and Burials	Methodology for approving the surveys and plans should be included. HHF defers to OIBC in this matter, and notes that OIBC has requested "inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan."			Recognition that HHF defers to OIBC
6 HHF 11/05/09	Page 6, Stipulation III.A.2 Archaeological Inventory Survey	Methodology for conducting the survey should be included. HHF defers to OIBC and SHPD on appropriate methodology, but notes that OIBC has requested that the AIS "include a 100% subsurface investigation by archeological excavation (rather than my ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including but not limited to the locations or columns, stations, traction power substations and utility relocations."			Recognition that HHF defers to OIBC
7 HHF 11/05/09	Page 9 Stipulation IV. A States that "the city shall be guided by the	Should change this to say that the City shall follow the Secretary of Interior's Standards for the Treatment of Historic Properties.			Comment noted. Language currently in the PA was proposed by the ACHP.

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	Secretary of the Interior's Standards for the treatment of Historic Properties…"				
8 HHF 11/05/09	Page 10 and 11 Stipulation V Allows for SHPD opportunity to comment on both Historic Context Studies and CLRs, but only requires the City to consider comments while preparing the final version.	The City should need SHPD's concurrence on the final drafts before they are complete.			All work prepared under the PA will be consistent with federal guidelines; SHPD will have review opportunities as indicated in the PA. SHPD concurrence is not required.
9 HHF 11/05/09	Page 12 Stipulation VI.A.1 States that SHPD will determine appropriate listing procedures if owner objects according to the Hawaii Administrative Rules for owners who do	Cite the appropriate HAR sections of: 13-197 Practice and Procedure before the Hawaii Historic Places Review Board and 13-198 The Hawaii and National Registers of Historic Places Program.			The City is held to state law, whether specifically quoted or not. Therefore requested citations will not be included.

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	not consent.				
10 HHF 11/05/09	Page 13 Stipulation VI.C.2 The City will submit draft nomination forms to the SHPD for review and SHPD will provide comments within 30 days of receipt.	Submissions should be phased or more review time given to SHPD, as reviewing all of the nominations in 30 days at one time may not be feasible.			Schedule will be established with SHPD.
11 HHF 11/05/09	Page 13 Stipulation VI.F Took out from the October 15, 2009 version the following: "The City will add links to the documentation included in this PA to the website as it is approved by the appropriate review agency. Culturally sensitive materials related to Stipulation III will not be	What is the reason for excluding this section? It is replaced by XII.B?			See VII.B. This change was made based on ACHP comments.

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	posted for the general public. However, if the consulting parties agree, it may be included in a password-protected mode."				
12 HHF 11/05/09	Page 15 Stipulation VII. G and H Changed requirement for a kick-off meeting under each individual educational and interpretive program, materials, and signage to one kick-off meeting for all of them to develop: "a work plan, content for deliverables, and schedule for all projects required with Stipulation VII. The City will circulate a draft of the work	Developing and referencing a standard process for consultation on all of the educational and interpretive materials makes sense. However, that standard process should be triggered separately for each of the stipulations. For example, the interpretive program would not have the same kick-off meeting as the humanities program. Instead, each of the stipulations should state that the standard process will be used for each of the stipulations individually, or that one or more of the meetings may be combined at the request of FTA and concurrence by SHPD.			Based on consulting party comments, the kick-off meetings will be consolidated where possible. Most likely, the kick-off meeting(s) will result in individual break out groups to discuss specific issues.

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	plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The City will consider all comments received within 30 while preparing the final work plan and schedule in consultation with the SHPD."				
13 HHF 11/05/09	Page 15 Stipulation VIII.C. Replanting of true kamani trees	Specify that replacement trees shall be at least 12-inch caliper when planted. Can keiki be taken from the current trees and then be planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan (showing current location and proposed new locations, size and species specifications).			Replacement trees shall be as established as required by landscaping and tree replacement plans.
14 HHF 11/05/09	Page 16 Stipulation VIII.D.1 and 4 Allows for consulting parties, property	Signatories should be included.			Signatories are consulting parties and are therefore included.

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	owners, and other stakeholders to participate in kick-off meeting regarding adversely affected parks.				
15 HHF 11/05/09	Page 20 Stipulation XIII.C Duration states that PA is in effect until completion of construction.	Several stipulations are to be complete prior to beginning revenue service operations, which will be after construction. Stipulation IX.B is to be complete 3 years after completion of the Project. Therefore, the Duration of the PA should continue until the completion of all Stipulations, which may be after construction is completed.			Duration established per ACHP direction. PA has been revised to state that it will be in effect to complete all commitments specified in the PA.
16 HHF 11/05/09	Page 20 Stipulation XIII.D.3 Changed from previous version stating that the City shall conduct annual meetings of signatories and consulting parties to "FTA shall conduct an annual meeting of signatories and	Should state that FTA shall conduct a meeting with signatories and consulting parties at least annually over the duration of the PA.			This meeting is included in XIII.C.3.

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	consulting parties…"				
17 HHF 11/05/09	Page 57 Attachments Attachment 1: APE Attachment 2: Information on Historic Resources with Adverse Effect Determinations	The attachments are missing and should be provided, with corrections as noted in comment 2 above. Also provide Attachment 3 with the summary of cause of adverse effect (see comment 3 above) and Attachment 4 with the landscape plan for kamani trees (see comment 13 above).			The comment on attachments has been provided previously to the consulting parties. As discussed in comment #2 above, updated maps will be included as Attachment 1 of the PA. The PA will not include suggested Attachments 3 or 4.
1 AIA 11/04/09	Reference made to 36CFR 800.4(b)(2) This federal requirement noted the possibility for a phased approach. This provision also requires that you take into account the comments of the consulting parties concerning phasing	.Many consulting parties have stated that the phased approach is not appropriate for the determination of archaeological resources in the corridor because it is too late to make any substantive changes in the technology or route. Could you specifically address this issue in more detail in the matrix and in the PA?			As stated previously by FTA, the screening level analysis that was completed during the Alternatives Analysis phase of the project was appropriate and provided the basis for a decision on the Locally Preferred Alternative. Based on City Council action, that LPA was defined as an elevated fixed guideway along the alternative routes specified. The AA process included public input. At that time, no concerns were raised concerning archaeological resources or surveys. Technology considerations occurred later in the project, which also involved a public process and resulted in the selection of the rail project as analyzed in the EIS. A phased approach is allowed under the law and is appropriate for corridors such as this Project. Such an approach minimizes the disturbance of resources. As stated in several meetings with the consulting parties, every effort will be made by the Project Team to avoid affecting historic/archaeological resources by modifying design of project elements.
2 AIA 11/04/09	Adequacy of alternatives evaluation	Several times AIA has also brought up the issue of adequacy of alternatives evaluation which could lessen the adverse effect of the selected elevated line on the			This issue has been previously discussed at several consulting parties meetings. Mitigation for all resources is proposed in the EIS and in the PA to address concerns related to historic resources. As discussed in these meetings, a 4(f) analysis has been completed for adversely effected resources. Also, if a

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		setting and integrity of historic resources. This does not seem to be addressed anywhere in the matrix.			newly identified resource is determined to be adversely effected, then an alternatives analysis, per the requirements of Section 4(f) will be completed, as required by law. Archaeological, cultural, and historic documentation has been distributed that was used in support of Alternatives Analysis.
3 AIA 11/08/09	In the City's Alternatives Analysis Report November 2006, page 4-1 states "The Fixed Guideway Alternative would require more displacements and affect more potentially historic structures than the other alternatives."	Since the fixed guideway was the only actual rail system evaluated in the DEIS, it seems and essential step was missed, thoroughly evaluating an alternative at the EIS level that did not impact the historic sites. Could you address a specific answer to this question to all the consulting parties before we wrap up the PA? It would appear that decisions in the resolution of Section 4(f) would impact the Programmatic Agreement. The PA cannot absolve any disparity that hasn't been addressed in Section 4(f).			Section 4(f) completion requires completion of the Section 106 process first. The Draft 4(f) analysis was included for review and comment in the Draft EIS.