Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement Between the Federal Transit Administration, Hawaii State Historic Preservation Officer and Advisory Council on Historic Preservation

Section 106 Consulting Parties Meeting – No. 8

PB Americas Office, 1001 Bishop Street, Suite 2400
Wednesday, September 30, 2009
8:30 a.m.

Meeting Notes

Attendees
ACHP - Blythe Semmer (call-in)
AIA Honolulu - Spencer Leineweber (call-in)
City Corporation Counsel: Jesse Souki
FTA: Ted Matley, Jim Barr, Ray Sukys (all call-in)
Department of Planning and Permitting – Kathy Sokugawa, (call-in), Terry Ware (after 11 am)
Historic Hawaii Foundation (HHF) – Katie Kastner, Kiersten Faulkner
National Trust for Historic Preservation (NTHP) - Betsy Merritt, Brian Turner (both call-in)
National Park Service, Pacific West Region – Elaine Jackson–Retondo (call-in)
RTD Project Team: Faith Miyamoto, Lawrence Spurgeon, Stephanie Foell (call-in), Steve Hogan, Judy Aranda, Kaleo Patterson, Ryan Tam, Laura Assum-Dahleen
State Historic Preservation Division – Susan Tasaki (call-in)
U. S. Navy – John Muraoka, Patty Coleman (both call-in)

Moderator: Leland Chang

A. Welcome and Introductions
- Leland Chang welcomed the consulting party (CP) participants and agencies.
- Self introductions were made by each representative.

B. Meeting Purpose and Ground rules [Leland Chang]
- The purpose of this meeting is to continue consultation with CPs to review the September 28 draft of the Programmatic Agreement (PA) and work toward finalization.

C. Continued Review of Updated Programmatic Agreement [All Parties]

- **X. Construction Protection Plan**

FTA — Suggest removing this Stipulation since the Construction Mitigation Plan will be specified in the FEIS and ROD as a contractor requirement. FTA's Transit Noise and Vibration

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	Impact Assessment Guidance provide the criteria. FTA will provide suggested verbiage.
NTHP	NTHP requested that the provision remain and that specific numeric limits be set for noise and vibration impacts to historic buildings.
NPS	Are these recommendations or are they requirements?
Project Team	The Transit Noise and Vibration Impact Assessment provides specific criteria that must be met.
ACHP	If providing the details of the Assessment is duplicative, perhaps we could cite specific references. If the publication itself is referenced, we need to ensure that the baseline information can be easily retrieved. This section should also include statements that clarify the City's obligation to inform the contractors and subcontractors of their responsibilities concerning historic resources.
NTHP	Is it possible to provide a list or map of resources and their corresponding threshold?
Project Team	Yes.

STIPULATION X: RESOLUTION / ACTION

1. Jim Barr will provide suggested language for the Noise and Vibration provision.
2. Project team will provide table of properties and associated Noise and Vibration Impact thresholds.

- **XI. Post Review Discoveries**

Items: A and D

ACHP	This section is like an insurance policy. The greater specificity we can provide about the process the more we will enhance the effectiveness of the PA.
Project Team	The sections we are reviewing today are related to built historic properties.
ACHP	This is where we should describe the response plan to handle the unexpected discoveries of historic buildings.

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Project Team	Basically, the City will follow the guidelines established in the HRS, which contains specific timeframes. What is a reasonable time frame? Two weeks?
ACHP	Hopefully none of the post review discoveries procedures will ever be used but they should be specified and in place.
SHPD	Section 13-275-13, Hawaii Administrative Rules provides guidelines for emergency projects. Perhaps use as a building block; describes consensus within 3 working days.
NTHP	We know that FTA will guarantee the process. Who pays the cost?
Project Team	The Project/Contractor will pay the cost.
NPS	Time frame should be added to Section D) and notification to SHPD within 3 days.
HHF	Perhaps Section D) should be moved to Stipulation X, Construction Mitigation Plan.

STIPULATION XI: RESOLUTION / ACTION

1. Project Team will develop language for Section A) – specific timelines, etc.
2. Consider moving Section D) to Construction Mitigation Plan Stipulation.

- **XII. Public Involvement**

ACHP	This is standard language for all PAs.
NTHP	During the first few years, the reports should be quarterly rather than semi-annual when construction activity is intense.
ACHP	Can the project website be used to post information on a regular basis and advise that it exists? If more current information is desirable, how can we make that easily available?
HHF	Several of the stipulations have a public involvement (PI) component. Is this in addition to those? This is a good way to address public issues and really explain the intent of this section.

ACHP	Perhaps the title of the Stipulation should be changed to *Public Information and Resolution of Concerns.*
HHF	Is this part of the overall PI program?
Project Team	Yes, it will be one element.

STIPULATION XII: RESOLUTION / ACTION

1. Project Team will update text to describe the intent of this Stipulation.

- **XIII. Administrative Procedures**

NTHP	Under Item E), change reference from MOA to PA. Also, would there be a new PA for the Project extensions?
Project Team	Yes, the Project extensions would result in a new PA but would be guided by this PA. See Whereas clause onpage 4 regarding 'future extensions'
Project Team	Annual meeting with regular updates to the website within a regular time period would be acceptable.
NTHP	How was the end date of December 31, 2018 determined?
Project Team	Construction ends in 2018.

STIPULATION XIII: RESOLUTION / ACTION

1. Project Team will update as a framework.

REVIEW OF OVERALL CHANGES TO PA

- **Page 1** No Changes

- **Page 2**

NTHP	Attachments A and B have not been provided. A = detailed maps and for the adversely effected properties – details to include boundary maps. B = includes a listing of each resource.

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Project Team	The attachments were submitted with the original PA. However, we will post them to the FTP site and provide link to CPs.
HHF	Do we have a confirmed list of the 33 historic resources? Could we create a reference table that lists the resources and their effects?
Project Team	In the NEPA document, we have a list of the general effects. However, there are some 11 properties for which we do not know the effects, since this was not provided by SHPD.
NPS	What is the national register property relating to the true kamani trees?
SHPD	Will check on this question and get back to CPs.
Project Team	The description on the eligibility form indicates that the true kamani tress is a design component of Dillingham Blvd.

PAGE 2: RESOLUTION / ACTION

1. Project Team will post Attachments A and B on the FTP site and advise CPs.
2. Project Team will develop a Reference Table for the historic properties in the APE.
3. Susan Tasaki to check on register status of true kamani trees.

- **Page 3** No Changes

- **Page 4**

NTHP	Propose modifying the language regarding the TOD ordinance and NTHP could provide some proposed language. Currently, it appears overstated on what the ordinance actually states. The ordinance would not necessarily protect against demolition of historic buildings.
ACHP	To be consistent with Section 106 terms, change reference from SHPD to SHPO and use consistently and appropriately throughout the PA.
Project Team	SHPD has requirements for historic resources and burials and in some cases SHPD is the appropriate reference.
NPS	Public Involvement – are we signing off on the process? Delete word "appropriate" from text.

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ACHP	Whereas clause: describe the PI activities.

PAGE 4: RESOLUTION / ACTION

1. Project team will update to ensure we state the requirements of the TOD ordinance as it is stated.
2. Delete term 'appropriate' in Whereas clause and add detail on the activities that have taken place e.g., NEPA scoping, public meetings/hearings, public comment, etc.

- **Page 5**

HHF	Traditional Cultural Properties (TCP) B) Mitigation consultation. Request that some additional description of the process be added – 106, etc.
ACHP	Define the process, the City will assess the effects, describe the consultation process, who does what and by when, determination and mitigation measures, and conclusion.
HHF	TCP A) - identification may require consulting outside of with CPs.
NPS	TCP B) define what is meant by "immediate vicinity"
Project Team	Will clarify and add "substantial construction by phase" to stipulation.
ACHP	Instead of "substantial construction" suggest final design instead. Request an overall timetable and sequencing. Can we use the Project's phases?
Project Team	We will need to think through how to describe this.
AIA	Are we starting to identify TCPs right away?
Project Team	Study starts within 30 days of execution of the PA.
NTHP	Concern that Section 4(f) may apply if TCP studies result in determination of adverse effects.

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ACHP	Need to acknowledge that a lot of TCP studies in Ewa Plain have been completed so Project is not starting from scratch in Phase 1.

PAGE 5: RESOLUTION / ACTION

1. Project Team will add text to describe the process and ACHP will review.

- **Page 6**

ACHP	We will send some additional language for Stipulation II.

PAGE 6: RESOLUTION / ACTION

1. Project Team will review the suggested language from ACHP and incorporate as appropriate.

- **Page 9**

HHF	Design Standards - a) change "shall consider" to "will comply with the SOI standards". How will the design team know they must comply with SOI standards?
ACHP	Add the wording "ensure that design is consistent with…"
AIA	For historic properties, we need to go beyond the footprint of the historic resource (e.g. Dillingham Transportation Building). Need to ensure that historic buildings get the same consideration as all other resources.
NTHP	Design Review provision. Surprised that Item C) was not changed concerning review periods for design plans.
Project Team	Project's responsibility is to SHPD. For station design plans, we can provide reviews at 30% and 65% since they are Design-Bid-Build (DBB). For Design/Build (DB) projects, preliminary and final design plans can be provided.
NPS	If we are to agree to IV. A), then C) needs details.
ACHP	CPs should be able to comment on design and City be provided the opportunity to gather the input. Then, designers can decide on the disposition of those comments

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Project Team	Signatory and CPs will be included in the design review. However, SHPD can ask for other assistance if they choose.
AIA	We want to make sure we are not changing state law in terms of review time. Can SHPD request a longer review time?
SHPD	We will review and advise.

PAGE 9: RESOLUTION / ACTION

1. Add the wording "ensure that design is consistent with…"
2. Project Team will develop a schedule matrix that includes reviews for DBB and DB.

- **Page 10** No Changes

- **Page 11**

ACHP	C) 2 – should become D) (stand alone). Rewrite last sentence in C) 1. List the details of the timeframes.

PAGE 11: RESOLUTION / ACTION

1. Change C) 2 to D).
2. Rewrite last sentence in C) 1.
3. Provide timeframe details.

- **Page 12**

NTHP	Has the Navy reviewed the provision? Has the Project received any feedback?
Project Team	(Navy Reps no longer on the line). We received several questions that required clarification only.
HHF	VI. C) Insert that Project will complete "and submit: NRHP Nominations."
NTHP	We really want to have a plan for outreach to property owners.
Project Team	Perhaps we can copy Item D) language and add to Item C) 1 to apply to all nominations.
HHF	How will these nominations go through the process?
Project Team	VI. C) 3 shows this.

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HHF Define the nomination procedure: Create the form, work with owners, SHPD review, and submit.

PAGE 12: RESOLUTION / ACTION

1. VI. C) Insert that Project will complete "and submit: NRHP Nominations." Rewrite last sentence in C) 1.
2. Copy D language to C) 1 to apply to all nominations. Reformat numbering.
3. Define the nomination procedure: Create the form, work with owners, SHPD review, submit.

- **Page 13**

AIA Provide more detail on timelines in Stipulation VII.

Project Team We will use the Project schedule discussed earlier. **PAGE 13: RESOLUTION / ACTION**

1. Provide more detail on timelines in Stipulation VII in overall project schedule.

- **Page 14**

ACHP Regarding B): 1000 copies – provide details on distribution, audience, who attends to this task, etc.

PAGE 14: RESOLUTION / ACTION

1. Project Historian will manage.

- **Page 15**

ACHP Will the Humanities Program end and exhibits be taken down?

Project Team No, this is not the intent of this Stipulation. We will change the language in D) 3 to clarify.

PAGE 15: RESOLUTION / ACTION

1. We will clarify the language in D) 3.

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NTHP For VIII. B) - provide plan for review and comment from SHPD.

NPS Change term to "will comply".

HHF Parks – we want to be sure to include adjacent property owners and stakeholders.

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NTHP	Expressed concern regarding courtyard near Dillingham Transportation Building (DTB) and request new provision on mitigation of courtyard.
FTA	FTA Headquarters feels there is a substantial impact to the courtyard and considers it an "urban refuge." However, FTA Region feels otherwise.
Project Team	The courtyard is not an historic element.
NTHP	What is the significance of this courtyard? Is it a part of those surrounding properties?
HHF	Given we will follow SOI standards and review process, issue of this property will likely be addressed. Also, what about the OR&L property?
Project Team	Project is currently in discussions with property owners on how to integrate the station with the courtyard.
NPS	If the courtyard is included in the NR nomination, this changes the considerations for that area. DTB Building as well as OR&L.
NTHP	Requests mitigation for courtyard; design review is inadequate. Is there an opportunity to compensate for loss of this "urban refuge?"
Project Team	Simply because this courtyard will change due to the station does not necessarily mean that the environment will be worse.

PAGE 16: RESOLUTION / ACTION

1. For VIII. B) - provide plan for review and comment from SHPD.
2. Project team will conduct further research on DTB and add new Whereas clause.
3. Project team will consider mitigation for DTB courtyard.

- **Page 17**

Lengthy discussion on various ways to estimate an adequate / appropriate amount of this fund. $2 million agreed to by CPs.

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HHF	B) Composition of Historic Preservation Committee (HPC) discussed. Add expertise required in traditional cultural properties (TCPs).
HHF	Does the fund also cover the cost to administer the funds? This should be covered as a separate administrative fee.
HHF	Would the HPC be subject to the sunshine law?
Project Team	Since it is an allocation of resources, we should anticipate that is the case.
NPS	What is the timeframe for hiring the Architectural historian?
DPP	As quickly as the process will allow.
NTHP	Is it possible that the Project Historian runs the HPC?
Project Team	Funds for administration needs to be separate.
HHF	Suggestion: B) define HPC and the intent; monitoring and reporting step – e.g., protect historic resources from demolition, consequences. C) Add report of demolitions at annual meeting.
Discussion:	81 known resources and those within 2,000 feet of the station areas (TOD area). Reporting of permit applications for demolitions within TOD area, including radical alterations of historic buildings; establish "threshold of alarm" for demolition permits. Need to define what would be considered "alarming."
	Report permit applications for demolitions at annual meeting.
Project Team	Project knows that there are 81 known historic resources within APE. We have little information outside the APE or within the 2000-foot station limit.
HHF	XIII C) 4. - add "will monitor, report, and discuss possible response to study findings and potential mitigation to be added to PA."
	Add intent of annual meeting.

PAGE 17: RESOLUTION / ACTION

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1. Fund amount will be $2 million.
2. Annual meeting to report on demolition/radical alteration of historic building status within TOD area. Discuss study findings and potential mitigation.
3. C) Define intent and responsibilities of HPC

D. Next Steps

- Burials Task Force is meeting tomorrow, Thursday, Oct 1.
- Project team will provide updated PA for review by close of business, Friday, October 2.
- Next meeting: *To be Determined* at PB Americas Office, 1001 Bishop Street, Suite 2400 – 8:30 a.m.
- Call in: 1-888-742-8686; ID 3784294

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