

Assum-Dahleen, Laura

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Sent: Tuesday, September 22, 2009 4:33 PM

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Cc: Van Epps, James

Subject: Section 106 PA Meeting Reminder

Aloha Section 106 Consulting Parties!

Just a reminder that our next Section 106 Programmatic Agreement Meeting is scheduled for 8:30 tomorrow morning, Wednesday, September 23.

You can join us in person at PB Americas office, 1001 Bishop St., Suite 2400. Or join us via telephone at 1-888-742-8686, ID 3784294.

Mahalo for your continued participation and cooperation.

Aloha!

10/27/2009

AR00060983

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

**Section 106 Consulting Parties Meeting
PB Americas Office, 1001 Bishop Street, Suite 2400
Monday, September 23, 2009
8:30 a.m.**

Agenda

- A. Welcome and Introductions
- B. Meeting Purpose and Groundrules
- C. Continued Review of Updated Programmatic Agreement
- D. Next Steps

Telephone Access: 1-888-742-8686, ID 3784294

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. 7

PB Americas Office, 1001 Bishop Street, Suite 2400
Wednesday, September 23, 2009
8:30 a.m.

Meeting Notes

Attendees

ACHP - Blythe Semmer (call-in)
AIA Honolulu - Spencer Leineweber
City Corporation Counsel: Jesse Souki
FTA: Ted Matley, Jim Barr, (both call-in)
Historic Hawaii Foundation (HHF) - Kiersten Faulkner
National Trust for Historic Preservation (NTHP) - Betsy Merritt, Brian Turner (call-in)
National Park Service, Pacific West Region – Frank Hays, Elaine Jackson-Retondo (call-in)
RTD Project Team: Faith Miyamoto, Lawrence Spurgeon, Stephanie Foell (call-in),
Steve Hogan, Nalani Dahl, Judy Aranda, Kaleo Patterson, Ryan Tam, Laura
Assum-Dahleen
State Historic Preservation Division – Pua Aiu, Nancy McMahon (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 current Draft of the Programmatic Agreement and work toward finalization.
- C. Continued Review of the 9/16/09 Version of the Programmatic Agreement [Leland Chang]
- **STIPULATION VI. NATIONAL REGISTER OF HISTORIC PLACES/
NATIONAL HISTORIC LANDMARK NOMINATIONS**
NPS The Multiple Property Submissions (MPS) is part of the
Historic Context Studies (HCS) completed under Section V.
Recordation and Documentation. Why is the MPS shown
separately in the PA?

Project Team	Section has been revised to state that the HCS will accompany the MPS.
NPS	What happens if NPS determines there are additional resources to be included?
Project Team	We do not anticipate identifying additional resources within the APE. However, if additional resources are identified, provision XI. B Post-Review Discoveries describes the procedure to be followed. It should be noted that MPS may include properties that are outside of the APE.
NPS	If additional resources are identified within the APE, this would trigger the Section 4(f) process.
Project Team	If additional resources are identified and determined eligible, FTA would review whether there is an adverse effect, with consideration for avoidance and mitigation. The 4(f) process allows for discovery at a later date.
NPS	Returning to Traditional Cultural Properties (TCPs), if we believe that there are TCPs in Chinatown, shouldn't we go ahead and identify them now?
ACHP	The format of the PA has been revised to ensure that issues such as these are addressed early on. See Stipulation II of the 9/16 draft. This clarifies the process and then addresses additional treatment measures. TCPs are different than those properties where NPS may determine the appropriate documentation measure
HHF	The MPS section is too passive as it simply indicates that it will be defined. This submission needs to flow from the HCS and include chronological details, responsible parties, time frame, and task mapping. The City will submit the MPS to SHPD and with the Navy, as appropriate.
AIA	MPS section states the individual properties will not be documented, however, all should be identified.
Project Team	Wording has been clarified that each property will be documented and submitted as a group-- not as individual properties.

NTHP	<p>Suggest expanding the qualifications of the individual (to include architectural expertise) who will be completing the submissions.</p> <p>Concerning VI (B): it appears that this provision is contingent on Navy action.</p>
Project Team	<p>We have been communicating with Navy officials on this issue and they have indicated their willingness to work with us to complete their study update. However, we do not yet have approval or commitment in writing.</p>
ACHP	<p>This is a very important issue to the ACHP and is an important part of the mitigation package. We want to structure this section so that it is enforceable.</p> <p>Add provision that approval from Navy is required.</p>
NPS	<p>The main impact to Pearl Harbor is visual. What mitigation measures might be available to minimize the visual impacts?</p>
Project Team	<p>From a practical standpoint landscaping could be used as mitigation. Also, consider preservation through the grant type funding.</p>
NPS	<p>The Makalapa historic view shed has already been identified as being impacted by the elevated rail. Does the Section 4(f) evaluation address this in terms of avoidance alternatives such as an at-grade?</p>
FTA	<p>Visual impacts are difficult to mitigate. When alternatives were being considered (during the AA phase), it was found that an at-grade system would not meet the purpose and need of the project. The only way for the system to truly be 'rapid' is to be elevated.</p>
HHF	<p>In brainstorming other mitigation, could bridges be designed more elegantly to minimize the bulkiness and concrete mass of the guideway?</p>
Project Team	<p>The basic design is fairly fixed and the base structure design actually minimizes noise, but there are some aesthetic issues that could be addressed that would make it more attractive. Structural concerns established the current shape; although proposals have been received from the potential Design/Build (D/B) contractors that reconsider the depth of the structure.</p>

There is potential for a smaller profile and perhaps some adjustment in the height of the guideway, but there is no way to escape the fact that there is going to be a visual impact.

HHF Is concrete construction the only option?

Project Team Concrete or steel are the options. Concrete has been chosen because of its relative cost effectiveness. Guideway D/B contractors will be required to provide assurance of consistency in the color and texture of the concrete throughout the guideway.

NPS There are a lot of transit projects that use art-type aesthetics to mitigate impacts. Could this be a consideration for the important view sheds? The Pattern Book needs to address visual concerns.

Project Team This is still under consideration.

FTA Comments and input from the public on the DEIS related that the visual impact of the project is significant and steps are being taken to address this issue.

HHF Suggest that treatment areas not be limited, but mitigation be applied universally wherever possible. There are areas where special attention could be utilized.

AIA If bid proposals have been submitted, how can the CPs influence the decisions regarding aesthetics/visual impacts?

Project Team The first Phase bid proposals have been received, which include aesthetics information. Actual construction will not begin for 8 or 9 months so there is time.

HHF Are the contractors bound by the Design Guidebook?

Project Team Yes.

NPS Has the RFP been released?

Project Team Yes, and bid proposals have been submitted.

NPS Can CPs review the RFP?

Project Team We will check into this.

NTHP	Concern about fragmentation of existing neighborhoods. Is mitigation possible to improve connectivity?
Project Team	This issue is addressed in the Final EIS. By and large the guideway is following long-established transit corridors so there is very little fragmentation. The Downtown station in particular will provide an enhancement for the public by building a cross-highway walkway.
NPS	Is noise mitigation covered under NEPA or should it be covered under Section 106?
Project Team	In following the FTA criteria, there are no noise impacts due to the Project.
ACHP	Want to ensure coordination with SHPD on the Historic Properties Database.
HHF	Thank you for including the provision for a database. Also, we want to ensure the public has access to the database, including access control.
Project Team	The database provision has been rewritten.

STIPULATION VI: RESOLUTION / ACTION

1. Provide detail of the process for Multiple Property Submissions
2. Confirm coordination with Navy on updated the NHL nomination for Pearl Harbor National Historic Landmark.
3. Provide process for visual impact mitigation through aesthetics. Should this be a separate Stipulation?
4. Check if the Guideway D/B RFP is available for CPs to review.

▪ **STIPULATION VII. INTERPRETIVE MATERIALS AND SIGNAGE**

ACHP	This stipulation needs more detail. What is the deliverable of the Humanities program? Describe the concept and who will develop the outline plan and how will CPs contribute? Explain what the product/deliverable is, the curriculum, requirements of final product, when it would be delivered, and distribution plan.
FTA	HHF's Stipulation 5 – Public Education is well thought out and presented.
HHF	Perhaps the materials could be organized buy audience – e.g., riders, owners of historic properties, children, etc.

STIPULATION VII: RESOLUTION / ACTION

1. Project team will review and provide additional detail. CPs will provide comments.

▪ **VIII. Mitigation of Specific Resources**

NTHP	Will the lava rock curbstones be re-installed by the City? Intent is unclear.
Project Team	Yes, the intent is that they will be re-installed.
HHF	Suggest that mitigation under B.) be changed to “retro-fit to meet structural integrity standards” rather than ‘current standards’.
	What is the issue concerning Kapalama Canal Bridge?
Project Team	The bridge rails do not meet standards.
HHF	Do we know if the current rails original historic features or have they been changed?
Project Team	We are unsure.
AIA	We can do research on historic features and advise.
NTHP	We often see SHPD review issues such as this.
ACHP	SHPD has probably worked on these types of issues on FHWA projects.
Project Team	As this is essentially post-ROD work, it will go through the Section 106 Process. We will add a reference providing for SHPD consultation and review.
HHF	Are the True Kamani Trees historic?
Project Team	They are a set originally planted by the Outdoor Circle and SHPD identifies them as historic.
HHF	Request that an exhibit be added on the details of preservation, where they exist and where they are to be relocated. Also, add SOI standards should be followed.
NPS	Are the Kamani Trees eligible for the National Register?

SHPD	They were determined to be Heritage trees so should be eligible.
HHF	On the Parks issues, provide detail on commitment. \$250,000.000 appears insufficient. Why was Irwin Park excluded from this draft?
Project Team	We are considering reference to this section as “adversely affected parks” rather than identifying the parks individually. Park jurisdiction varies so we will need to work with each owner to establish a plan. We will provide enhancement funds, if the owner agrees.
FTA	We should name all three parks: Walker, Mother Waldron and Irwin. FTA would support a \$1,000,000 fund. However, if the funds are not used, the remaining funds could be rolled over to the historic preservation fund described in stipulation IX. B.
Project Team	City is willing to commit, \$250,000 for each park for a total of \$750,000; with any unused funds going to the Historic Preservation Committee (HPC) fund.
HHF	Is it possible to hold design charettes with owners and perhaps adjacent businesses (e.g., Aloha Tower Marketplace and Topa Tower) and the public).

STIPULATION VIII: RESOLUTION / ACTION

1. Review A) for clarity of intent to re-install curbstones.
2. Add reference for SHPD consultation and review.
3. Determine if True Kamani Trees are NR eligible.
4. City will commit \$750,000 to parks rehabilitate and maintain.
5. City will consider plan for design charettes for parks.
6. Add following guidance from the Secretary of the Interior standards.

▪ **IX. Measures to Address Reasonably Foreseeable Indirect and Cumulative Effects Caused by the Project**

Project Team	The purpose in B) is to provide for a specific outlay of monies that can be used for restoration and enhancement for eligible properties in the corridor in recognition of indirect and cumulative effects.
AIA	How was the \$1,000,000 amount determined?

Project Team	The funds are tied to properties within the APE. The City looked at what mitigation could be effected (direct mitigation and indirect effects) and determined the cost to be at about \$1,000,000. These funds can be used for any aspect of historic preservation.
NTHP	The mechanism / process appears to provide sufficient flexibility for making decisions on how the funds can be used. There needs to be flexibility on the time (other than during construction) frame that the funds can be utilized. It is unlikely that preservation work would be done at the same time that construction is underway.
Project Team	It is understandable that some owners would prefer to wait until after construction is complete to complete the preservation work. However, we also need to consider the time limitations of the GET funds.
NTHP:	The CPs need to come up with a list of possible projects and costs.
HHF	Concern that \$1,000,000 may not be sufficient. Perhaps the Preservation Fund should be a separate stipulation?
SHPD	Suggest providing additional detail about the HPC's responsibilities, procedures and timelines. HPC should also follow the SOI standards. Also, describe intent of fund.
Project Team	The intent is that the HPC would essentially provide an objective 3 rd party review.
HHF	Concerning the CLG and Main Street Programs, the City does not have a preservation program, although they have enabling legislation.
Project Team	In discussions with the City's Department of Planning and Permitting (DPP), DPP has indicated that Main Street and CLG type programs are redundant with programs they have in place, including the recently adopted TOD Ordinance. The intent of the Project architectural historian is to assist with ensuring that the tools are utilized and that coordination between City departments occurs. The scope of the work must be relevant to the project.
ACHP	Section A) is vague. Could the role of the Project architectural historian be expanded to include this individual being the point

person to implementing the Stipulations, assisting with granting program and coordinating programs and efforts, scheduling of regular reporting and meetings?

Project Team-Yes. The description of this position will be strengthened.

STIPULATION IX: RESOLUTION / ACTION

1. Preservation fund could be a separate stipulation?
2. Add following guidance from the Secretary of the Interior standards.
3. Expand and define the role of the Project architectural historian to include implementation, coordination and regular reporting.
4. CPs to develop list of possible preservation projects and costs.
5. Describe intent of preservation fund.

D. Next Steps

- Consulting Parties will provide any additional comments on the September 16th version of the PA by Friday, September 25th, close of business.
- Project team will provide updated PA for review by close of business, Monday, September 28th.
- Next meeting: Wednesday, September 30, 2009 at PB Americas Office, 1001 Bishop Street, Suite 2400 – 8:30 a.m.
- Call in: 1-888-742-8686; ID 3784294