

**Assum-Dahleen, Laura**

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**From:** Assum-Dahleen, Laura  
**Sent:** Monday, August 03, 2009 12:18 PM  
**To:** 'Elaine\_Jackson-Retondo@npd.gov'; 'Nancy.A.McMahon@hawaii.gov';  
'Susan.Y.Tasaki@hawaii.gov'; 'BSemmer@achp.gov'; 'Brian\_Tumer@nthp.org';  
'Elizabeth\_Merritt@nthp.org'; 'amy@aiahohnolulu.org'; 'katie@historichawaii.org';  
'keabad@ksbe.edu'; 'keola@oha.org'; 'sherry\_campagna@hotmail.com'; 'jeff@jn-architects.com';  
'ccampa1@msn.com'; 'kiersten@historichawaii.org'; 'deepak@hcdaweb.org'  
**Cc:** Spurgeon, Lawrence; 'Miyamoto, Faith'  
**Subject:** HHCTCP Consulting Parties Meetings

Dear HHCTCP Consulting Parties:

Thank you for attending the meeting on July 28, 2009. We appreciate your input as we develop the Programmatic Agreement. We are working this week to review, consider, and investigate all of your comments and believe that keeping our planned meeting time for August 4, 2009, would prove helpful as we revise the PA. We will look forward to seeing you at the Laniakea YWCA at 9am, as indicated on your initial invitation. We will have an improved phone system for those who will have to call in to the meeting. The call-in number will remain 1-888-742-8686, Confirmation ID 3784294.

We would also like to invite you to a third meeting in this series, to be held on Tuesday, August 11 from 10am-11am at the PB Americas Office, 1001 Bishop Street, Suite 2400. Please note the change in location and time. Again, the call-in number will remain the same as that given above.

We look forward to seeing you there.

10/26/2009

AR00061151

**Honolulu High-Capacity Transit Corridor Project  
Programmatic Agreement Between the Federal Transit Administration  
and  
State of Hawaii Department of Land and Natural Resources**

**Consulting Parties Meeting  
August 4, 2009, Laniakea YWCA  
9:00 a.m. to 11:00 a.m.**

**Agenda**

- A. Welcome and Purpose of the Meeting
- B. Introductions
- C. Agenda and Groundrules
- D. Summary of Discussion Points from the July 28<sup>th</sup> Meeting
- E. Detailed Review of the Revised Draft PA
- F. General Discussion
- G. Next Steps and Plan for the Third Meeting
- H. Wrap-up and Aloha

**Honolulu High-Capacity Transit Corridor Project  
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August 4, 2009, Laniakea YWCA  
9:00 a.m. to 11:00 a.m.**

**MEETING NOTES**

Attendees: Jeff Nishi (AIA Honolulu), Amy Blagriff (AIA Honolulu), Spencer Leineweber (AIA Honolulu), Kiersten Faulkner (Historic Hawaii Foundation), Kawika McKeague (Oahu Island Burial Council), Hinaleimoana Falemei (Oahu Island Burial Council), Chasmin Sokoloski (Prince Kuhio Hawaiian Civic Club), Frank Hays (National Park Service, Pacific West Region), Pua Aiu (State Historic Preservation Division), Faith Miyamoto (RTD), Lawrence Spurgeon (PB), Stephanie Foell (PB), Leland Chang (Moderator), Jesse Souki (City)  
Call-In: Nancy McMahon (State Historic Preservation Division), Elaine Jackson-Retondo (National Parks Service – Pacific West Region), Blythe Semmer (Advisory Council on Historic Preservation), Ted Matley (Federal Transit Administration), Elizabeth Merritt (National Trust for Historic Preservation)

**A. Welcome and Purpose (Faith Miyamoto)**

Ms. Miyamoto welcomed participants to the meeting and thanked them for their input. The purpose of this meeting is to review the comments received at last week's meeting and the updated Programmatic Agreement.

**B. Introductions (Leland Chang and Participants)**

Those present and representing agencies and those on teleconference introduced themselves.

**C. Agenda and Groundrules (Leland Chang)**

Mr. Chang reiterated that he is a neutral moderator and explained his role as keeping the discussions on task.

**D. Summary of Discussion Points from the July 28<sup>th</sup> Meeting (Lawrence Spurgeon)**

Mr. Spurgeon addressed the general concerns regarding the PA schedule and schedule development by explaining that the first drafts of the PA were prepared about one year ago. Since that time the Project Team has met with SHPD, HHF, and OIBC representatives to develop the document and address their concerns.

*ACHP Question:* How did the Consulting Parties receive their drafts for review and how did the Project team receive and respond to comments?

*Project Response:* All Consulting Parties received a copy of the Draft PA via mail.

Comments were received via mail and verbally and have been considered in the preparation of this current document.

*ACHP Question:* How can the upcoming revised version be circulated for review and comments prior to the next meeting?

*Project Response:* Will be addressed at Next Steps Agenda Item.

Mr. Spurgeon reviewed the Summary of Revisions to the Programmatic Agreement as follows:

- Whereas clauses added to recognize design measures to minimize project effects, include the public, and follow state and federal laws.
- Recordation clause revised to address consultation with HABS/HALS staff.
- Commitment made to provide web-access to historic documentation.
- Consultation with signatories and concurring parties added for work products stipulated in the PA. Review of the products remains with the responsible party, which in most cases is the SHPD.
- Pearl Harbor NHL update added pending Navy commitment to access.
- Stipulation to repair any inadvertent damage.
- Preparation of a Traditional Cultural Properties study added.
- Jurisdiction of OIBC specifically recognized.
- Clarification of preservation in place option added.
- Placeholder provided for *force majeure* (acts of nature) clause

Ms. Miyamoto reviewed the Summary of Comments not incorporated into the Programmatic Agreement as follows:

- Preservation/restoration of resources not within the APE for the project
- Establishment of new City or State offices not directly affiliated with transit
- Preservation/restoration work to any resources not physically affected by the project

*SHPD Question:* If there is a limitation of financial resources available for mitigation locally, shouldn't the Project be able to use federal funds for mitigation purposes?

*Project Response:* The City has decided to not consider preservation / restoration / mitigation of those resources not physically affected by the Project and / or not within the APE for the Project. If applicable, federal funds could be used.

*ACHP Question:* [Directed to FTA] Is it permissible for federal funds be used for mitigation purposes for resources that are outside the APE?

*FTA Response:* In general federal funds can be used for mitigation. However, resources should be reviewed on a case-by-case basis.

*HHF Question:* Why is the City & County of Honolulu not listed as a Signatory on the Programmatic Agreement?

*ACHP Response:* Technically the applicant is an invited signatory.

*OIBC Question:* [Directed to FTA] OIBC has requested to become a signatory on the Programmatic Agreement, but has not received a response or determination.

*FTA Response:* The matter is still under consideration.

*HHF Question:* Will there be a separate Programmatic Agreement / Section 106 Agreement for the Navy?

*Project Response:* We have not received a response from the Navy regarding their participation as yet. We have incorporated provisions for the Pearl Harbor resource into the Programmatic Agreement.

## **E. Detailed Review of Revised Draft PA (Stephanie Foell)**

- Page 2, 2<sup>nd</sup> Whereas:  
*ACHP Question:* Is minimization and avoidance complete? Explain the opportunities for consultation on these resource impacts.  
*Project Response:* This statement just recognizes considerations to date.
- Page 2, 3<sup>rd</sup> Whereas:  
*NPS Question:* If the components will follow the Project's *Design Pattern Guidebook*, shouldn't the Consulting Parties have a copy?  
*Project Response:* Yes.  
*OIBC Comment:* Request a copy of the *Design Pattern Guidebook*.  
*Project Response:* The *Guidebook* will be provided as an Appendix to the Programmatic Agreement.  
*NPS Question:* Who created the *Guidebook*?  
*Project Response:* The *Guidebook* was developed by the Agency during the initial planning phase.  
*NPS Question:* Is it final or is it a living document?  
*Project Response:* Essentially it is a living document with parameters noted that must be addressed.
- Page 2, 4<sup>th</sup> Whereas:  
*NPS Question:* How are off-island agencies and individuals able to comment on station design?  
*Project Response:* We will explore considerations to allow this input.  
*ACHP Comment:* Suggest that the language and scope be broadened to include all consulting agencies and public comments.
- Page 3, 1<sup>st</sup> partial paragraph:  
 Mother Waldron Playground is the name of the resource as provided in the National Register. The PA will continue this nomenclature.  
 No agency comments.
- Page 3, 6<sup>th</sup> Whereas:  
 ACHP has decided to participate and language will be inserted reflecting this decision.
- Page 3, 9<sup>th</sup> Whereas:  
 This statement notes applicable laws only.  
 No agency comments.
- Page 4, I. Recordation and Documentation A):  
*NPS Comment:* The process and documentation is determined by NPS. They establish what views are needed photographically and determine documentation level and format.  
*Project Response:* The Project Team would need to provide NPS with digital images of the resources and maps. The intent is to provide an archive of black and white photos for all of the resources for SHPD and address other resources as directed.  
*NPS Comment:* Elaine Jackson-Retondo stated that she would provide suggested language for the submittals.  
*Project Question:* What level of detail would SHPD require?  
*SHPD Response:* Resource documentation is most often requested in the HABS/HALS format.  
*HHF Question:* What was the purpose of having different levels of documentation?  
*Project Response:* Levels are relative to the nature of the impact: physical or visual.

*NPS Comment:* Documentation of appropriate mitigation should be made available through a local repository.

*Project Response:* Appears that the best practices approach would be to provide preliminary information for all resources and then consult with NPS to determine the detail level needed.

*NPS Comment:* NPS will assist with the development of appropriate language.

*AIA Question:* Will additional digital photos be available for everyone?

*Project Response:* Project team will discuss process and advise.

- Page 4, I. Recordation and Documentation B)

No agency comments.

- Page 5, I. Recordation and Documentation C)

*HHF Comment:* Define “possession of the City”.

*SHPD Comment:* Consider not using “Koko Head” as a direction as it may imply that the Project will serve the Koko Head area. Suggest “Ala Moana to ‘Ewa...”

*Project Response:* Project Team will consider this language.

- Page 5, I. Recordation and Documentation D)

*HHF Comment:* Define “possession of the City”.

*Project Response:* Project team will consider clarifying language.

- Page 5, I. Recordation and Documentation E)

*HHF Comment:* This should include much more including some type of geocoding.

Suggest that a stipulation be made for the City to provide the means for developing this resource.

*Project Response:* There are several areas of consideration in this task which will need discussion.

- Page 5, II. Retain/Replace Lava Rock Curbstones

No agency comments

- Page 5, III. Cultural Landscape Reports

*SHPD Comment:* Under most circumstances SHPD would be the responsible reviewer of the Cultural Landscape Reports. Therefore, SHPD is willing to assist with determining the details of the Reports.

*NPS Comment:* Please ensure that agencies are given the opportunity to provide expertise as well as comment on the CLR's.

- Page 6, V. National Register of Historic Places/National Historic Landmark Nominations A)

*HHF Comment:* Suggest no limit be stipulated as all eligible resources should be considered. How will resources be categorized and/or selected for documentation? Will the Context Statements be limited?

*Project Response:* As noted, signatories and concurring parties will participate in the process and their input will be used to shape the MPS process. The resources cannot be selected until the context is completed and resources likely to be eligible as part of the context can be selected. Identifying resources prior to the completion of the context would be premature.

*HHF Question:* How was the number of submissions determined?

*SHPD Comment:* This was discussed during the early development of the PA. The intention is that one resource per phase would be submitted.

*Project Response:* The process and studies should identify the appropriate resources and Project team will work with agencies throughout. It is likely that numerous resources within the APE and the project vicinity would be eligible underneath the context to be developed. Because of the nature of the MPS processes, more resources can be added to the nomination at any time. The Project cannot commit to an unlimited number of resources.

- Page 6, V. National Register of Historic Places/National Historic Landmark Nominations B)

*Project Comment:* Section will be updated when discussions with the Navy are concluded.

*NPS Comment:* Suggest removal of the wording “As appropriate” since NPS and SHPD must review the documentation.

- Page 7, V. National Register of Historic Places/National Historic Landmark Nominations C)

No agency comments

- Page 7, V. National Register of Historic Places/National Historic Landmark Nominations D)

*HHF Question:* Is it possible to complete more than 12 NRHP nominations?

*Project Response:* Project team will work closely with SHPD, to determine resources to be documented. A provision with no limitations cannot be included.

- Page 7, V. National Register of Historic Places/National Historic Landmark Nominations E)

No agency comments

- Page 7, VI. Traditional Cultural Properties

*SHPD Comment:* Add the Numerical ID for the Bulletin.

*SHPD Question:* Will the selection of resources be phase-related? A consistent approach to resource selection for all processes is preferred.

*Project Response:* Many issues will already be addressed in the mitigation process.

Increases in mitigation expenses will need to be considered by the City.

*HHF Comment:* There should not be a funding limit to the mitigation and preservation processes. The City must do what is appropriate. HHF wants to actively consult on these issues and not just provide comments. 80% of the comments provided by the consulting parties have been dismissed.

*Project Response:* All comments were reviewed and carefully considered and included as appropriate.

*NPS Comment:* Consultation with agencies drawing upon their areas of expertise should be a Project priority.

*OIBC Question:* How proactive is the City willing to be? OIBC expects a transparent process for all historic studies. It is important that history prior to western contact also be considered.

- Page 7, VII. Interpretive Materials and Signage A)

No agency comments

- Page 8, VII. Interpretive Materials and Signage B)

No agency comments

- Page 8, VII. Interpretive Materials and Signage C)

No agency comments

- Page 8, VIII. Review and Approval A)  
*Project Comment:* Stipulation numbers will be updated as appropriate.
- Page 8, IX. Post-Review Discoveries for Built Historic Resources  
No agency comments
- Page 8, X. Programmatic Stipulations for Archaeological Sites, A) Initial Planning 3.  
*OIBC Comment:* Want to ensure that OIBC is involved with any and all burial issues, prior, current and future discoveries. Would prefer detailed stipulation language rather than reference to HAR.  
*SHPD Comment:* Suggest additional narrative to clarify jurisdiction.
- Page 9, X. Programmatic Stipulations for Archaeological Sites, B) Fieldwork 5.  
No agency comments
- Page 9-10, X. Programmatic Stipulations for Archaeological Sites, C) Treatment Plans  
No agency comments
- Page 10, X. Programmatic Stipulations for Archaeological Sites, D) Mitigation Plans, 2. Burial Treatment  
*OIBC Comment:* Prefer that a detailed process be developed to guard against negligence. OIBC's responsibility is to make the determination on preservation in place. Project must follow these recommendations. It is important to OIBC that the Hawaiian voice be heard.  
*SHPD Comment:* This section stipulates an expedited review of 10 days; 90 days is the normal review / response period.  
*Project Response:* At any and each discovery OIBC will be consulted. Project will sample sites for any finding and will work to move any column to accommodate the preservation recommendations. Project team will work with OIBC and SHPD to develop a comprehensive process and provide clarification.
- Page 9, X. Programmatic Stipulations for Archaeological Sites, D) Mitigation Plans, 3. Data Recovery Programs, b.  
No agency comments
- Page 12, XI. General Provisions, D) Effective Date and Duration, 2. Duration  
*HHF Comment:* Would like to see an expanded task list related to historic resources.
- Page 13, XI. General Provisions, F) Qualifications of Personnel  
No agency comments
- Page 13, XI. General Provisions, G) Work products...  
Standard repositories added.  
No agency comments
- Page 13, XI. General Provisions, I) FTA shall...  
Inadvertent damage clause added  
No agency comments
- Page 14, XI. General Provisions, J) *Force Majeure*  
*SHPD to provide text to be added.*

#### F. General Discussion

*SHPD Comment:* Request that Project team provide updates by phase.

*SHPD Question:* Will the standard term and termination clauses apply?

*NPS Comment:* Suggest stipulation on post-construction monitoring.

*Project Response:* On-going monitoring and mitigation is part of the EIS.

*OIBC Comment:* [Directed to FTA] Waiting on word on signatory status determination.

*SHPD Comment:* The Programmatic Agreement does not address cumulative effects; how will this be approached?

*AIA Comment:* What other mitigation is being considered? Where is the Project in the Section 4(f) process?

*Project Response:* Final effects notification was received last week. In the 4(f) process the Project works individually with each resource. .

*OIBC Comment:* It is important that the Project show consideration for the Native Hawaiian community to preserve the integrity of the Project. Do not sacrifice 'pono' for time or money.

*HHF Comment:* There needs to be further discourse on the global and cumulative effects of the project.

#### **G. Next Steps and Plan for the Third Meeting**

- Next meeting is scheduled for Tuesday, August 11 at 10:00 am at the PB offices located at 1001 Bishop St., ASB Tower, 24<sup>th</sup> Floor
- *NPS Comment:* Please ensure that all documentation is provided to participants in time to provide a review prior to the meeting.
- *Project Response:* All notes and revised PA will be sent to participants by the close of business on Friday, August 7.
- *NPS Question:* What is the purpose of the third meeting?
- *Project Response:* Final PA.
- *NPS Comment:* There are large scale issues that need to be resolved. Focus our efforts and review all mitigation.
- *Project Comment:* We will explore the possibility of a meeting with SHPD and FTA only to get guidance on moving forward.
- *Commentator Comment:* Ultimately, signing parties need to agree and be comfortable with the Programmatic Agreement.
- *NPS Comment:* By Section 106 procedure, those individuals at the table are able to commit on behalf of the agencies they represent. Ensure that Project representatives who have this power are present at the meeting.

Participants are asked to keep the August 11 date open. An Agenda and plan will be developed and distributed.

ADJOURNED: 11:20 am