From: Miyamoto, Faith
To: Ted.Matley@dot.gov
CC: spurgeon@pbworld.com
Sent: 10/2/2009 12:10:12 AM
Subject: FW: WHEREAS clause for Section 106 PA

Hi Ted -

During an emotional meeting with the Section 106 task force charged with revising Stipulation III, the following WHEREAS clause was requested by the Oahu Island Burial Council. The City thinks we have addressed what the OIBC wants, although maybe not as strong as they want. Please review and let me know if FTA would be willing to include language such as this in the PA.

WHEREAS, the City completed an Alternatives Analysis in 2006 that disclosed the potential to disturb Native Hawaiian burials to the east (Koko Head direction) of Nu'uanu Stream, and the City after considering both technical information provided in the AA and comments from the public, selected a Locally Preferred Alternative that has the potential to contain Native Hawaiian burials, and the City recognizes that the *phased identification and evaluation* approach outlined in 36 CFR 800.4(b)(2) may lead to the location of specific Native Hawaiian burials during the Archaeological Inventory Survey, and the City recognizes that the OIBC may require Native Hawaiian burials identified in the AIS to be preserved in place; and

We wanted to have FTA review before we shared it with the task force because if you do not feel that it should be included, then we need to propose some other method to deal with the OIBC's concern/anger regarding this matter, such as stating our understanding of the postion that we have put them in in a letter to them.

If you are available, I would like to discuss this matter with you, along with updating you on the happenings with the Section 106 PA and how we should proceed from now. I will be in the office from about 8:15 a.m. tomorrow, except for 1:15 p.m. to 3:00 p.m.

Faith

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