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**From:** Miyamoto  
**To:** ted.matley@dot.gov  
**CC:** spurgeon@pbworld.com; foell@pbworld.com; Miyamoto, Faith; aranda@infraconsultllc.com; hogan@pbworld.com  
**Sent:** 9/10/2009 2:25:32 AM  
**Subject:** Fw: Honolulu Rail Project

Hi Ted -

As I stated in my email to Blythe, our topics of concern are as follows:

Cumulative effects - Definition under Section 106; ACHP Guidance Document by Carol Legard on "Consideration of Indirect and Cumulative Effects in the Section 106 Process" defines "Cumulative Impacts" differently from how it is being applied in the ongoing Honolulu consultation process. ACHP guidance document defines cumulative impact as the result of the incremental impact of the action added to other past, present and reasonably foreseeable future actions on an individual resource.

Effects determination - Section 106 sets forth a linear process to arrive at the MOA/PA. We have gone through the process of determining the area of potential effects and identified the adverse effects of the project on historic properties. The adverse effect findings shall then form the basis for determining the appropriate mitigation. In our case, we agreed to accept the adverse effect determination for 11 additional resources that the SHPO wanted to further consult on. However, the SHPO has yet to specify the reasons for the adverse effect determinations.

Mitigation - The MOA/PA records terms and conditions to "resolve adverse effects of an undertaking upon historic properties". My understanding is that the MOA/PA should be limited to resolving the adverse effects that have been concurred to by the SHPO. Some of the stipulations being suggested by the consulting parties are beyond these limitations.

We are looking to the ACHP and FTA to inform/educate the consulting parties if the discussions are going beyond the requirements of the Section 106 process.

It was our intent that Friday's meeting would be the final meeting with all of the consulting parties. Our goal was to get all of the input on the open issues and then provide the signatories with the result of this input in the form of a draft of the final PA.

Also, I did get a voicemail message from John Muraoka of the U.S. Navy regarding the invitation to be a signatory. He indicated that they were not planning to respond to the letter. In other projects where they were invited to be a signatory, they were just sent the PA and then at that time, chose to sign or not sign. I will follow up with him on this, because we may have to make some revisions to the WHEREAS clauses, if we do not get a response letter from them.

Also, I am probably confusing you because I sent my previous email using my personal address. I am sending this message from home again. I have not had a chance to speak with our consultants and do not want to delay your discussion with HQ. Therefore, by copy of this message, I am asking Lawrence Spurgeon and Stephanie Foell of PB Americas to add to what I described as topics of concern.

I will try calling you when I get in to the office.

Thanks.

Faith

----- Original Message -----

**From:** [Ted.Matley@dot.gov](mailto:Ted.Matley@dot.gov)  
**To:** [miyamotos@hawaiiantel.net](mailto:miyamotos@hawaiiantel.net)  
**Sent:** Wednesday, September 09, 2009 1:15 PM  
**Subject:** RE: Honolulu Rail Project

Faith, our HQ folks now suggest we talk with ACHP first. Can you briefly email your topics of concern?

AR00127378

Thanks,

Ted

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**From:** Miyamoto [mailto:miyamotos@hawaiiintel.net]  
**Sent:** Wednesday, September 09, 2009 2:42 AM  
**To:** Matley, Ted (FTA)  
**Subject:** Fw: Honolulu Rail Project

Hi Ted -

I have not been successful in reaching Blythe. Should I try talking to Charlene Dwin Vaughn? Any thoughts would be greatly appreciated.

I am hoping that we can wrap up our discussions with the consulting parties on Friday. Am I being too optimistic?

Faith

----- Original Message -----

**From:** Miyamoto, Faith  
**To:** [bsemmer@achp.gov](mailto:bsemmer@achp.gov)  
**Cc:** [miyamotos@hawaiiintel.net](mailto:miyamotos@hawaiiintel.net) ; [Ted.Matley@dot.gov](mailto:Ted.Matley@dot.gov) ; [Spurgeon, Lawrence](#) ; [Foell, Stephanie](#) ; [Judy Aranda](#) ; [Hogan, Steven](#)  
**Sent:** Tuesday, September 08, 2009 11:02 AM  
**Subject:** FW: Honolulu Rail Project

Hi Blythe –

Resending the following email message. Any chance we can talk tomorrow? Or Thursday?

Thanks for your help in this matter.

Faith

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**From:** Miyamoto, Faith  
**Sent:** Friday, September 04, 2009 9:49 AM  
**To:** '[bsemmer@achp.gov](mailto:bsemmer@achp.gov)'; '[Ted.Matley@dot.gov](mailto:Ted.Matley@dot.gov)'  
**Cc:** 'Spurgeon, Lawrence'; Foell, Stephanie; Hogan, Steven; Judy Aranda  
**Subject:** Honolulu Rail Project

Hi Blythe –

We would like to get some clarification regarding cumulative effects, the effects determination and mitigation (is it appropriate for us to mitigate non-effects, effects that have not been concluded through the effects determination process). Would we be able to discuss these issues with you on a conference call early next week, like Tuesday or Wednesday morning, at about 8:00 am (Hawaii), 11:00 am (Pacific), 2:00 pm (Eastern)? I asked FTA if it was ok for us to talk and Ted said that they would join us on the call.

Please let me know when would be a good time for you. Also, Ted, if you could let me know when would be good for you. Looking forward to discussing these issues next week.

Faith Miyamoto  
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