

Appendix A—Comments and Responses on the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation

This appendix includes all comment all comment submissions received on the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] along with responses to all substantive comments that pertained to the topics of the Draft Supplemental EIS/4(f). Common comments are summarized and responses are provided to those comments in Section 5.2.4 of the Final Supplemental EIS/4(f). Where comment responses refer to common responses, please see those responses in Section 5.2.4 of the Final Supplemental EIS/4(f).

The submissions are grouped to begin with agencies (federal, state, and local), groups and organizations, individuals and companies, and finally the transcript of the public hearing. Each group in the following index is sorted alphabetically except the transcript which is in the order of speaking. Numbers in parenthesis indicate the number of multiple submissions from the listed party.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER:
(ER 13/0409)

Filed Electronically

22 July 2013

Mary Nguyen
Federal Transit Administration
888 South Figueroa Street, Suite 2170
Los Angeles, CA 90017

Subject: Draft Supplemental Environmental Impact Statement (DSEIS), Department of Transportation (DOT), Federal Transit Administration (FTA), Honolulu Rail Transit Project (formerly the Honolulu High-Capacity Transit Corridor Project), Hawaii

Dear Ms. Nguyen:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement (DSEIS), Department of Transportation (DOT), Federal Transit Administration (FTA), Honolulu Rail Transit Project (formerly the Honolulu High-Capacity Transit Corridor Project), Hawaii. We have the comments to assist your preparation of the Final EIS.

DOI-1

DOI-1

The FTA and HART appreciate the Department of the Interior's interest in the Honolulu Rail Transit Project.

RE: NRHP Eligible or Listed Properties Evaluated for Section 4(f).

The document states that factors considered in evaluating whether a property was eligible included the age of a property (built before 1967) and its integrity (D SEIS p34, 55). Using these two factors, 42 properties along the Beretania Street Tunnel alignment and corridor were identified as eligible.

DOI-2

The properties listed in the Supplemental EIS/4(f) were evaluated for eligibility for listing on the NRHP using the same process and assumptions used to determine eligibility of properties during the Section 106 process for the Project. Please see Common Response 9 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Two points of concern: none of these evaluations has had State Historic Preservation Division (SHPD) review or concurrence and not every property of a certain age is eligible for listing on the National Register of Historic Places (NRHP).

DOI-2

The SHPO was sent copies of the Draft Supplemental EIS/4(f) for review and comment on May 31, 2013. As noted in the State of Hawaii Department of Land and Natural Resources letter, dated July 22, 2013, the SHPO did not comment on the Draft Supplemental EIS/4(f). A summary of consultation efforts with SHPO is included in Section 5.1 of the Final Supplemental EIS/4(f).

Given that eligibility for listing on the NRHP is based on significance and integrity associated with a property's significance during the associated period of significance, it seems that evaluations for the properties along the Beretania alignment are incomplete and not comparable to the level of evaluation conducted in the FEIS and Section 106 consultation for properties along the Project alignment, which were reviewed by and received concurrence from the SHPD. It is possible that not all 42 identified properties included in the DSEIS are eligible for the NRHP.

Additionally, the Beretania Tunnel Alternative would not necessarily adversely affect all of the historic properties. For example, the FEIS states that 81 properties listed on the NRHP or determined eligible for the register were identified in the 20 mile corridor of the Project. It was determined through the Section 106 finding of effects that 33 of the 81 were adversely affected; SHPD concurred with this finding.

In the draft SEIS, the section of the Project that is compared with the Beretania Tunnel Alternative stretches between Ka'aahi Station and Ala Moana Center. Counting the number of historic properties identified in Figure 4-77 of the FEIS, there are at least 30 historic properties in this section of the Project,

of which 15 are identified in the FEIS as adversely affected (this is the number used in the draft SEIS). It would be a safe assumption that not all historic properties within the Beretania Tunnel Alternative segment would be adversely affected. Given that a finding of effect isn't available for the Beretania Tunnel Alternative, the comparable would be the potential to adversely affect historic properties, which would include all identified historic properties in both alternatives.

DOI-2
(cont.)

The draft SEIS 4(f) evaluation considers the full length of the Beretania alignment to UH Manoa, and compares it to the much shorter Project corridor that ends at Ala Moana Center. Since a decision was made by the agency after issuance of the DEIS, not to include the "planned extension to UH Manoa" shown in Figure 2-8 of the DEIS, the comparison in the draft SEIS should have treated the Beretania Street Tunnel Alternative in the same manner rather than including the full length to UH Manoa. It is likely that if the Beretania Tunnel option had been included in the original FEIS that the decision to limit the project to 20 miles would have applied to this alternative as well. Depending on where the 20 mile mark would fall, somewhere between 15 and 23 of the historic properties shown on Figure 17 of the draft SEIS would no longer fall within the corridor of the Beretania Street Tunnel Alternative. Considering this issue from another perspective, if the full length from Ala Moana Center to UH Manoa were considered for the Project, it would seem a strong likelihood that the potential for the Project to adversely affect additional historic properties would increase.

DOI-3

RE: Mother Waldron Park analysis

Sections of 4.1 and 4.2 include confusing statements and in at least one instance a partial quote that is misleading.

The following is an excerpt from Page 80 of the DSEIS:

The boundary of the NRHP-eligible historic property is the current boundary of the park, which contains both historic contributing and non-historic, non-contributing elements. The period of significance for Mother Waldron Playground spans from its construction date in 1937 until 1945, when supervised play ceased and Honolulu's Board of Parks and Recreation was formed. Effects on non-contributing elements do not constitute an adverse effect to the historic property.

The contributing historic elements include the Art Deco/Art Moderne-style comfort station, the remaining portion of the 'Ewa boundary wall, internal walls and benches, and the general layout of the makai portion of the playground, which constitutes the remaining portion of the recreational landscape that is still in its original configuration (Figure 32).

The structures (walls and benches) on the mauka side of the park have been reconstructed and relocated. As a result, they are not eligible for the NRHP per 36 CFR 60.4, "structures that have been moved from their original locations shall not be considered eligible for the NRHP". The shape and size of the mauka side playground have been revised, and the configuration and equipment have been changed.

DOI-4

The citation in the third paragraph that references 36 CFR 60.4 is a partial citation that is misleading. As such the conclusion on page 80 of the DSEIS is incorrect. The full citation is:

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of

DOI-3

The scope of this Supplemental EIS/4(f) is limited to the evaluation and findings under Section 4(f) of the Department of Transportation Act related to whether the Beretania Street Tunnel Alternative is a feasible and prudent avoidance alternative per the District Court Order on Cross Motions for Summary Judgment. The Summary Judgment did not require an examination of additional alternatives. Please see Common Responses 1 and 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) for a discussion of additional alternatives.

A project must connect logical termini and be of sufficient length to address environmental matters on a broad scope, as required by 23 CFR 771.111(f)(1). If funding becomes available, and an extension of the Project to UH Mānoa is undertaken at a future date, the National Environmental Policy Act and Section 106 processes would be completed for the extension. Neither 23 CFR 771 nor the Court's Summary Judgment Order requires the evaluation of a lengthened alternative for the Project that is no longer under consideration.

DOI-4

The analysis is consistent with 36 C.F.R § 60.4, which states in its entirety:

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria of if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

The complete text does not alter the discussion because the features that have been moved and reconstructed are not part of a historic district and do not qualify for any other exception listed in the provision. The property as a whole is a historic property, but the relocated and reconstructed elements are not contributing elements to the property.

districts that do meet the criteria or if they fall within the following categories:

There is a statement in the last paragraph on page 80 that “The setting, feeling and association of the park are not part of the playgrounds historic significance.” This statement is a bit confusing. Setting, feeling, and association are three of the seven aspects of integrity, with location, design, materials and workmanship constituting the other four. The setting, feeling and association should be described as aspects of the integrity. If they have been compromised or diminished then that is the statement that should be made along with an explanation to support the assessment.

DOI-5

Also note that the Historic Effects Report, which is an appendix to the PA, is cited in the DSEIS and had SHPD concurrence, identifies impacts to the setting as the cause of the adverse effect (see p. 91 of the DSEIS).

The following statement from p.91 of the DSEIS does not make sense:

Effect on Historic Features
During the Section 106 historic review process, the FTA determined the eligibility of an effect on historic properties located within the Area of Potential Effects for the Project. In consultation with the SHPO, the FTA determined that the Project

DOI-6

Suggest rewriting for clarity, perhaps to the affect: “During the Section 106 consultation, the FTA evaluated the effect of the Project on historic properties located within the Area of Potential Effect.”

Further explanation may be needed to resolve two statements regarding the effect of the Project on the historic integrity of Mother Waldron Neighborhood Park.

On page 91, there is the following statement, “In consultation with the SHPO, the FTA determined that the Project will have an adverse effect on Mother Waldron Playground.” And, on page 95, there is the statement, “The project would not adversely affect the activities, features or attributes that make the property eligible for the NRHP.”

DOI-7

These two statements seem to be at odds. There was a finding of adverse effect, specifically to the setting, and arguably to the feeling and association, although this was not established in the original assessment. It does not seem to make sense that the conclusion could be that there isn't an adverse effect. Thank you again for the opportunity to comment. If you have any questions, please address them to Dr. Elaine Jackson-Retondo at 415-623-2368 or elaine_jackson-retondo@nps.gov.

Sincerely,



Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
OEPC Staff Contact: Lisa Chetnik Treichel

DOI-5

The Draft Supplemental EIS/4(f) evaluated Mother Waldron Park and Playground within the context of Section 4(f). If a project does not permanently incorporate land from the historic property but results in an adverse effect, it is necessary to further assess the proximity impacts of the project in terms of the potential for constructive use under Section 4(f). As described in Section 1.2.1 of the Draft Supplemental EIS/4(f), a constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.

The substantial alteration of the Playground's boundaries, and the changes in setting, since its period of historical significance are documented in Section 4.1 of the Draft Supplemental EIS/4(f). Every building adjacent to the Playground has been demolished or replaced, and the use of every parcel surrounding the Playground has changed since its construction. As depicted in Figure 29, the Playground's setting was changed significantly when an apartment building was constructed on part of the property, and the park's boundaries were expanded. In short, the setting, feeling, and association have been highly compromised, as described in Section 4.1 of the Draft Supplemental EIS/4(f).

Section 4.1.2 of the Final Supplemental EIS/4(f) identifies the aspects of Mother Waldron Park that contribute to its eligibility for the NRHP and Section 4.2.2 evaluates whether the Project would “substantially impair,” per 23 CFR part 774.15, those aspects in a way that “substantially” diminishes Mother Waldron Park from qualifying for the NRHP. The Project would result in a visual effect because it introduces a new visual element, the guideway, into Mother Waldron Playground's setting in a close proximity to the park. However, the setting, feeling, and association of the park have been highly compromised by the development and construction in the surrounding area. Mother Waldron Playground derives its historic significance from its historical development and use as a playground and its remaining architectural and landscape design features. Remaining significant historic features of the original playground include the Art Deco/Art Moderne-style comfort station, remaining portion of the 'Ewa boundary wall, internal walls and benches, and the general layout of the makai portion of the playground. The Project would not affect the architectural and landscape design features of the playground. Therefore, the Project would not adversely affect the activities, features or attributes that qualify Mother Waldron Playground under Section 4(f)

DOI-6

The text has been revised in the Final Supplemental EIS/4(f) to read “eligibility of properties for listing in the NRHP and the effect of the Project on historic properties located within the Area of Potential Effects”.

DOI-7

The text has been revised in the Final Supplemental EIS/4(f) to read “The Project will not create proximity impacts so severe that the protected activities, features, or attributes that qualify Mother Waldron Playground for protection under Section 4(f) are substantially impaired.” Section 4.1.1 of the Draft Supplemental EIS/4(f) discusses the protected features of Mother Waldron Playground. See response to DOI-5 regarding the differences between the finding of adverse effect under Section 106 and substantial impairment under Section 4(f) for Mother Waldron Playground.



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Pacific Islands Water Science Center
677 Ala Moana Blvd., Suite 415
Honolulu, Hawaii 96813
Phone: (808) 587-2400/Fax: (808) 587-2401

HART

June 6, 2013

'13 JUN 10 P1:52

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Dear Mr. Grabauskas and Mr. Matley:

Subject: Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation, Honolulu
Rail Transit Project

Thank you for forwarding the subject DEIS/4(f) for review and comment by the staff of the U.S. Geological Survey Pacific Islands Water Science Center. We regret however, that due to prior commitments and lack of available staff time, we are unable to review this document.

USGS-1

We appreciate the opportunity to participate in the review process.

Sincerely,

Stephen S. Anthony
Center Director

USGS-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

July 22, 2013

Mr. Ted Matley
 Federal Transit Administration, Region IX
 201 Mission Street, Suite 1650
 San Francisco, CA 94105

Subject: Supplemental Draft Environmental Impact Statement for the Honolulu Rail Transit Project, Honolulu, Hawaii (CEQ #20130157)

Dear Mr. Matley:

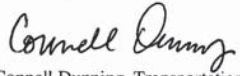
The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

We reviewed the Draft Environmental Impact Statement (DEIS) for this project and provided comments on February 12, 2009, and reviewed the Final Environmental Impact Statement (FEIS) and provided comments on August 16, 2010. The FEIS resolved the concerns that we had identified following our review of the previous DEIS. We understand that this Supplemental Draft Environmental Impact Statement (SDEIS) is a limited-scope document that evaluates the Beretania Street Tunnel Alternative and reconsiders the no use determination for Mother Waldron Neighborhood Park under Section 4(f) of the Department of Transportation Act. We have rated the document as LO, *Lack of Objections*. Please see the attached *Rating Factors* for a description of our rating system. We encourage the Federal Transit Administration to include in the Supplemental Final Environmental Impact Statement (FEIS) any additional available information on traditional cultural properties that would affect project design.

We appreciate the opportunity to review the SDEIS. When the Supplemental FEIS is released for public review, please send one CD copy to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or mulvihill.carolyn@epa.gov.

- EPA-1 The FTA and HART appreciate the Environmental Protection Agency's interest in the Honolulu Rail Transit Project.
- EPA-1 EPA-2 Please see Common Response 4 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding Traditional Cultural Properties.
- EPA-2 EPA-3 The EPA will remain on the distribution list for the Final Supplemental EIS/4(f).

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions

cc: Daniel A. Grabauskas, Honolulu Authority for Rapid Transportation



GSA Pacific Rim Region

July 22, 2013

Mr. Ted Matley
FTA Region IX
201 Mission St., Ste. 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Ste. 1700
Honolulu, HI 96813

Re: Draft Supplemental Environmental Impact Statement
Section 4 (f) Evaluation of Honolulu Rail Transit Project

Dear Mr. Matley and Mr. Grabauskas:

On behalf of the United States General Services Administration (GSA), Pacific Rim Region, we submit the following comments to the Draft Supplemental Environmental Impact Statement (DSEIS) regarding the Beretania Street Tunnel Alternative.

GSA-1

GSA-1

The FTA and HART appreciate the General Service Administration (GSA)'s interest and participation in the Honolulu Rail Transit Project.

In a letter dated June 11, 2010 to the GSA you made a commitment to address the security concerns regarding the proximity of the Transit Corridor to the PJKK U.S. Courthouse & Federal Building particularly the setbacks and site lines. We anticipate that you will continue to consult with GSA on this matter during the design development and construction phases of the project. Specifically, as you develop your design we request that you address the inherent noise, vibration levels, security and sight lines of the High Capacity Transit Rail in the immediate vicinity of the PJKK federal facility during construction and once it is operational along with the mitigation measures that will be incorporated.

GSA-2

GSA-2

The FTA and HART commit to continue coordination with GSA and implementing security mitigation measures that have been agreed to between HART and GSA. The FTA and HART further commit to meeting all federal security guidelines requirements applicable to the transit project in relation to the Prince Jonah Kuhio Kalaniana'ole Federal Building and its uses.

Our tenants have been fully engaged in the development of this project and have similarly expressed concerns relative to the PJKK federal facility. Your attention to these environmental concerns is critically important to the federal community at this facility.

GSA-3

GSA-3

The FTA and HART have received and responded to a separate comment letter from Judge Mollway.

We look forward to working with your office as you progress on this major transit project. Please address all future formal correspondence on this subject to Ms. Moonyeen Alameida, Acting Regional Environmental Quality Advisor, Portfolio Management Division at (415) 522-3486 or email at moonyeen.alameida@gsa.gov with any questions.

Sincerely,

Matthew B. Jear
Director, Portfolio Management Division
Public Buildings Service

U.S. General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102-3434
www.gsa.gov

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Comptroller
Maria E. Zielinski
Deputy Comptroller

HART

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

'13 JUL 11 P2:48

JUL 10 2013

(P)1156.3

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Dear Mr. Grabauskas:

Subject: Draft Supplemental Environmental Impact
Statement / Section 4(f) Evaluation
Honolulu Rail Transit Project

This is in response to your May 29, 2013 letter requesting comments regarding the subject draft supplemental environmental impact statement.

To date, there continues to be no discussion with us about use of the Liliha Civic Center property, also known as the OR&L site. Our last correspondence on the matter to the City and County of Honolulu, dated September 8, 2008, requested relocation of the then identified traction power station off-site. Both the Fixed Guideway plan (Iwilei Station) and Beretania Street Tunnel alternative (Ka'aahi Street Station) will have negative impacts to our existing facilities and future development plans for the property. We will reserve our detailed comments pending direct meetings and discussions on the matter.

DAGS - 1

We also reiterate that the proposed tunnel alternative below Beretania Street, mauka of the State Capitol Building, may cut off the main vehicular access to the State Capitol Building via Miller Street. The design in this area is especially critical because the State Capitol is part of the Hawaii Capitol Historic District, which is on the National Register of Historic Places. Early coordination with the Department of Accounting and General Services and the State Historic Preservation Division is essential to this phase of the project moving forward.

DAGS - 2

If you have any questions, please call me at 586-0400 or your staff may call Mr. David DePonte of the Public Works Division at 586-0492.

Sincerely,

DEAN H. SEKI
Comptroller

c: Mr. Ted Matley, Federal Transit Authority Region IX

DAGS-1 Because the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative and would not have the least overall harm to Section 4(f) properties, as discussed in Common Responses 5 and 6 in Section 5.2.4 of the Final Supplemental EIS/4(f), FTA and HART do not intend to further pursue the Beretania Street Tunnel Alternative. Effects of the Project on the OR&L property were addressed in the Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)].Section 3.3.1 of the Final Supplemental EIS/4(f) has been updated to reflect the effects of the Beretania Street Tunnel Alternative and the Department of Accounting and General Services use of the OR&L property.

DAGS-2 Section 3.4 of the Final Supplemental EIS/4(f) has been updated to clarify that the depth of the tunnel would increase in the vicinity of the Hawai'i State Capitol to avoid conflicts with existing vehicle access to the Capitol Building's parking garage.

Helberg, David

From: Grabauskas, Dan
Sent: Monday, July 22, 2013 7:09 PM
To: Scanlon, Elizabeth; Helberg, David; Miyamoto, Faith
Subject: FW: Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation, Honolulu Rail Transit Project
Attachments: DOC078.pdf

From: Steve.Molmen@hawaii.gov [mailto:Steve.Molmen@hawaii.gov]
Sent: Monday, July 22, 2013 4:15 PM
To: ted.matley@dot.gov; Grabauskas, Dan
Subject: Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation, Honolulu Rail Transit Project

Dear Mr. Matley and Mr. Grabauskas,

Attached, please find our comments on the subject project. No hard copy will be sent.

On a related subject, please see the cover letter that we received from AlohaGraphics. We look askance - a graphics company that not only sends out phantom attachments, but has no letterhead, and provides no name, no address, no telephone number, and no email address to contact them.

DLNR - 1

Best regards,

Steve Molmen, Supervising Land Agent
Land Division
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Suite 220
Honolulu, HI 96809-0621
Tel.: (808) 587-0439
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7/23/2013

DLNR-1 The FTA and HART appreciate the State of Hawai'i Department of Land and Natural Resource's interest in the Honolulu Rail Transit Project. Issues with access to the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation were resolved through a phone call to the agency.

HART

'13 JUL 23 A 8:50



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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POST OFFICE BOX 621
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
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HONOLULU, HAWAII 96809



July 22, 2013

June 19, 2013

MEMORANDUM

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

via email: ted.matley@dot.gov

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

via email: dgrabauskas@honolulu.gov

Dear Mr. Matley and Mr. Grabauskas,

SUBJECT: Draft Supplemental Environmental Impact Statement/Section 4(f)
Evaluation, Honolulu Rail Transit Project

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from Land Division - Oahu District. No other comments were received as of our suspense date. Should you have any questions, please feel free to call Supervising Land Agent Steve Molmen at 587-0439. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosure(s)

DM

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Oahu District
- Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation
Honolulu Rail Transit Project

LOCATION:

Various portions of Oahu from East Kapolei to Ala Moana Center, with emphasis on
portions of Beretania Street and Mother Waldron Neighborhood Park and
Playground

APPLICANT:

U. S. Department of Transportation, Federal Transit Administration (lead federal
agency) and Honolulu Authority for Rapid Transit (project sponsor)

Transmitted for your review and comment on the above-referenced document. We would appreciate your comments on this document.

Despite the assertions in the cover letter from AlohaGraphics Inc. no hard copies (or disk) of the document were received. However, you should be able to easily access the document either at www.HonoluluTransit.org or at these links: <http://www.honolulustransit.org/media/186253/20130501-Draft-SEIS.pdf> and <http://www.honolulustransit.org/media/186263/20130501-Draft-SEIS-Appendices.pdf>

Please submit any comments by July 18, 2013. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: _____

Print Name: Russell Y. Tsuji

Date: 7/18/2013

c: Central Files

13672

RECEIVED

June 3, 2013

2013 JUN -5 AM 10: 27

Dear Recipient,

Due to a file corruption during reproduction, the Honolulu Rail Transit Project Draft Supplemental EIS/Section 4(f) Transmittal Letter is being provided in hard-copy. We apologize for any inconvenience. Mahalo.

AlohaGraphics Inc.

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

RECEIVED
LAND DIVISION
2013 JUN 12 PM 2: 01
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

13 JUN 06 PM 10:53 ENGINEERING

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII
2013 JUN 14 AM 9: 35

RECEIVED
LAND DIVISION

APPODEN
CMS 00470
NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
July 22, 2013

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
STP 8.1264

HART

13 JUL 31 P 4 :02

Mr. Ted Matley
Federal Transit Administration Region IX
201 Mission Street, Suite 1650
San Francisco, California 94104

and

Mr. Daniel A. Grabauskas
City and County of Honolulu
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Messrs. Matley and Grabauskas:

Subject: Honolulu Rail Transit Project
Draft Supplemental Environmental Impact Statement (DSEIS)/
Section 4(f) Evaluation

Thank you for requesting the State Department of Transportation's (DOT) review of the subject plan. DOT comments are as follows:

- 1. The Beretania Street Tunnel Alternative (BSTA) does not impact State highways facilities except where it would cross Interstate H-1 near the University of Hawaii in order to terminate at a proposed station in the Lower Quarry area. Since the DSEIS was prepared to address Section 4(f) considerations, DOT has no comments on the BSTA. However, should the BSTA become the preferred alignment, the crossing of Interstate H-1 would have to be more fully reviewed and coordinated with DOT.
- 2. Mother Waldron Park (MWP) is located along a road under the jurisdiction of the County and a change in a "No Use" determination would not impact DOT highway facilities in the area.

DOT-1

DOT-1 The FTA and HART appreciate the State of Hawai'i Department of Transportation (HDOT)'s interest in the Honolulu Rail Transit Project. HART will continue to coordinate with HDOT on all state facilities.

DOT-2

DOT-2 The lack of HDOT jurisdiction in the vicinity of Mother Waldron Neighborhood Park is noted.

2013 JUL 31 10 33 AM

RECEIVED

Mr. Ted Matley and Mr. Daniel A. Grabauskas
July 22, 2012
Page 2

STP 8.1264

DOT appreciates the opportunity to provide comments. If there are any other questions, including the need to meet with DOT staff, please contact Mr. Gary Ashikawa of the DOT Highways Planning Branch at telephone number (808) 587-6336.

Very truly yours,



GLENN M. OKIMOTO, Ph.D.
Director of Transportation



**OFFICE OF PLANNING
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://hawaii.gov/dbedt/op/>

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

Ref. No. P-14045

HART

July 12, 2013

*13 JUL 18 P2 :20

Mr. Daniel A. Grabauskas, Executive Director and CEO
Honolulu Authority for Rapid Transit
City and County of Honolulu
Alii Place, Suite 1700
1099 Alakea Street
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

Subject: Draft Supplemental Environmental Impact Statement (EIS)/Section 4(f)
Evaluation, Honolulu Rail Transit Project

Thank you for the opportunity to provide comments on the Draft Supplemental EIS for
the Honolulu Rail Transit Project.

The Office of Planning has previously reviewed this project. In a letter dated October 22, 2012 (Ref. No. P-13755), we had issued a statement that this project is consistent with the objectives and policies of the Hawaii Revised Statutes Chapter 205A. We have no further comments at this time.

OP-1

If you have any questions regarding this comment letter, please contact Leo Asuncion or Josh Hekekia of our Coastal Zone Management Program at 587-2846.

OP-1

The FTA and HART appreciate the State of Hawai'i Office of Planning's interest in the Honolulu Rail Transit Project.

Sincerely,

Jesse K. Souki
Director

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



July 15, 2013

HART

13 JUL 18 P2:19

KIRK CALDWELL, MAYOR
DUANE R. MIYASHIRO, Chairman
MAHEALANI CYPHER, Vice Chair
THERESIA C. McMURDO
ADAM C. WONG
KAULANA H. R. PARK
ROSS S. SASAMURA, Ex-Officio
GLENN M. OKIMOTO, Ex-Officio
ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer
ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

Subject: Your Letter Dated May 29, 2013, Requesting Comments
on the Draft Supplemental Environmental Impact
Statement/Section 4(f) Evaluation, Honolulu Rail Transit Project

Thank you for the opportunity to comment on the Beretania Street Tunnel Alternative and no use determination for Mother Waldron Park.

The Board of Water Supply (BWS) has plans to install a 42-inch water main on Beretania Street from Liliha Street to Richards Street; Richards Street from Beretania Street to King Street; and King Street from Richards Street to Isenberg Street. This critical project is necessary to provide increased transmission capacity and reliability to the Primary Urban Center, and is scheduled to be installed around 2018. The design and construction of the proposed Beretania Street Tunnel Alternative should be coordinated with the BWS to minimize project conflicts and inconvenience to customers. The construction drawings should be submitted for our approval.

BWS-1

We have no comments on the no use determination for Mother Waldron Park.

If you have any questions, please contact Robert Chun at 748-5443.

Very truly yours,


ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

BWS-1

Section 3.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] has been updated to reflect the information provided by the Board of Water Supply. Because the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative and would not have the least overall harm to Section 4(f) properties, as discussed in Common Responses 5 and 6 in Section 5.2.4 of the Final Supplemental EIS/4(f), no plans are proposed for its design or construction.

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792

KIRK CALDWELL
MAYOR



PAMELA A. WITTY-OAKLAND
DIRECTOR

GARY K. NAKATA
DEPUTY DIRECTOR

HART

'13 JUL 11 P2 :49

July 9, 2013

Mr. Daniel A. Grabauskas
Executive Director
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

SUBJECT: Draft Supplemental Environmental Impact
Statement/Section 4(f) Evaluation
Honolulu Rail Transit Project

We have reviewed your letter dated May 29, 2013, and the "Draft Supplemental
Environmental Impact Statement/Section 4(f) Evaluation, Honolulu Rail Transit Project."

Our review of the information provided indicates that the actions reviewed under
the "Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation" will
have no adverse impacts on any Department of Community Services' activities or
projects at this time.

DCS-1

DCS-1

The FTA and HART appreciate the Department of Community Services' interest in the Honolulu Rail Transit Project.

Thank you for providing us with the opportunity to comment on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pamela A. Witty-Oakland".

Pamela A. Witty-Oakland
Director

PAW:sk

cc: Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

From: Mariani-Belding, Jeanne
Sent: Friday, June 14, 2013 2:10 PM
To: Takashige, Chris T
Cc: Miyamoto, Faith; Scanlon, Elizabeth
Subject: FW: Supplemental EIS

Hi Chris,
Thanks for the note. I am passing it along to Faith Miyamoto, our chief planner. Hope you are well!

Jeanne

Jeanne Mariani-Belding
Director of Communications
Honolulu Authority for Rapid Transportation (HART)
1099 Alakea St. 17th Floor
Honolulu, HI 96813
Direct: 808.768.6145
Cell: 808.489.2530
jbelding@honolulu.gov

From: Takashige, Chris T
Sent: Friday, June 14, 2013 11:48 AM
To: Mariani-Belding, Jeanne
Subject: FW: Supplemental EIS

Jeanne, Forwarding some DDC comments for consideration.

chris

Chris Takashige
Director, Dept of Design and Const
City and County of Honolulu
808-768-8471

From: Lau, Clifford
Sent: Friday, June 14, 2013 11:39 AM
To: Takashige, Chris T
Cc: Kodama, Dennis S; Hildebrand, Terry
Subject: FW: Supplemental EIS

Chris,

We had our staff review the Supplemental EIS and have the following comments:

1. Impact on A'ala Park with respect to the Beretania Street Tunnel Alternative alignment: The Beretania Street Tunnel Alternative implies the designation of an easement for a tunnel under A'ala Park. It has been a long-standing policy of the City to avoid wherever possible easements on City parks for purposes that are not directly related to park use. The proposed rail alignment would put constraints on future plans for development or redevelopment of the Park. Although not strictly a park "direct use," it is objectionable. It would tend to tie the hands of planners and designers as to what park functions could be accommodated in the future.
2. With respect to the proposed rail line's adjacency to seven City parks, the negative visual and sound impacts are relatively insignificantare counterbalanced by the positive impact of increased public accessibility. However, at Thomas Square Park (the first established City park), where view planes among several important civic establishments are important, the negative visual impact rises to a higher level of significance.

DDC-1

DDC-1

Section 3.3.1 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] has been updated to reflect City policy regarding easements through parks.

DDC-2

DDC-2

Visual impacts of the Beretania Street Tunnel Alternative are discussed in Section 3.5.3 of the Draft Supplemental EIS/4(f). Thomas Square includes protected significant public views as defined in Section 21-9.70 of the Revised Ordinances of Honolulu that would be adversely affected by the Beretania Street Tunnel Alternative.

Regards,
Clifford

From: Takashige, Chris T
Sent: Friday, May 31, 2013 1:49 PM
To: Katsura, Stanley; Trang, Timothy; Lau, Clifford; Kodama, Dennis S; Hamada, Gerald; Miyata, Thomas; Inouye, Guy M (DDC); Takara, Russell
Cc: Yonamine, Mark K
Subject: FW: Supplemental EIS

Not sure if you guys review stuff like this but forwarding it.

*Chris Takashige
Director, Dept of Design and Const
City and County of Honolulu
808-768-8471*

APOEUV
CMS00444

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

KIRK CALDWELL
MAYOR



HART

CHRIS T. TAKASHIGE, P.E., CCM
DIRECTOR

MARK YONAMINE, P.E.
DEPUTY DIRECTOR

'13 JUL -5 P3:10

July 2, 2013

Honolulu Authority for Rapid Transportation
Alii Place
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Attn: Daniel A. Grabauskas

Dear Mr. Grabauskas:

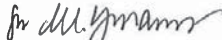
Subject: Draft Supplemental Environmental Impact Statement/Section 4(f)
Evaluation Honolulu Rail Transit Project

The Department of Design and Construction does not have any comments to offer on the draft supplemental environmental impact statement/section 4 (f) evaluation.

DDC1-1

Thank you for the opportunity to review and comment. Should there be any questions, please contact me at 768-8480.

Sincerely,


Chris T. Takashige, P.E., CCM
Director

CTT: cf (517144)

cc: Mr. Ted Matley, FTA Region IX

DDC1-1 The FTA and HART appreciate the Department of Design and Construction's interest in the Honolulu Rail Transit Project.

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulu'ohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3361
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR

HART



ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

IN REPLY REFER TO:
DRM 13-619

'13 JUL -8 P12 :32

July 2, 2013

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

SUBJECT: Draft Supplemental Environmental Impact
Statement/Section 4 (f) Evaluation
Honolulu Rail Transit Project

Thank you for the opportunity to review and comment on the subject project. We do not have any comments to offer at this time. | DFM-1

If you have any questions, please call Tyler Sugihara of the Division of Road Maintenance, at 768-3600.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross S. Sasamura".

Ross S. Sasamura, P.E.
Director and Chief Engineer

cc: Mr. Ted Matley

DFM-1 The FTA and HART appreciate the Department of Facility Maintenance's interest in the Honolulu Rail Transit Project.

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR

HART



TONI P. ROBINSON
DIRECTOR
JEANNE C. ISHIKAWA
DEPUTY DIRECTOR

*13 JUL 15 P2:16

July 10, 2013

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Matley and Mr. Grabauskas:

SUBJECT: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation - Honolulu Rail Transit Project

Thank you for the opportunity to review and comment on the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation.

The Department of Parks and Recreation supports the conclusion of the Supplemental Environmental Impact Statement that the Beretania Street Tunnel Alternative is imprudent and that the Honolulu Rail Transit Project, as planned, will not use Mother Waldron Neighborhood Park and Playground under Section 4(f) as no land in the park will be permanently incorporated into the project and there will be no direct use.

DPR-1

Should you have any questions, please contact Mr. John Reid, Planner at 768-3017.

Sincerely,

Handwritten signature of Toni P. Robinson in black ink.

Toni P. Robinson
Director

TPR:jr
(517254)

DPR-1

The FTA and HART appreciate the attention of the City and County of Honolulu Department of Parks and Recreation as the agency with jurisdiction over multiple parks in the vicinity of the Honolulu Rail Transit Project and acknowledge that the department concurs with the findings of the Draft Supplemental EIS/4(f). Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f) discusses the conclusion that the Project will not use Mother Waldron Neighborhood Park and Playground.

ADDENV
CMS 00484

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL
MAYOR

HART



MICHAEL D. FORMBY
DIRECTOR

MARK N. GARRITY, AICP
DEPUTY DIRECTOR

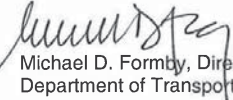
*13 JUL 30 A9:50

July 16, 2013

TP6/13-517257R

MEMORANDUM

TO: Daniel A. Grabauskas, Executive Director and CEO
Honolulu Authority for Rapid Transportation

FROM: 
Michael D. Formby, Director
Department of Transportation Services

SUBJECT: Draft Supplemental Environmental Impact Statement
(DSEIS)/Section 4(f) Evaluation Honolulu Rail Transit Project

In response to your letter dated May 29, 2013, we have no comments to offer at this time. | DTS-1

Thank you for the opportunity to review this matter. Should you have any further questions, please contact Michael Murphy of my staff at 768-8359.

cc: Mr. Ted Matley, FTA Region IX

DTS-1 The FTA and HART appreciate the City and County of Honolulu Department of Transportation Services (DTS)'s interest in the Honolulu Rail Transit Project.

AP 00ENV
CMS 00439

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL
MAYOR



MICHAEL D. FORMBY
DIRECTOR
MARK N. GARRITY, AICP
DEPUTY DIRECTOR

HART

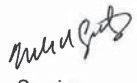
'13 JUL 31 P4 :01

July 26, 2013

TP6/13-517257.2R

MEMORANDUM

TO: Daniel A. Grabauskas, Executive Director and CEO
Honolulu Authority for Rapid Transportation

FROM:  Michael D. Formby, Director
Department of Transportation Services

SUBJECT: Draft Supplemental Environmental Impact Statement
(DSEIS)/Section 4(f) Evaluation Honolulu Rail Transit Project

We are amending our response memo dated July 16, 2013, with the attached comments from our Traffic Engineering Division.

Thank you for considering our comments. Should you have any further questions, please contact Michael Murphy of my staff at 768-8359.

Attachment

cc: Mr. Ted Matley, FTA Region IX

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8304 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL
MAYOR



MICHAEL D. FORMBY
DIRECTOR
MARK N. GARRITY, AICP
DEPUTY DIRECTOR

J13.031

July 25, 2013

MEMORANDUM

TO: Don Hamada, Chief
Transportation Planning Division

ATTN: Mike Murphy

FROM: Mark Kikuchi, Chief
Traffic Engineering Division

SUBJECT: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

2013 JUL 26 A 7:08
DTS
TRANS PLANNING

We have reviewed the subject documents and have the following comments should the Beretania Street Alternative be considered:

1. Ka'aahi Street should be connected to Iwilei, and the Ka'aahi Street Station should be designed to accommodate this. The Historic Eligible Paverblocks should be shown on plans and incorporated into design if possible.
2. Traffic control plans should be provided for review due to the road closures on Beretania Street and the adjacent streets (pp. 60-61).
3. Neal Blaisdell Center is a heavily used facility for daily parking and expositions/events. If access is restricted from the South King Street entrance, alternative entry locations (e.g. Ward Avenue) should be considered in addition to the Kapiolani Boulevard entrance (p. 61).
4. Traffic control plans for the road closures mentioned on page 69 need to be provided for review.

Should you have any questions, please call Phillippe Galicinao at local 88341.

- DTS1-1 The FTA and HART appreciate the City and County of Honolulu Department of Transportation Services (DTS)'s interest in the Honolulu Rail Transit Project.
- DTS1-2 Because the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative and would not have the least overall harm to Section 4(f) properties, as discussed in Common Responses 5 and 6 in Section 5.2.4 of the Final Supplemental EIS/4(f), no plans are proposed for its design or construction.
- DTS1-3 See response DTS1-2.
- DTS1-4 See response DTS1-2.
- DTS1-5 See response DTS1-2.

ADDENV
CMS 00432

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

836 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR



HART

MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

*13 JUN 28 P2:12

June 26, 2013

Mr. Ted Matley
FTA Revision IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Dear Mr. Matley:

Subject: Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation
Honolulu Rail Transit Project

In response to a letter from the Honolulu Authority for Rapid Transit (HART) dated May 29, 2013, regarding the above-mentioned subject, the Honolulu Fire Department determined that the project will more than likely not have a significant impact on fire department services.

HFD-1

Should you have questions, please contact Battalion Chief Socrates Bratakos of our Fire Prevention Bureau at 808-723-7151 or sbratakos@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Neves", written over the printed name.

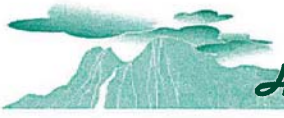
MANUEL P. NEVES
Fire Chief

MPN/SY:bh

cc: Daniel Grabauskas, HART

HFD-1

The FTA and HART appreciate the Honolulu Fire Department's interest in the Honolulu Rail Transit Project. Impacts on emergency services were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.



July 18, 2013

HART

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

*13 JUL 23 P2:19

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawai'i 96813

**Honolulu Rail Transit Project
Draft Supplemental Environmental Impact
Statement/Section 4(f) Evaluation**

The directive of Congress in the passage of Section 4(f) that protection of historic resources and parks be given "paramount" importance in transportation planning seems to have gotten lost in the identification and selection of the Honolulu Rail Transit Project (Project) route.

Section 4(f)'s mandate significantly prohibits the construction of transportation projects that require "use" of historic sites, park and recreational areas, and wildlife and waterfowl refuges, unless (1) there is no "prudent and feasible" avoidance alternative to using the resource, and (2) the project includes "all possible planning" to minimize harm resulting from the use. 49 USC § 303(c); 23 CFR §774.

Both of these provisions have been ignored in the selection of the Project route until this court ordered review of the Beretania Street Tunnel Alternative that avoids using and substantially impacting Section 4(f) properties and resources.

Figure 26 shows that some of the Chinatown rail station will be in a parking lot within the identified TCP Chinatown Special District but does not provide any information on the exact location of the parking lot, the dimensions of the station or discuss impacts to adjacent buildings, the physical and visual connection between Chinatown and the Honolulu waterfront and impacts to the features and attributes of the TCP Chinatown Special District.

Since no Traditional Cultural Properties (TCP) other than Chinatown were identified in this SDEIS/4(f) does that mean that no TCPs were discovered along the 20-mile rail corridor?

HTF-1

HTF-2

HTF-1

HTF-2

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/4(f). Design of the Chinatown Station was addressed in the Honolulu High-Capacity Transit Corridor Project Final EIS/4(f). Impacts to historic properties were discussed in Section 4.16.3 of the Final EIS/4(f).

Please see Common Response 4 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Does the statement *Any identified TCPS would be evaluated in accordance with 36 CFR 800 and any use would be documented in a supplement to the Project's Record of Decisions* mean that investigation into the existence of TCPs within the Project corridor is not complete? Does this statement mean that the general public will not have an opportunity to comment on any newly discovered TCPs?

HTF-2
(cont.)

Comparing the number of 4(f) properties along the Beretania Street Tunnel Alternative extended rail route to the University of Hawai'i with the number of 4(f) properties along the Project route that ends at Ala Moana Center is comparing apples with oranges.

HTF-3

If the Beretania Street Tunnel Alternative evaluated 4(f) properties went from Ka'aahi Street to Keaauomoku, which goes into Ala Moana Center then the number of 4(f) properties is reduced to approximately 22 from the inclusive number of approximately 51 properties.

The SDEIS4/(f) labels the properties along the Beretania Tunnel Street corridor as historic but does not provide any information on the features, activities or attributes that qualifies each property for listing on the National Register of Historic Places.

HTF-4

By comparison impacts to and use of 4(f) property along the Beretania Tunnel Alternative such as King Florist (NRHP eligible), McKinley High School (NRHP listed), OR&L Office/Document Storage Building and Terminal Building (NRHP listed) and the former filling station within OR&L Parcel (HRHP eligible), which will be impacted to some extent by both routes pales in comparison to the physical and historical connection that will be lost to large overhead support columns and overhead guideway that will replace historic character-defining views of Honolulu harbor from TCP Chinatown Special District.

HTF-5

FHWA's 4(f) regulations have identified examples of situations where constructive use occurs because a project's proximity will "substantially impair esthetic features or attributes" of a protected site. §774.15(e)(2).

Examples include citing a project so close that it "obstructs or eliminates the primary views of the primary views of an architecturally significant historical building, or substantially detracts from the setting of a Section 4(f) property which derives its value in substantial part due to its setting."

The Project along Honolulu's historic waterfront will disrupt views, protected settings and visually and physically separate the historical connection of three Honolulu Harbor NFTP listed properties, Piers 10 and 11 Maritime Passenger Terminal, Aloha Tower, Irwin Memorial Park from historic TCP Chinatown Special District

HTF-6

The currently uninterrupted views from the historic Honolulu waterfront makai toward Downtown Honolulu and Punchbowl will be obscured by the elevated Project. One of the requirements of Hawaii's Coastal Zone Management Act (CZM) is to protect historic and scenic resources and insure that new developments are compatible with their visual environment. Clearly the Project is not compatible with the protection of the with Hawaii's CZMA and impacts the features and attributes that connect Honolulu's waterfront with Downtown.

HTF-3

Please see Common Response 1 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding evaluation of a shortened Beretania Street Tunnel Alternative. The scope of this Supplemental EIS/4(f) is limited to the evaluation and findings under Section 4(f) of the Department of Transportation Act related to whether the Beretania Street Tunnel Alternative is a feasible and prudent avoidance alternative per the District Court Order on Cross Motions for Summary Judgment. The Summary Judgment did not require an examination of additional alternatives.

Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding least overall harm analysis. This does not change the fact that the Beretania Street Tunnel Alternative is not prudent.

HTF-4

Descriptions of the historic properties are included in Table 2 of the Draft Supplemental EIS/4(f). Please see Common Response 9 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding evaluation of historic properties along South King Street.

HTF-5

Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding comparison of harm between the Beretania Street Tunnel Alternative and the Project.

HTF-6

Section 4(f) use analysis for the Project was completed in the Final EIS/4(f) issued in June 2010. In the ROD issued January 2011, FTA included use determinations for Section 4(f) properties. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding comments outside of the scope of the Supplemental EIS/ 4(f).

Should the Project proceed along the Honolulu waterfront and the Chinatown rail station constructed development pressures to allow greater density and height in keeping with Transit Oriented Development planned will plague Chinatown and it will be a continuing battle to protect the cultural and historical integrity of the TCP Chinatown Special District.

HTF-7

Cumulative effects of the Project were evaluated in Section 4.19 of the Final EIS/4(f) and considered in the Programmatic Agreement, which was executed between the FTA, the SHPO, the Navy, HART and the ACHP on January 18, 2011. As documented in Section 4.2 of the Final Supplemental EIS/4(f), FTA determined that the Project would not create a constructive use.

The Project's cumulative adverse visual and aesthetic impacts to the Honolulu waterfront and its historic sites would conflict with established policy documents, specifically the Oahu General Plan (Objective B, Policies 2 and 3; Objective E, Policies 4,s and 9)) the Primary Urban Center Development Plan (Objective 3.1.2 and Policy 3.1.2) and the Revised Ordinances of Honolulu (Chapter 21, Article 9, Section 21-9.60), as follows: Substantially visually changing and contextually impacting the entire Downtown Honolulu Waterfront area, which is both a historic and scenic asset.

HTF-7

While not directly connected to Honolulu Harbor the NRHP listed Dillingham Transportation Building will be substantially impaired by the Project since an elevated rail station will be placed directly adjacent to the building substantially impairing esthetic features and attributes of this protected building.

Collectively the negative impacts caused by the Project's proximity to protected 4(f) sties, clearly constitutes a "constructive use" of these protected sites. 23 CFR §774.17.

Mother Waldron Park

In the late 1800s to early 1900s, the Pohukaina School, located adjacent to Mother Waldron Park, served as a school for the illegitimate offspring of Hawaiian women and foreign men. One of the teachers at Pohukaina Schools was Margaret Waldron, who taught at Pohukaina for 18 years until her retirement in 1934.

Margaret Waldron, a Hawaiian-Irish orphan raised by the Judd and Castle families, philosophy was simple, "Never help anybody who isn't willing to help someone else. When I help anyone, I make him promise to pay for it. But they don't pay me directly; they pay me by promising to do as much or more for the next person in need."

She was noted for her volunteer work in Kaka'ako, and was generally credited with being the individual who had the most influence in transforming the so-called 'Kaka'ako gangs' into law abiding groups and wiping out the unsavory reputation which at one time defined the district.

After school Margaret Waldron organized football games, sewing classes and cooking clubs. She obtained swim trucks and built a changing shack for the "wharf rats," children who were naked when they dived for coins thrown by ship passengers at Aloha Tower. Most of the "wharf rats" as they were called were her students.

For her 50th birthday the children of Pohukaina School gave her a pin that said "mother." She wore that pin every day for the rest of her life. As she was dying in 1936 huge throngs of people of all races came to pay their respects to the "patron saint" of Kaka'ako.

The following year, when a new 1.76-acre playground was constructed across Coral Street from Pohukaina School, the Honolulu Board of Supervisors authorized the park's designation as "Mother Waldron Playground."

Noted architect Harry Sims Bent, who in addition to designing parks was involved in the design or construction of the C. Brewer Building, residences of former Governor Carter and Clarence Cooke, designed the Mother Waldron Playground, which opened in September 1937. All of these properties are listed in the NRHP.

Bent began working for the Honolulu Park Board in 1933. In addition to Mother Waldron Playground he designed Kawanamoa Playground, Lanakila Park comfort station, Kalihi-Waena Playground, Haleiwa Beach Park structures, the Ala Way Clubhouse and the Park Service Center by Kapiolani Park. His park designs are typical of the period and represent the work of a master and possess high artistic value.

Mother Waldron and Kawanamoa Playgrounds are associated with the ideology of the playground movement through their locations and utilitarian designs. Although a number of playgrounds were developed in Honolulu between 1911 and 1938, **these are the only two to retain their historic integrity.**

On the National Register of Historic Places Mother Waldron Park is significant for its associations with the playground movement, architectural significance and association with the work of Margaret Waldo in the Kaka'ako district. The playground is identified as "an ideal example of the small neighborhood playground."

HTF-8

HTF-8

Mother Waldron Playground is not currently listed in the National Register of Historic Places (NRHP). FTA found the playground eligible for listing and a listing form has been prepared for submission to the Keeper of the Register. As the Draft Supplemental EIS/4(f) stated in Section 4.1.2, Mother Waldron Playground was listed on the Hawaii Register of Historic Places on June 9, 1988 (prior to the Halekauwila Street realignment and the construction of an apartment building on part of the playground) as an element of the thematic group "City & County of Honolulu Art Deco Parks." The state listing noted the park as significant for its associations with the playground movement, both nationally and locally, as well as its architectural and landscape design by Harry Sims Bent. As documented in the Final Supplemental EIS/4(f), FTA and HART have submitted an NRHP nomination form to the SHPO. The NRHP nomination form has been included in Appendix D of the Final Supplemental EIS/4(f).

Shifting from an initial desire to get children off the streets, the playground movement evolved in the first two decades of the twentieth century into a well-organized and articulate national crusade. Its proponents saw the playground not only as a refuge from urban perils, but also as a place of social reform. They believed play had educational value with the social mission of playgrounds emphasized in playground literature across the nation and in Honolulu.

In Hawaii, as elsewhere, the goal of playground activities not only included vigorous physical exercise and mental satisfaction, but also the ability to work as a team member, to strive for high ideals and to provide usable play space close to home in the densely populated sections of the City.

The Project will substantially change views and contrast with the scale and character of the surrounding environment with overall visual effects high and views of the horizon partially and permanently blocked.

HTF-9

HTF-9

Visual impacts of the Project were addressed in Section 4.8 of the Final EIS/4(f). Please see Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding impacts to Mother Waldron Park and Playground.

Mauka views from the park at Halekauwila Street and Cooke Street and the pedestrian oriented streetscape conflict with the bulk and scale of the rail guideway and columns.

The Project route along Halekauwila Street immediately adjacent to the historic NRHP Mother Waldon Park diminishes its historic character and integrity and usefulness and attraction as vital recreation open space for the area's growing population

The condition and appearance of Honolulu's streets and public open spaces are important factors in, and essential attributes to, the visual character and quality for which Honolulu is known. Significant views and vistas in policy documents include protected mauka and makai views as well as views of prominent landmarks, and the environmental visual character and quality must be fully assessed along with any potential physical impacts.

Figure 42 cites Queen Street's narrow right-of-way between Coral Street and Ward Avenue and the need for full or partial acquisition of 39 parcels, including three historic properties as reasons to eliminate the Queen/Cooke Street alternative but does not identify the properties that require partial or full acquisition. Nor does it provide the cost of each acquisition, or direct, indirect and cumulative impacts to the properties and businesses or residences or from acquisition.

The SDEIS/4(f) does not provide any information on the activities, features or attributes that qualify the three properties for listing. Without this information the Queen/Cooke Street alternative remains a viable alternative to the use of Mother Waldron Park.

The SDEIS/4(f) states that the "current perimeter wall and benches are not contributing elements to the historic site and therefore are not subject to protection as historic elements of the park" but provides no information on whether the new wall and benches architectural design allows them to be considered as historic elements. Before this SDEIS/4(f) is accepted documentation must be provided showing that these features do not qualify as historic elements.

The Project "substantially impairs" the protected features and attributes of Mother Waldron Park including the unique zig-zag wall at the Ewa end of the park adjacent to the 690 Pohukaina development, the art deco and modern design and the use of local materials such as coral, sandstone and "boulder concrete" a form of concrete extended through liberal use of coral and lava rock filler. All are features and attributes that qualify Mother Waldron Park for protection under Section 4(f). §774.15.

The Project "substantially impairs" the protective activities, features, and attributes of the burial site within Mother Waldron Park, which because of its connection to 'iwi is sensitive to proximity impacts on the burial site that would be caused by the project. §774.15(a)

Attachment A shows where 17 burials removed from other locations are re-interred. This burial site a prominent feature at the Cooke and Halekauwila Streets of Mother Waldron Park

The burial site within Mother Waldron Park was selected as the best location to re-inter 'iwi discovered and removed from other locations. The Project will "use" Mother Waldron park since the Project's proximity will "obstruct...and substantially detract(s) from the setting of a Section 4(f) property which derives its value in substantial part due to its setting" §774.15(e)(2).

Attachment B shows the close proximity of a column to the burial site within Mother Waldron Park, which is on the National Register of Historic Places.

The close proximity of the Project to the burial site constitutes "constructive use" and substantially impairs the esthetic features and attributes" of the burial site. §774.15(e)(2).

HTF-10 The Project would not constructively use Mother Waldron Neighborhood Park, and therefore, no avoidance alternative is required. Even so, alternatives to an alignment near Mother Waldron Neighborhood Park were considered, as discussed in Section 4.3 of the Draft Supplemental EIS/4(f). The Queen Street Shift Alternative is not an avoidance alternative to the use of Section 4(f) property. The analysis found that the Queen Street Shift Alternative would result in the Section 4(f) use of historic properties. Section 4.3 identifies two properties, Kewalo Theatre and Island Roses, that would have to be demolished. If the Queen Street Shift Alternative were perused, additional evaluation would be required.

HTF-10

HTF-11

HTF-11 Section 4.1.2 of the Supplemental Final EIS/4(f) describes the significant historic features that are protected under Section 4(f). The NRHP nomination form submitted to the State Historic Preservation Officer is included in Appendix D to the Supplemental Final EIS/4(f). Please see response DOI-4 for additional information.

HTF-12

HTF-12 Please see Common Response 7, explaining the determination that the Project would not constructively use Mother Waldron Neighborhood Playground because it would not substantially impair protected features and attributes.

HTF-13

HTF-13 The reinterment site has not been determined eligible for or listed in the NRHP. Under the relevant criteria, set forth at 36 CFR 60.4, it would not be eligible for listing because " [o]rordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register". Because the site is not eligible for listing in the NRHP, it does not meet the definition of a Section 4(f) property per 23 CFR 774.

The statement "The park is surrounded by open lots, a large surface parking lot, warehouses, and low-and high-rise residential buildings" presents current conditions and gives the false impression that there will not be major impacts to Mother Waldron Park from current and future development.

Attachment C is two pages from the Honolulu Magazine August 2004 article *Can We Make Honolulu Cool?* shows how Transit Oriented Development prompted by the Project will impact Mother Waldron Park.

In *Attachment C* then director of Honolulu's Department of Planning and Permitting states "*Mother Waldron Park provides some pleasant, if pointless, green relief...*" There is no mention of the historical and cultural significance of Mother Waldron Park just the assumption that it has out lived its usefulness. (Emphasis added)

Attachment C in the same article shows what Mother Waldron could turn into and notes "*Since it now serves a neighborhood, Mother Waldron Park is shown here enhanced with points of interest (A) and places to sit and linger.*" Again there is no mention of Mother Waldron's historical or cultural significance or that it is on the National Register of Historic Places or contains 'iwi (bones) that were re-interred in the park at the corner of Cooke and Halekauwila Streets.

Attachment D are the first 2 pages of an RFP from the State Hawai'i Community Development Authority No. RFP-HCDA02-2012 January 19, 2012 for Mixed-Use Transit Oriented Development (TOD) Project at 690 Pohukaina Street, 690 Pohukaina, adjacent to Mother Waldron Park, which will be the tallest building in Hawai'i. TOD in Kaka'ako is driven by the Project. Without rail going through Kaka'ako there is no TOD and no impact on Mother Waldron Park from the Project or TOD.

Attachment E shows how Mother Waldron Park is dwarfed by the adjacent development called 690 Pohukaina. Add the Project along Halekauwila Street and Mother Waldron Park becomes encapsulated by development all without any thought of how to protect and preserve the features and attributes of this historic park

Attachment F shows anticipated TOD surrounding the Project and how Mother Waldron Park will get lost in the maze of Transit Oriented Development.

The Project will cause long-term permanent harm that will increase in scale over time as Transit Oriented Development is implemented around Mother Waldron Park.

Conclusion

The language of Section 4(f) shows that Congress intended the protection of parks such as Irwin Memorial Park and Mother Waldron Park and historic sites such as Aloha Tower, Piers 10 and 11 Maritime Passenger Terminal, Dillingham Transportation Building and TCP Chinatown Special District be given "paramount importance" in the planning of federal transportation projects

HTF-14

Please see Common Response 8 in Section 5.2.4 of the Final Supplemental EIS/4(f).

HTF-14

The negative impacts of the Project on historical properties will be substantial, and extend well beyond the obvious harm caused by taking of land or construction within the Project's footprint as shown by the impacts from the Project on the visual and physical connectivity of the Honolulu waterfront and the TCP Chinatown Special district

HTF-15

Under Section 4(f), use of parklands may not be authorized for the Project unless the FTA determines that "[t]here is no prudent and feasible alternative," as defined in Section 774.17, to the use of land from the 4(f) property; and [t]he program or project includes all possible planning, as defined in Section 774.17, to minimize harm to the property resulting from such use."

The designation of 4(f) sites includes the preservation and protection of view planes. An intrusive transportation system such as the Project must consider all of the affects to the above 4(f) properties before a design and route are considered.

HTF-16

The Beretania Street Tunnel offers a "prudent and feasible" alternative. An alternative, which was never seriously considered until court ordered but an alternative that would avoid "use" of and adverse, direct, indirect, cumulative and substantial impacts to Section 4(f) resources at Mother Waldron Park and Honolulu's historic waterfront and TCP Chinatown Special District.

HTF-17

HTF-15

The effects of the Project on historical properties were addressed in Section 4.16.3 of the Final EIS/4(f) and the SHPO concurred with the effect determinations; measures to mitigate the adverse effects were included in the PA, which was executed between the FTA, the SHPO, the Navy, HART and the ACHP on January 18, 2011.

HTF-16

Visual effects of the Project were addressed in Section 4.8.3 of the Final EIS/4(f).

HTF-17

Please see Common Responses 5 and 6.

Mother Waldron Park (Cooke and Halehauwili Streets), 17 burials



A



Figure 38. Existing View and Simulation of Elevated Guideway in Relation to the Mauka Boundary of Mother Waldron Neighborhood Park

B

into an impervious surface that creates polluted runoff. These development patterns also cause people to drive long distances. Even as we crank down on tailpipe [emission] standards and make each mile cleaner, if you drive double the miles, we're fighting a losing battle."

Nationwide, the EPA promotes smart growth, because it preserves open space and provides transportation alternatives.

Locally, the city often talks about "keeping the country country." As Crispin says, "We can't keep paving paradise and putting up parking lots."

Some of this is pure rhetoric. There already is a growth boundary around the Ewa plain that confines development to former sugar lands, specifically to keep development from "paving paradise." These lands haven't served a natural ecological function since before the rise of sugar plantations in the 1800s. They've been ploughed, irrigated, fertilized, pest-controlled, burnt to the ground routinely, all in pursuit of a monocrop-in short, land so removed from paradise as to be deemed fit only for human habitation.

A Car of One's Own?

Traffic congestion is, to some people, sprawl's greatest sin. It is certainly the average commuters' daily misery. At HONOLULU's meeting with the city and its partners, everyone agreed that traffic has gone from bad to worse, with worse still to come.

What can smart growth do about all this traffic? Within Kapolei and the Ewa plain, it might help, up to a point. Charlier points out that the "pod" developments of present-day Kapolei are not even car-friendly.

Hundreds of homes in self-contained clusters curlicue around cul-de-sacs and dead ends, all of these local streets converging on Fort Weaver Road at exactly one intersection. "Developments in Ewa aren't connected to each other, even when they're built by the same developer," he says.

The developments aren't connected to nearby commercial centers, either. This turns every little trip for a quart of milk, or to take your child to visit a school friend two developments over, into a car trip on the same road everyone else is using. Consequently, arterials like Fort Weaver Road are choked with local traffic when they were supposed to serve people traveling in and out of the region. "There aren't nearly enough collector and connector roads out there," says Charlier. "There aren't enough alternative routes."

That quart of milk comes up often when the city gives smart-growth presentations. In these talks, the quart of milk is invariably retrieved by a solo driver in an SUV. Fair enough. But the city's own smart-growth consultants are saying that these milk runs jam up the roads, because there are too few roads, too poorly planned.

In fact, it can be argued that Hawai'i has yet to even try road building to mitigate traffic. According to U.S. census data, Hawai'i has the nation's lowest supply of urban highways for urban dwellers. (Honolulu has 1,895 miles of urban highways for 876,000 residents, or 11 highway feet per resident. The national average is 20 highway feet per urban resident.)



Cooke Street and Mother Waldron Park
These Kaka'ako warehouses are what Eric Crispin, AIA, the city's director of planning and permitting, calls a "remnant land use." Their existence dates back to a time when a separate warehouse district was needed to supply the nearby Honolulu business district. Mother Waldron Park provides some pleasant, if pointless, green relief—it's a neighborhood park without a neighborhood. (The park's name is credited to Kaka'ako historian, named after the area's original inhabitants.)

factor."

On O'ahu, where the median price of a single-family home is steadily approaching \$500,000, we might be more allergic than Portland to higher housing prices.

So is it smart, or not?

By now you might be thinking smart growth is a horrible mistake.

Maybe. But what about those pictures? Look at that projection of what Kaka'ako could look like. Look at what Liliha Street could look like. Either photo illustration also demonstrates what Kapolei could develop into.

Don't those places, those imagined, future Honolulu, look cool?

OK. These images are obviously advertisements, each building immaculate, every pedestrian grinning. "Smart growth" itself is a sales slogan, smugly insisting that what has gone before is dumb, dumb, dumb. A skeptic must resist the urge to put smart growth in quotes every time it pops up.



Cooke Street and Mother Waldron Park

Using the higher-density, mixed-use approach of smart growth, the city thinks this bleak warehouse district could look like this instead. Shown here are mid-rise developments that fill their blocks, with parking in the center of the blocks and the human elements brought out to the sidewalks. The building at left (1), could combine apartments and offices over a ground-floor shopping arcade, shaded by trees. At the right, another building holds apartments and offices over ground-floor restaurants (2). The resulting neighborhood has about the same building heights and density of such cities as Paris or Amsterdam.

Key to the smart-growth approach is bringing major amenities within walking distance of residents—note the full-size Foodland supermarket at the bottom of the center residential/office building (3).

Since it now serves a neighborhood, Mother Waldron Park is shown here enhanced with points of interest (4) and places to sit and linger (5).

Slater is right that planners fetishize old European cities. The planners HONOLULU spoke with actually brought up Paris and Amsterdam as ideals to strive for. But it may not be such an uncommon experience for locals who travel to older cities such as New York, Chicago or San Francisco, if not Paris or Madrid, to look around at the shops, restaurants, museums, salons, art galleries, nightclubs, apartments, coffee houses, boutique fashion stores, dry cleaners, Virgin Megastores and used-book shops, side by side, in a swirl of delightful urban diversions and say, "How come Honolulu isn't like this?"

Smart growth, say its advocates, could make Honolulu, or Kapolei, like that.

Under current regulations, the city hasn't even allowed this kind of experiment. Crispin insists that when the city talks up smart growth, it isn't proposing a new set of restrictions, such as banning single-family homes in favor of row houses, or injecting commercial developments into Old Kihala. "All we want to do is add the possibilities of smart growth to our existing codes so people can try it as we build out Kapolei and redevelop the primary urban core of Honolulu."

3 Pohukaina RFP

View Comments (0) Add Comments



Hawaii Community Development Authority

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

STATE OF HAWAII

REQUEST FOR DEVELOPMENT PROPOSALS

No. RFP-HCDA02-2012

January 19, 2012

COMPETITIVE SEALED PROPOSALS

FOR

Mixed-Use TOD Project at

690 Pohukaina Street

Kakaiko Mauka, Honolulu, Hawaii

Anthony J.H. Ching
Executive Director
Hawaii Community Development Authority

NOTICE TO DEVELOPERS

REQUEST FOR PROPOSALS

FOR PLANNING, DESIGN, CONSTRUCTION, FINANCING, AND

OPERATION OF A MIXED-USE PROJECT at 690 POHUKAINA STREET, KAKAIAKO, HAWAII

The State of Hawaii, Hawaii Community Development Authority (HCDA) invites proposals from qualified Developers to enter into a real estate development agreement for planning, design, construction, financing, and operation of a mixed-use Transit Oriented Development project at 690 Pohukaina Street, Kakaiko Mauka, Honolulu, Hawaii (T.M.K.: 2-1-51-041).

Developers intending to respond to this Request for Proposals (RFP) are required to purchase the proposal documents and pay to the HCDA a non-refundable fee of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). The fee shall be in the form of a cashier's or certified check made payable to "Hawaii Community Development Authority".

To review a copy of the RFP, interested parties can download by accessing the State Procurement Office website page at: www.spo.hawaii.gov or at the HCDA website at: www.hcdaweb.org. It is the responsibility of interested offerors to monitor the HCDA website for any addenda issued by HCDA.

Copies of the RFP are also available for viewing and purchase at the address listed below between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday, except for State holidays.

A pre-proposal conference is scheduled for February 16, 2012 to answer any questions pertaining to this RFP. Deadline for written inquiries to HCDA which are to be answered at the Pre-Proposal Conference is February 13, 2012.

All Developers intending to submit a proposal for this RFP, shall submit a mandatory "Notice of Intent to Offer" letter by February 28, 2012. The Notice of Intent letter shall be accompanied with a corporate resolution or "authorization to sign".

One (1) original and five (5) copies of the proposal are due and must be received by HCDA on or before 2:00 p.m. HST, on MAX 29, 2012. The Proposal shall be accompanied by an Offer Form as designated in the RFP. Proposals should be mailed or hand

D

delivered to:

Mr. Anthony Ching, Executive Director
Hawaii Community Development Authority

461 Cooke Street

Honolulu, Hawaii 96813

HCDA reserves the right to amend this RFP by written addenda, to amend the schedule provided herein, or to reject any and all proposals where HCDA deems it is in the best interest of the State of Hawaii.

For more information, contact Mr. Deepak Neupane, Director of Planning & Development, (808) 594-0338.

Anthony J.H. Ching
Executive Director
Hawaii Community Development Authority

RFP-HCDA01-2012
Advertised:
Internet Posting at www.spo.hawaii.gov
HCDA website

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Rendering: Courtesy HCDA
 There will be three towers at 690 Pohukaina St., with the tallest standing 650 feet high, about 50 percent taller than Hawaii's current highest building. Here's what's planned for the three towers:

Hawaii Business 9/2012

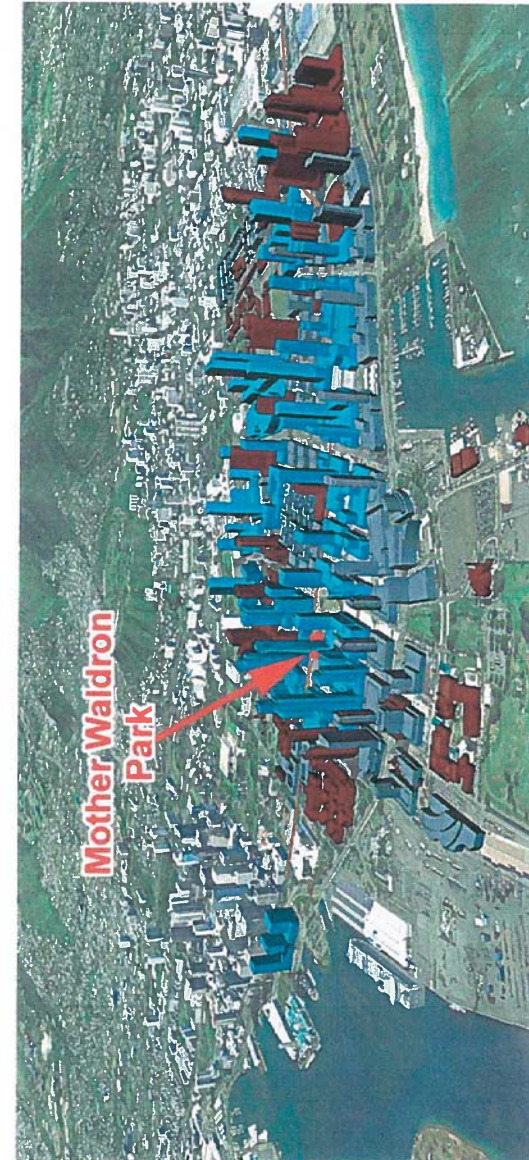
Biggest Project

This month, the Hawaii Community Development Authority will begin evaluating bids from local, mainland and foreign developers who want to create the state's signature project at 690 Pohukaina St.

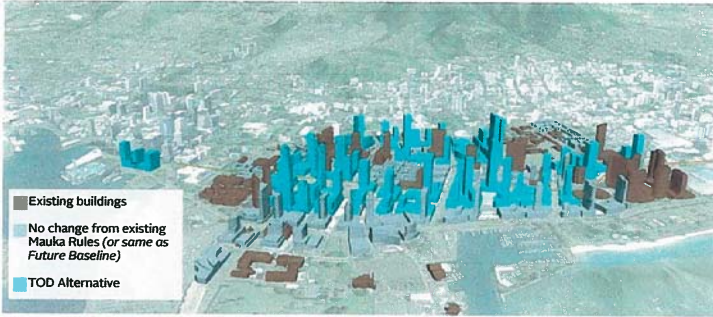
The 650-foot tower alone, on a lot also bounded by Keawe and Halekauwila streets, will include hotel rooms, market-price condos, offices and street

level shops. Construction of the total development, estimated to cost a half-billion dollars and

E



F

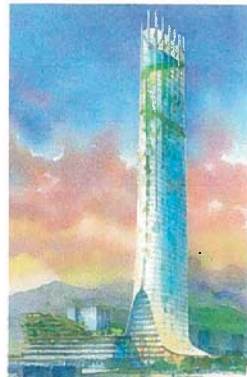


Development scenario of build-out under the TOD Overlay Plan. An array of taller, slender towers are envisioned near by the Civic Center, and Kaka'ako Transit Stations. Image from VIA Architecture

Design: Urban Form and Neighborhood Patterns

The TOD Overlay Plan encourages a new diversity of high-rise types – in selected areas introducing a hierarchy of building form. New guidance will also be established to better address views and aesthetics for taller buildings. Together, these buildings will create a skyline of views through and between towers, as well as green spaces on podiums that will enhance views down from neighboring buildings and residential areas on the slopes of Punchbowl, Makiki and Pacific Heights. The sensitive application of height allowance paired with quality streetscape design can produce the characteristics of a comfortable pedestrian-oriented comfortable environment on the ground plane, while adding to the overall capacity in Honolulu's primary urban center.

- **Urban Design to support Transit Integration** – Introduces policies for the collaboration on the design and construction of the HART system.
- **Skyline and Views** - Provides policy for HCDA to add additional guidance for framing and focusing views
 - Apply best practices to advance the development of well-sited, tall, slender towers, and encourages a diversity of high-rise types and a hierarchy of building form.
 - Introduces new high rise tower types that permit a limited number of buildings to reach 550'.
- **Iconic Buildings** - The Plan seeks to introduce opportunities for a limited number (up to three) of exemplary Iconic buildings with exceptional public benefit.
 - Buildings heights up to 700'
 - One building allowed in Auahi, Thomas Square District (Blaisdell Center area), and Pauahi



Forest City Rendering of 690 Pohukaina Project Proposal
Image from Forest City

F



HART

July 19, 2013

*13 JUL 23 P 2 :20

Mr. Daniel A Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

Subject **Draft Supplemental Environmental Impact
Statement/Section 4(f) Evaluation
Honolulu Rail Transit Project**

Thank you for the opportunity to comment on the subject project. Hawaiian Electric Company has no objections to the project. Should HECO have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities.

We appreciate your efforts to keep us apprised of the proposed project planning process. As the Honolulu Rail Transit project Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park portions comes to fruition, please continue to keep us informed. Further along in the design, we will be better able to evaluate the effects on our system facilities.

HECO-1

If you have any questions, please call me at 543-7245.

Sincerely,

Rouen Q. W. Liu
Permits Engineer

HECO-1 The FTA and HART appreciate the Hawaiian Electric Company (HECO)'s interest in the Honolulu Rail Transit Project. HART will continue to coordinate with HECO.

cc: Mr. Ted Matley (FTA Region IX)



HART

*13 JUL 22 P3 :03

July 22, 2013

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Dear Mssrs. Matley and Grabauskas,

Enclosed is a petition signed by 168 I Mua Rail supporters in support of the draft supplemental environment impact statement for the Section 4(f) evaluations of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park. A copy of the online petition is also enclosed for your reference.

These 168 signatories affirm their commitment to the Honolulu Rail Transit Project and concur with the draft SEIS' assessment that the Beretania Street Tunnel Alternative will be too costly and imprudent.

I Mua - 1

I Mua-1


The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project and recognize the support for the Project.

I Mua Rail is a multimedia campaign of the Pacific Resource Partnership, created to provide a venue for the busy, working residents of Hawaii to voice their support for the Honolulu Rail Transit project and the many economic, environmental, and societal benefits it will bring.




Mahalo,


Cindy McMillan


I Mua Rail Spokesperson



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Express your support for the draft SEIS!

The Honolulu Authority for Rapid Transportation has explored a myriad of options in the initial draft environmental impact statement (SEIS), and concluded that the Beretania Street Tunnel Alternative would be costly and imprudent. With construction slated to restart this Fall, it is critical that we work together to help keep rail on track. Sign your name below to support the draft SEIS.

I am a supporter of rail, and I support the recent draft SEIS, which concludes that the Beretania Tunnel Street Alternative would be too costly and imprudent.

First Name*

Last Name*

Email*

Street

City

State/Province

Zip/Postal Code*

[Why We Need Rail](#) | [What's New](#) | [Get Involved](#) | [About Us](#) | [Press Room](#) | [Contact Us](#) | [Privacy](#)

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Signatories to I Mua Rail online petition in support of the draft SEIS on the for the Section 4(f) evaluations of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park

First Name	Last Name	City	State	Zip
Georgette	Stevens	Kapolei	HI	96707
Christopher	Giannaris	Honolulu	HI	96813
Harvey	Rumbaoa	Kapolei	HI	96707
Eddie	Biano	Aiea	HI	96701
Warren	Hiroto	Waipahu	HI	96797
Eben	Chun	Honolulu	HI	96816
Barbara	Anderson	Kailua	HI	96734
Brian	Fong	Milliani	HI	96789
Warren	Amaral	Honolulu	HI	96814
Gilbert	Cummins	Waipahu	HI	96797
John	Park		HI	96797
Paul	Koko	Honolulu	HI	96817
Ernida	Caraang	Honolulu	HI	96819
Warren	Hiroto	Waipahu	HI	96797
Dean	Sensui	Milliani	HI	96789
Mignonette	Agustino-Flora	Kapolei	HI	96707
Robert	Shohan	Honolulu	HI	96822
Len and Terri	Lantych	Waipahu	HI	96797
Allen	Perkins	Honolulu	HI	96825
Timothy	White	Honolulu	HI	96825
Kae	Toguchi	Milliani Town	HI	96789
Gerard	Sakamoto	Honolulu	HI	96817
Richard	Cheney		HI	96819
Karin	Gill	Honolulu	HI	96822
MEL	SAIKI	MILILANI	HI	96789
MEL	SAIKI	MILILANI	HI	96789
Timothy	Lui-Kwan	Honolulu	HI	96817
Arnold	Kameda	WAIPAHAU	HI	96797
Douglas	Shanefield	Honolulu	HI	96816
Leslie	Kuriki	AIEA	HI	96701
Lillian	Ching	Kaneohe	HI	96744
Jose	Rubio	Kapolei	HI	96707
Cesar	Valeron	Kapolei	HI	96707
Steven	Canales	Pearl City	HI	96782
Terry	Matsumoto	Honolulu	HI	96818
Ronnie	Agustin	Kapolei	HI	96707
Lance	Kamada	Waipahu	HI	96797
Gerald	Lai	Milliani	HI	96789
Jeanne	Omaye	Aiea	HI	96701
Judy	Yockman		HI	96706
Ed	Klein	Kailua	HI	96734
Dennis	Smith	Aiea,	HI	96701
Ricky	TAMASHIRO	Honolulu	HI	96819

Roger	Hasegawa	Mililani	HI	96789
Joseph	Magaldi	Honolulu	HI	96814
Daniel	Stringer	Honolulu	HI	96813
Michael	Golojuch Jr	Kapolei	HI	96707
Charles	Baugh	Honolulu	HI	96813
Robert	McClain	Ewa Beach	HI	96706
Shuzo	Kimura	Milani	HI	96789
Cynthia	Soon		HI	96707
adrian	santos			96797
Daniel	Au	Honolulu	HI	96819
Joseph	Cornor	Honolulu	HI	96815
mark	danielson	Honolulu, Hawaii	HI	96815
Grace	Katakura	Honolulu	HI	96825
frank	tate			96707
Beverly	Tate	Kapolei	HI	96707
Walter	Ingebritson	Kapolei	HI	96707
Dean	Muramoto	Kapolei	HI	96707
Robert	Duncan	Ewa Beach	HI	96706
Ben	Robinson	Honolulu	HI	96815
David	Lato	Honolulu	HI	96822
Hannah	Miyamoto	Honolulu	HI	96813
Paul	Meyer	Honolulu	HI	96822
Bernard	Hvidding	Kapolei	HI	96707
Michael	Fe Benito	Ewa Beach	HI	96706
barry	lienert	Waimanalo	HI	96795
Ricardo	Tubania	Aeia	HI	96701
Ricardo	Tubania	Aeia	HI	96701
Adrian	Bagayas	Pearl City	HI	96782
Betty	Santoki	Aiea	HI	96701
Mr. Reuben A.	Liboy Sr.	Kapolei	HI	96707
Brian	Allen	Mililani	HI	96789
Chris	Tsubaki	Ewa Beach	HI	96706
Steve	Kitazaki	Mililani	HI	96789
Kelly	Toguchi	Honolulu	HI	96817
Wilbur	Luna	Kapolei	HI	96707
Edna	Alikpala	Pearl City	HI	96782
Scott	Craven	HNL	HI	96822
Chris	Lum	Pearl City	HI	96782
T	Choy	Honolulu	HI	96822
Quentin	Redmon	Kailua	HI	96734
Ed	Mangliallan	Ewa Beach	HI	96706
Richard	Yoza	Waipahu	HI	96797
Robert	Small	Mililani	HI	96789
Edward M	Liano	New York	NY	10032
Robert	Measel Jr.	Keaau	HI	96749
Lester	Ayakawa	Ewa Beach	HI	96706
Roy	Tanouye	Waipahu	HI	96797

audrey	Mikami	Ewa Beach	HI	96706
Celeste	Rogers	Kapolei	HI	96707
Harold	Schatz	Kailua	HI	96734
Sylvia	Simmons	Honolulu	HI	96817
Edgar	Hamasu	Honolulu	HI	96816
Darek	Kawamoto	Aiea	HI	96701
Josh	Silva	Pearl city	HI	96782
Justin	Menina	Honolulu	HI	96706
charles	williams	kapolei	HI	96707
Curtis	Nishihara	Honolulu	HI	96818
Athan	Adachi	Honolulu	HI	96819
Patrick	Williams	Honolulu	HI	96817
Br. Jack	Isbell, OFC	Honolulu	HI	96817
Glenn	Sugawara	Mililani	HI	96789
Jade	Young	Kapolei	HI	96707
Kenji	Uejo	Pearl City	HI	96782
Doc	Wilson	Kapolei	HI	96730
William	Cook	Kapolei	HI	96707
Randall	Kido	Mililani	HI	96789
Eric	Wright	Mililani	HI	96789
Jeff	Nagashima	Mililani	HI	96789
Emmanuel	Sales Sr.	Waipahu	HI	96797
Melvin	Uesato	Kapolei	HI	96707
Ronald	Fitzgerald	Kailua	HI	96734
Cicero	Bien	ewa beach	HI	96706
CAROL MAE	TAKAHASHI	MILILANI	HI	96789
Minh	Do	Waipahu	HI	96797
Minh	Do	Waipahu	HI	96797
Patricia	Kido	Aiea	HI	96701
I. Robert	Nehmad	Honolulu	HI	96825
tadia	rice	Kailua	HI	96734
Shelby	Lessary	Waipahu	HI	96797
monty	Roque	pearl city	HI	96782
Jennifer	Ross	Honolulu	HI	96816
Emanuel	Aquino	Honolulu	HI	96819
Jeff	Coelho			96734
Bruce	Erber	Waipahu	HI	96797
Larry	Araga	Honolulu	HI	96819
Earl	Aoki	Mililani	HI	96789
Karen	Kobayashi	Aiea	HI	96701
Susan	Moniz	Waipahu	HI	96797
John	Fukumoto	Waipahu	HI	96797
Royce	Tanouye	Ewa Beach	HI	96706
Thomas	Jacobs	Haleiwa	HI	96712
Maria	Farina	Honolulu	HI	96782
Stephen	Mori	Honolulu	HI	96822
Bob	Schuster	Aiea,	HI	96701

Denise	Chillingworth	Honolulu	HI	96817
Melga	Gendrano	Honolulu	HI	96818
James	Kuloloio	Wailuku	HI	96793
Gary	Hara	Milliani	HI	96789
Alvin	Toda	Pearl City	HI	96782
Bob & Roberta	Nickel	Honolulu	HI	96821
Dennis	Nishiguchi	Honolulu	HI	96816
richard	oshiro	mililani	HI	96789
RALPH	OTO	Honolulu	HI	96822
Tom	Simmons		HI	96817
Cheryl	Menina	Honolulu	HI	96706
Raul	Menina	Honolulu	HI	96706
Aaron	Hoo	Honolulu	HI	96816
Jean	Zee	Milliani	HI	96789
Ash	Tsuji	Kapolei	HI	96707
Edward	Wolf	Kapolei	HI	96707
Kristina	Wolf	Kapolei	HI	96707
David	Moskowitz	honolulu	HI	96830
Grace	Okutani	Milliani,	HI	96789
Richard	Yoshimura	Pearl City	HI	96782
GLENN	YAMANOUCI	AIEA	HI	96701
Richard	LaJeunesse	Waimanalo	HI	96795
Linda	gonzales	Ewa Beach	HI	96706
don	fasone	waimanalo	HI	96795
Stan	Tsukamoto	Milliani	HI	96789
Chazz	Ragragola	Milliani	HI	96789
Marian	Crislip		HI	96789
Charles	Zahn		HI	96707
Gayle	Hashimoto	Milliani	HI	96789
John	Rogers	Ewa Beach	HI	96706
Doryn	Matsuda	Ewa beach	HI	96706



UNITED STATES DISTRICT COURT

CHAMBERS OF
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-409
HONOLULU, HAWAII 96850-0409

HART

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(808) 541-1720
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July 8, 2013

'13 JUL 10 P2 :00

Mr. Ted Matley
FTA Region IX
201 Mission St., Ste. 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Ste. 1700
Honolulu, HI 96813

Re: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

Gentlemen:

On behalf of the United States District Court for the District of Hawaii, I submit that the Draft Supplemental Environmental Impact Statement (“DSEIS”) fails to give adequate consideration to the Beretania Street Tunnel Alternative.¹

In his Order on Cross-Motions for Summary Judgment filed November 1, 2012, Judge A. Wallace Tashima directed that: “Defendants must fully consider the prudence and feasibility of the Beretania tunnel alternative specifically, and supplement the FEIS and ROD to reflect this reasoned analysis in light of evidence regarding costs, consistency with the Project’s purpose, and other pertinent factors. . . . Should

¹ In a letter dated May 30, 2012, I previously submitted reasons that the Halekauwila Street route was neither prudent nor feasible, particularly with respect to still unresolved serious security risks to the United States District Court building presented by the proposed route of the Honolulu Rail Transit Project.

Mol-1

The comment refers to a previously-submitted letter stating that security risks to the United States District Courthouse have not been addressed. Security risks were addressed in Section 2.5.4 of the Final EIS/4(f) and through ongoing coordination with the U.S General Services Administration (GSA), which has the statutory responsibility for determining and implementing security requirements for federal facilities, including the United States District Courthouse in Honolulu. The U.S. Marshals Service and Federal Protective Service have stated that they agree that the Project “does not pose any additional threat to the Courthouse beyond that of surface traffic.” See FPS and USMS’ letter to Senator Daniel K. Inouye, dated October 2, 2009. GSA also agreed, by its letter sent on October 16, 2009, that “this project will not add any additional threat or vulnerability to this federal facility.” The FTA and HART have offered security mitigation beyond the requirements of federal security guidelines applicable to the building and its uses. Please see the GSA comment letter and response for additional information (GSA-2).

The comment may be intended to suggest that the feasibility and prudence of the downtown portion of the Project needs to be reexamined. As noted in Section 1.1, the Supplemental EIS/4(f) was prepared to address the requirements of the November 1, 2012 and December 27, 2012 orders of the District Court for the District of Hawaii in HonoluluTraffic.Com v. Federal Transit Administration. The referenced comment was submitted in response to the Draft EIS/4(f) by judges of the District Court (who have recused themselves from the pending litigation). The letter states that the adopted Project alignment in downtown Honolulu is not feasible and prudent. The orders of the District Court in the pending case do not require the Supplemental EIS/4(f) to evaluate whether the adopted Project alignment in downtown Honolulu is feasible and prudent.

The November 1, 2012 Order on Cross Motions for Summary Judgment stated the following with regard to the additional evaluation in the Supplemental EIS/4(f):

“Defendants must fully consider the prudence and feasibility of the Beretania tunnel alternative specifically, and supplement the FEIS and ROD to reflect this reasoned analysis in light of evidence regarding costs, consistency with the Project’s purpose, and other pertinent factors.” Order on Cross-Motions for Summary Judgment at 27. In other words, the District Court required the City and the FTA to evaluate whether the Beretania Tunnel Alternative was a feasible and prudent alternative to the use of section 4(f) properties (the Chinatown Historic District, and Dillingham Transportation Building) by the approved Project alignment in downtown Honolulu. The District Court also required the City and FTA to reevaluate whether the Project would result in a constructive use of Mother Waldron Park under section 4(f). The District Court did not require the City and FTA to evaluate whether the adopted Project alignment was “feasible and prudent.”

Mol-1

Mr. Ted Matley
Mr. Daniel A. Grabauskas
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Defendants determine, upon further examination of the evidence, that their previous decision to exclude the Beretania alternative because it would be imprudent was incorrect, they must withdraw the FEIS and ROD and reconsider the project in light of the feasibility of the Beretania tunnel alternative. . . .” Order at page 27.

Mol-1
(cont.)

The Beretania Street Tunnel Alternative accomplishes the original intended goal of the Honolulu Rail Transit Project, while the Project’s proposed route to the Ala Moana Shopping Center does not. Indeed, under the heading “1.4.1 Purpose of the Project”, on page 12, the DSEIS proclaims: “The purpose of the Honolulu [Rail Transit] Project is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and UH Manoa, as specified in the Oahu Regional Transportation Plan 2030 (ORTP)(OahuMPO 2007).” (Emphasis added.)

Remarkably, the Project’s proposed rail route fails to run along “the highly congested east-west transportation corridor between Kapolei and UH Manoa,” the very corridor expressly identified as the route the Project is intended to serve.

Mol-2

The Project’s proposed rail route does not go anywhere near the UH Manoa campus. Instead, it goes to the Ala Moana Shopping Center! The DSEIS then unrealistically posits that a UH student, after riding the rail to Ala Moana, can transfer to a bus to get to the UH campus and, even including the time spent getting to the bus boarding area and waiting for the bus, arrive within 9 minutes. (See Table 3, page 48 of the DSEIS: Waianae to UH Manoa: Beretania Street Tunnel – 84 minutes; The Project – 93 minutes.)

The DSEIS opines that the Beretania Street Tunnel Alternative will increase the capital cost of the Project by \$960 million (page 61) and add 2 years to its construction duration (page 58). However, the DSEIS fails to opine, or even consider, what the capital cost of the proposed future extension from the Ala Moana Shopping Center to UH Manoa might be. There could be a major cost-saving in implementing the Beretania Street Tunnel Alternative now rather than pursuing a possible two-stage development involving initial construction of the rail route to the Ala Moana Shopping Center and later extension to UH Manoa. In fact, given the economy, sequestration, the loss of Senator Inouye’s influence, and other intervening factors, it is realistic to question whether the extension to UH Manoa will ever be built. It is critical to accomplish the intended purpose of the Honolulu Rail Transit Project “to provide high-capacity rapid transit” by a rail route to UH Manoa now, while we have the best opportunity to do so.

Mol-3

Mol-1
(cont.)

Section 4(f) requires the FTA to evaluate whether there is a feasible and prudent alternative to the use of section 4(f) properties by a proposed transportation project. Thus, the section 4(f) test is whether there is a “feasible and prudent” alternative to the use of a section 4(f) property – not whether the proposed project is “feasible and prudent.” Nevertheless, as documented in the Final EIS/4(f) and as discussed in the District Court’s November 1, 2012 Order, the City and FTA conducted a comprehensive evaluation of the environmental impact of the Project alignment in downtown and determined that the selected Project achieved the purpose and need for the Project. The Final EIS/4(f) also documented the extensive evaluation of alternatives to the Project, including alignment, mode and technology alternatives. The District Court rejected all of the Plaintiffs’ claims that the evaluation of the Project and alternatives to the Project did not comply with the National Environmental Policy Act. See Order on Cross-Motions for Summary Judgment at 29-43. The District Court rejected Plaintiffs’ claim that the FTA did not adequately consider alternative routes that would not locate the Project in the street that is adjacent to the Federal courthouse. Order on Cross-Motions for Summary Judgment at 39.

Mol-2

As noted in Section 1.4.1 of the Draft Supplemental EIS/4(f), the Honolulu Rail Transit Project is intended to provide faster, more reliable public transportation service in the study corridor than can be achieved with buses operating in congested mixed-flow traffic, to provide reliable mobility in areas of the study corridor where people of limited income and an aging population live, and to serve rapidly developing areas of the study corridor. The study corridor, shown in Figure 1-1 of the Draft Supplemental EIS/4(f), extends approximately 23 miles from the Wai’anae coast to beyond UH Mānoa and includes approximately 2/3 of O’ahu’s population. The corridor is confined by the Wai’anae and Ko’olau Mountain Ranges and the Pacific Ocean [Section 1.2 of the Final EIS/4(f)]. While the Project does not reach the Wai’anae coast or UH Mānoa with high-capacity rail, the rail line is part of a comprehensive transit network that serves the entire corridor, connecting to stations and the final terminals with enhanced bus service. Chapter 2 of the Final EIS/4(f) discusses the terminus of the Project. Section 8.6.2 of the Final EIS/4(f) addressed comments on the termini and potential future extension to UH Mānoa.

The analysis of the ability of the Beretania Street Tunnel Alternative to meet Purpose and Need, compared to the Project is presented in Section 3.5.1 of the Draft Supplemental EIS/4(f).

Comparison of each alternative to the No Build Alternative requires reference to Table 7-2 in the Final EIS/4(f), which shows a travel time of 121 minutes without rail transit. As noted in Table 3 of the Draft Supplemental EIS/4(f), the travel time from Wai’anae to UH Mānoa would be 9 minutes longer for the Project than for the Beretania Street Tunnel Alternative, however, both provide a substantial improvement over the No Build Alternative. Also as discussed in Section 3.5.1 of the Draft Supplemental EIS/4(f), other destinations within the corridor are better served by the Project, such as Ala Moana Center, which would require a bus transfer from the Beretania Street Tunnel Alternative.

Mol-2 (cont.) The trade-offs for transit users between the two alternatives are illustrated by the data in Table 3 of the Supplemental EIS/4(f), which show that where rail boardings and transit trips increase by one-percent for the Beretania Street Tunnel Alternative while transit user benefits improve by two-percent for the adopted Project. Cumulatively, the analysis supports the conclusion that both the Project and the Beretania Street Tunnel Alternative would have similar effectiveness at meeting the Purpose and Need.

Mol-3 Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

As discussed above, the Beretania Street Tunnel Alternative would have similar total benefits to transit users as the Project, including similar service to downtown and a trade-off between direct service to UH Mānoa with a bus transfer to Ala Moana Center and direct service to Ala Moana Center with a bus transfer to UH Mānoa. The number of daily transit users would be similar for either alternative.

Mr. Ted Matley
 Mr. Daniel A. Grabauskas
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UH Manoa, with a student body of 20,426, plus professors, administrators, maintenance staff, and others, is a major contributor to Oahu's severe traffic problems. These problems would be significantly improved by the Beretania Street Tunnel Alternative. The Project's proposed Ala Moana route promises nothing close to that improvement. Moreover, the proposed Fort Street Station that is part of the Beretania Street Tunnel Alternative would be in easy walking distance of downtown workplaces. Passage by bus directly to Waikiki could be provided from the proposed Kalakaua Station. Although Kapolei and other areas in West Oahu have shopping centers with both comparable shops as well as many stores offering discounted merchandise, the court understands that passengers from those parts of the island may want to go to the Ala Moana Shopping Center. Those passengers would be able to transfer to buses at the proposed Pensacola Street Station (DSEIS page 20).

Mol-3
 (cont.)

The DSEIS suggests that the Beretania Street Tunnel Alternative risks reaching the water table and thereby creating settlement problems (page 45). However, the DSEIS itself acknowledges that any such risk could be significantly mitigated. Indeed, in many other cities tunnels have been successfully and safely constructed at that level. In the alternative, the rail could be elevated above street level, which presumably would be less costly. (HART appears to have rejected a street-level alternative because of vehicular traffic and safety concerns.)

Mol-4

To those familiar with the historic structures in the downtown area, it appears that the DSEIS may well overstate the relative impact the Beretania Street Tunnel Alternative would have on historic buildings as compared to the impact the present proposed route would have. (page 68).

Mol-5

Nor does it appear that the effect the Beretania Street Tunnel Alternative would have on vehicular traffic would be significantly greater than the Project's proposed route along Ala Moana Boulevard and Halekauwila Street (page 61).

Mol-6

It also appears that the Beretania Street Tunnel Alternative would avoid obstructing the view corridors for the Capitol District from Punchbowl to the waterfront as established in Land Use Ordinance Sec. 21-9.30-1.3, which the Project's proposed Ala Moana route would violate (page 20).

Mol-7

While suggesting that a Beretania Street tunnel might affect some archeological and burial sites, the DSEIS acknowledges that fewer such sites would likely

Mol-8

Mol-4 The Draft Supplemental EIS/4(f) discusses tunneling risks in Section 3.4. While construction of a tunnel would create construction challenges, increase construction costs, and introduce a potential for damage to historic properties, but it would be feasible as a matter of technical engineering to construct the Beretania Street Tunnel Alternative.

The Final EIS/4(f) evaluates alternatives to the Project. The discussion of the Beretania Tunnel Alternative in this Supplemental EIS/4(f) responds to the District Court's orders (see the response to Mol-1). An additional analysis of an elevated guideway following the route of the Beretania Street Tunnel Alternative through the core of the Chinatown and Hawai'i Capital Historic Districts would be contrary to the Section 4(f) was not required.

Mol-5 Please see Common Response 9 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding historic properties that would be affected by the Beretania Street Tunnel Alternative.

Mol-6 Construction impacts are discussed under the Construction sub-heading in Section 3.5.3 of the Draft Supplemental EIS/4(f). Considerable traffic impacts would result during construction of the Beretania Street Tunnel Alternative. As detailed in the Draft Supplemental EIS/4(f), over the nearly three-year station construction period, each station would be excavated from above in stages to maintain traffic on portions of the overlying streets. In addition to the closure of substantial roadway capacity during construction, removal of tunnel spoils would result in an average of 63 one-way truck trips to or from the site per day. As discussed under the Construction sub-heading in Section 3.5.3 of the Draft Supplemental EIS/4(f), the construction duration would be two years longer than the Project, and the construction area would be larger.

Mol-7 Both alternatives would obstruct protected view corridors. The Beretania Street Tunnel Alternative would affect the Capital Special District as shown in Figure 23 of the Draft Supplemental EIS/4(f) and the Project would affect Chinatown as shown in Figure 4-33 of the Final EIS/4(f). The Project would not affect the Capital Special District.

Mol-8 As discussed under the Archaeology sub-heading in Section 3.5.3 of the Draft Supplemental EIS/4(f), archaeological studies have been completed for the Project as required by the Programmatic Agreement among FTA, the City, the U.S. Navy, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The design of the Project has been modified to avoid all previously identified human remains. Overall, the Beretania Street Tunnel Alternative is located in an area with a lower potential to encounter archaeological resources and burials than the Project; however, the alignment, station locations, and portal locations for a tunnel are much less flexible and much more ground disturbing than column locations for an elevated guideway. As a result, the potential impact at the portals and stations is higher for the Beretania Street Tunnel Alternative than for the Project.

Mr. Ted Matley
Mr. Daniel A. Grabauskas
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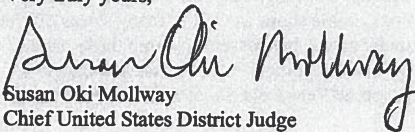
be affected because the Beretania Street Tunnel Alternative is further inland than the Project's proposed Ala Moana route (page 57).

Mol-8
(cont.)

In conclusion, the court urges you to recognize that the Beretania Street Tunnel Alternative, which is a more prudent and feasible route for the Project than the route presently proposed, has not been adequately considered in the DSEIS.

Mol-9

Very truly yours,


Susan Oki Mollway
Chief United States District Judge

cc: Matthew G. Adams
Michael Jay Green
David B. Glazer
John P. Manaut
Harry Yee
Peter C. Whitfield
Don S. Kitaoka
Edward V. A. Kussy
Robert D. Thornton
William Meheula
Robert P. Richards
Elizabeth S. Merritt

Mol-9

Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Record Date : 7/21/2013
First Name : roy
Last Name : aragon
Business/Organization : free hawaii of corruption
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : This whole project is corrupted just look at what's going on conflict of interest how politicians were paid for political influence, I would also like a ethic commission audit on where and who was paid. Over \$ 986 million spent and no accountability made. The firm of PRP paid over 7 million to defraud the voters and paid for the election by smearing all and any persons against this corrupt project . This is an island not the mainland, we DON'T need this 20 miles of misery for \$10 billion debt. Have PRP and the mayor PRP pay for the rail. With all the fiscal Federal cuts this project is unsound and the funds will not cover the debt. STOP this RAIL it reminds us of the overthrow of the Hawaiian Kingdom by the greedy outsiders that support this tragic cancer call rail.

Ara-1

Ara-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Table 9 in the Draft Supplemental EIS/4(f) addressed the cost of the Project.

Reply Requested :

Record Date : 7/22/2013
First Name : Dave
Last Name : Bautista
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

Mr. Grabauskas and Mr. Matley:

This rail project is not what we were promised by former Mayor Mufi Hanneman. This was supposed to be a light, modern, and rapid transit rail providing an alternative from Kapolei to UH Manoa.

In recent developments the public is becoming aware of the failure to provide these important aspects.

This is the largest project in our state's history. With that said, our government was formed by the people for the people. The principle of 2/3 majority vote is important to secure the people's interests. When this rail project was approved by needing only a 51% vote, we (as the people) no longer became the beneficiary of such a project.

At 51% approval, this makes us a Corporation instead of a State in the United States of America.

While this is not your doing (for the vote requirement) it is your responsibility as an authority to follow the law and due process... which you have not. Evidenced by the lawsuit and the recent letter from a Judge also pointing out the security issue that the route brings.

There are many people around me that do not support this project. Please stop this before its too late and we become a state that is burdened by expenses we don't need. Our children and their future depends on responsible government. Be responsible and end this madness now. Alternatives for traffic relief is not limited to a rail system.

Sincerely,
Dave Bautista

Reply Requested :

Bau-1

Bau-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see the response to Judge Mollway's comments regarding her views about the route and security. Please see Common Response 2 about the cost of extending the Project to UH Mānoa.

Record Date : 7/19/2013
First Name : Tom
Last Name : Berg
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

July 19, 2013

From: Tom Berg, former Honolulu City Council Member; District One (2011-2013)

Mr. Daniel A. Grabauskas (also to) Mr. Ted Matley
Honolulu Authority for Rapid Transportation FTA Region IX
City and County of Honolulu 201 Mission Street, Suite 1650
1099 Alakea Street, Suite 1700 San Francisco, CA 94105
Honolulu, HI 96813

Subject: Comments on the Honolulu Rail Project Draft Supplemental Environmental Impact Statement (SEIS)

Mr. Grabauskas and Mr. Matley:

Before commenting on the (SEIS), the antecedence of how we got here needs to be highlighted.

FACT: The Oahu Metropolitan Planning Organization (OMPO) in 2003 approved of a Pearl Harbor Emphasis as a viable model to the relief sought for the H-1 Freeway Corridor that included a bridge and tunnel option. In 2005, Mayor Mufi Hanneman unilaterally removed and omitted the Pearl Harbor Concept /Emphasis from all scoping, city legislation, and public hearing process when the debate to pursue Act 247 (Hawaii Session Laws 2005) transpired.

CONCLUSION: Henceforth, the draft EIS that was advanced from the onset was skewed, flawed, and a product contrived in bad faith. Minimal property acquisition would be needed through the ocean as a tunnel or over Pearl Harbor via a bridge in comparison to the elevated fixed guideway route as is currently defined. The public was denied the ability to illustrate the superiority of the ocean tunnel and bridge options in comparison to the rail option and denied the right to examine the work of OMPO that approved the Pearl Harbor Emphasis.

FACT: Act 247 (HSL 2005) discriminated against any county having a population over 500,000 from approving a General Excise Tax increase for highway technology. Kauai, Hawaii, and Maui counties could impose a GET surcharge to advance highway technology, but the City and County of Honolulu could not use a GET surcharge for highway technology.

CONCLUSION: The City and County of Honolulu acted in bad faith by purporting in scoping meetings and schemata presented to the public in the pursuit of producing the draft EIS, that a Managed Lane Concept / Option – via highway technology was available to the public. The city offered at scoping meetings a Managed Lane option over rail if we wanted it. This was deceitful, for the managed lane option could not be implemented with the GET surcharge. The public was misled- like a loss leader to get us to the meetings since we were starving for traffic relief. Then the bait and switch took place- that highway technology was an option for purchase when it actually was never for sale. All we could buy was Steel Wheels on Steel Rails. The city displayed in the storefront window- Managed Lanes, and truly 21st century rail such as Monorail and Urban Maglev for sale...but the only product available on the shelves, was Steel Wheels on Steel Rails.

FACT: The City lied to the public that Urban Maglev and Monorail technologies are proprietary.

Ber-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). The choice of technology was discussed in Chapter 2 of the Final EIS/4(f).

Ber-1

CONCLUSION: In order to get a lock on Steel Wheels on Steel Rails, the city had to stack the deck. Out of the 18 or so names provided by Mayor Mufi Hannemann to the City Council so the council could choose from that list to formulate an alternative analysis panel consisting of five persons, not one name, not one choice provide on the list by Mayor Hanneman had expertise in Urban Maglev technology. Thus, when 4 out of 5 members on the alternative analysis panel dismissed Urban Maglev and Monorail technologies in favor of their allegiance and alliance to Steel Wheels on Steel Rails, the public got sold out. The majority of that panel made their living by pitching steel rail and they could not make money or profiteer, nor could their affiliates, if they picked the more advanced technology being Urban Maglev.

THE SEIS- in general terms, needs to be aborted altogether. While serving on the Honolulu City Council, I introduced RESOLUTION 11-258 – see link pasted below to access- (http://www4.honolulu.gov/docushare/dsweb/Get/Document-117004/6b1p_r3v.pdf). This reso was to start anew, to deploy an open, fair, and honest examination of true traffic relief options. The resolution was not afforded a hearing- since out of the nine members on the City Council at the time, eight of them favored pursuing the current rail plan- as the ninth member, was the only holdout advocating for a new EIS. And here is why- some text in resolution reads:

URGING THE MAYOR AND THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO PREPARE A NEW ENVIRONMENTAL IMPACT STATEMENT FOR THE CITY'S TRANSIT PROJECT.

WHEREAS, on March 15, 2007, with respect to the Honolulu High-Capacity Transit Corridor Project ("transit project"), the City and the Federal Transit Administration ("FTA") published a Notice of Intent ("NOI") to prepare a draft environmental impact statement ("DEIS") for high-capacity transit improvements in the Leeward corridor of Honolulu, Hawaii (Federal Register, Vol. 72, No. 50, Pages12254- 12257); and

WHEREAS, the NOI states the following:
"The draft EIS would consider five distinct transit technologies: Light rail transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system." (Federal Register, Vol. 72, No. 50, Page 12256); and

WHEREAS, on November 2, 2008, the city released the DEIS, which does not evaluate the five transit technologies noted in the NOI; and
WHEREAS, the failure to evaluate all five technology options in the DEIS as stated in the NOI conflicts with the intent of the federal notice and calls into question whether the DEIS is in compliance with the provisions of the National Environmental Protection Act; and

WHEREAS, on June 14, 2010, the city released the final environmental impact statement ("FEIS"), which likewise does not evaluate the five technology options and notes, "The system will use steel-wheel-on-steel-rail technology" (FEIS, p. S-i).

A video of 7th Graders at Ewa Makai Middle School wanting another vote- and supporting alternatives to steel wheels:
<http://www.youtube.com/watch?v=QMz-0a1YNt4>

A video of a Town Hall Meeting exposing the superiority of Urban Maglev and Monorail technology to Steel Wheel Rail:
<http://www.youtube.com/watch?v=VPuFe0AmauU>

Two videos capturing City Council hearings - MAP 21 that heralds BRT as more affordable than rail and the deceit of denying Urban Maglev from the EIS:
<http://www.youtube.com/watch?v=29BB4-OUAj8>
*** <http://www.youtube.com/watch?v=fxKs9WTyxsE> - MAGLEV JUSTIFIED SPEECH

NOTE: In 2012 Congress and the President passed a law that gave power and authority for the FTA to reclassify the definition of elevated fixed guideways. Now, fixed guideways can include highway technology- such as Bus Rapid Transit. Yet, the City and County of Honolulu refuses to hold a public hearing on the new law so the public can weigh in on the superior technology of BRT of which can be attained at a lesser price. Please be cognizant, that in 2002, the City and County of Honolulu concluded in a study, that BRT beats rail on all fronts.

PLEA: An injunction is warranted to stop the current rail project.

Tom Berg
Former Honolulu City Council Member (2011-2013)
91-203 Hanapouli Circle #39U
Ewa Beach, Hawaii 96706
(808) 753-7324
Email

Reply Requested :

Ber-1
(cont.)

Ber-1
(cont.)

Record Date : 6/24/2013
First Name : John
Last Name : Bond
Business/Organization :
Address :
Apt./Suite No. :
City :
State : HI
Zip Code :
Email :
Telephone :
Add to Mailing List : None

Submission : Joanna Morsicato took a call on June 19th from John Bond. She was not aware that this was in anyway through the project Hot Line. He may have called there as well? He asked the following questions to which she provided answers as describe below:
1. Was the SEIS only on Mother Waldron Park and the Tunnel and nothing else? She said | Bon-1
Yes.
2. What would HART do to process the comments from the AIS review that SHPD website posted? She said he needed to ask SHPD for details on that. | Bon-2
She did acknowledge that there had been several activities underway and that I hoped it wasn't confusing. He seemed satisfied with my answers. It was a short but cordial conversation.

Reply Requested :
Attachments :

Bon-1 As noted in Section 1.1 of the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)], the Supplemental EIS/4(f) was prepared to address the Judgment and Partial Injunction Order of the United States District Court for the District of Hawai'i in Honolulu-Traffic.com et al. vs. Federal Transit Administration et al. The scope of the analysis was limited to whether the Beretania Street Tunnel Alternative was feasible and prudent and whether the Project would "constructively use" Mother Waldron Neighborhood Park under Section 4(f).

Bon-2 The surveys for previously unidentified below-ground archaeological sites have been completed for the entirety of the project alignment. The results of the surveys are reported in several volumes of an Archaeological Inventory Study (AIS). The AIS review is a separate process, which addressed State of Hawai'i requirements for project review and the requirements in the PA among FTA, the City, the U.S. Navy, the SHPO, and the Advisory Council on Historic Preservation. Information on the Archaeological Inventory Surveys is available on HART's website at www.honolulutransit.org.

Major Scientific Evidence Shows Honolulu's Rail Route A Planning Fiasco

Aloha,

A Category 3-4 hurricane storm will drive 20-30 ft. of sea water inland. This could happen within a 12-24 hour time period and could do everything Sea Level Rise (SLR) will accomplish in the coming decades. This scenario is actually PREDICTED by FEMA as likely for Honolulu at anytime into the future decades.

Each year of SLR will only push the future hurricane storm surge further inland. On top of SLR, there is groundwater inundation creeping up year after year which brings water much further inland.

Storm surge will create massive damage hundreds of yards inland to sewer, water and electrical systems, shutting down the Sand Island Waste Water treatment plant and depositing massive amounts of raw sewage around downtown areas. Honolulu Airport's reef runway would likely be destroyed. Tourism will come to a complete stop.

Just think about THAT- no airport and raw sewage everywhere with a totally useless and shut down railway system. No Civil Defense planning AT ALL has been done for this incredibly LIKELY future scenario!

Not only will rail be shut down and totally useless after hurricane storm surge, it will likely take many months to get the infrastructure around the stations back up to operational status. (Maybe this is why we will need bike lanes?)

This ALL could have been avoided by a rail route further inland, such as along H-1, away from ALL of these problems! And WHY wasn't this done? Because rail is a REAL ESTATE project, not a commuter transportation system! This is an DOT-FTA financed real estate project.

This is why the TRUTH will come out in the future and the FIASCO of very bad rail route planning will be exposed for all to see. Billions MORE will have to be spent (which is apparently the intent of this bad plan?)

Meanwhile, groundwater inundation and land subsidence is currently underway and it is totally ignored by the City, HART and so called HCDA urban planners in low-lying coastal areas such as Kakaako and the south shoreline where 5-6 other rail stations will be located.

Kakaako and the south shore of Oahu will be experience increasing persistent flooding due to the rise of the ground water table that sits atop sea level (lighter fresh water lens). All our urban and rail "planners" totally ignore this scientific fact and eventuality. How could so much money be spent on such INCREDIBLY BAD PLANNING?

Bon1-1

Bon1-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.

Bon1-2

Bon1-2

Groundwater was addressed in Section 4.14 of the Final EIS/4(f). Please see Common Response 11.

<http://www.nature.com/nclimate/journal/v3/n5/full/nclimate1725.html>

"0.6 m of potential sea-level rise causes substantial flooding, and 1m sea-level rise inundates 10% of a 1-km wide heavily urbanized coastal zone. The flooded area including groundwater inundation is more than twice the area of marine inundation alone."

"This has consequences for decision-makers, resource managers and urban planners, and may be applicable to many low-lying coastal areas."

John Bond
Ewa, Hawaii

Aloha,

WHY are we building a railway in areas where our best scientific evidence shows that all of the roads and access points near the stations (at least 5-6 downtown station alone) will likely be either under water or at the point of swampland where ground water is coming to the surface or rain water won't drain away.

Really- this is a Billion Dollar Bungle and unbelievably BAD PLANNING based upon the evidence. I cannot at all see how HART and the City can justify this!

Climate Change Transportation Vulnerability: Workshop Outcomes for Hawaii: March 8-9, 2011

http://files.hawaii.gov/dbedt/op/czm/ormp/working_group/meeting_presentations/wg_presentation_20110707_Climate_Change_Transportation_Vulnerability_OMPO.pdf

Rainfall (-15%) and stream discharge have decreased, Air temperature is increasing, Rainstorm intensity has increased (+12%), Sea surface temperature is rising, Ocean has grown more acidic, Sea level is rising, Water table will also rise, potentially affecting roadway foundations and aquifer integrity.

Vulnerable infrastructure? Hawaii Kai, Waikiki, Kalihi, Airport Industrial area roads, North Nimitz, Dillingham, Ala Moana, Kapiolani, Kamehameha (windward and North Shore), Kalaniana'ole. Includes probable flooding of Ala Moana Blvd, Nimitz Hwy, and Sand Island Access Rd.

Hickam/HNL Airport Complex: Vulnerable to flooding, storm intensity, and sea-level rise; currently being affected. Flooding of runways and tarmac as well as roadways immediately adjacent to the airport could also affect much of Oahu's existing critical infrastructure. Also vulnerable, including refineries, power generation, and wastewater treatment plants (like Sand Island which is extremely vulnerable.)

Sea-level rise may undermine roadway stability, Sea is rising now, likely to accelerate with Global SLR 2.5 to 6.2 ft. by 2100. Hawaii near or slightly below (5%) global SLR, 2100 (This is due to an incredibly fortunate wind current that pushes sea water away from Hawaii- this could easily change in the future.)

John Bond
Ewa, Hawaii

Bon2-1

Bon2-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.

Aloha.
Halekauwila-Place EA Shows Future Kakaako Construction Problems

The mitigation to fix the huge number of problems for this badly chosen rail route will cost Hawaii taxpayers many billions of dollars and likely delay use of the rail system for many more years to come. During civil defense emergencies the rail system will be completely shut down and unusable

The featured site is adjacent to Mother Waldron Park...And the HART rail line runs right through this same area. Ground access to six HART stations will be affected by Ground Water Rise, Sea Level Rise and Hurricane Storm Surge in the coming years. | Bon3-1

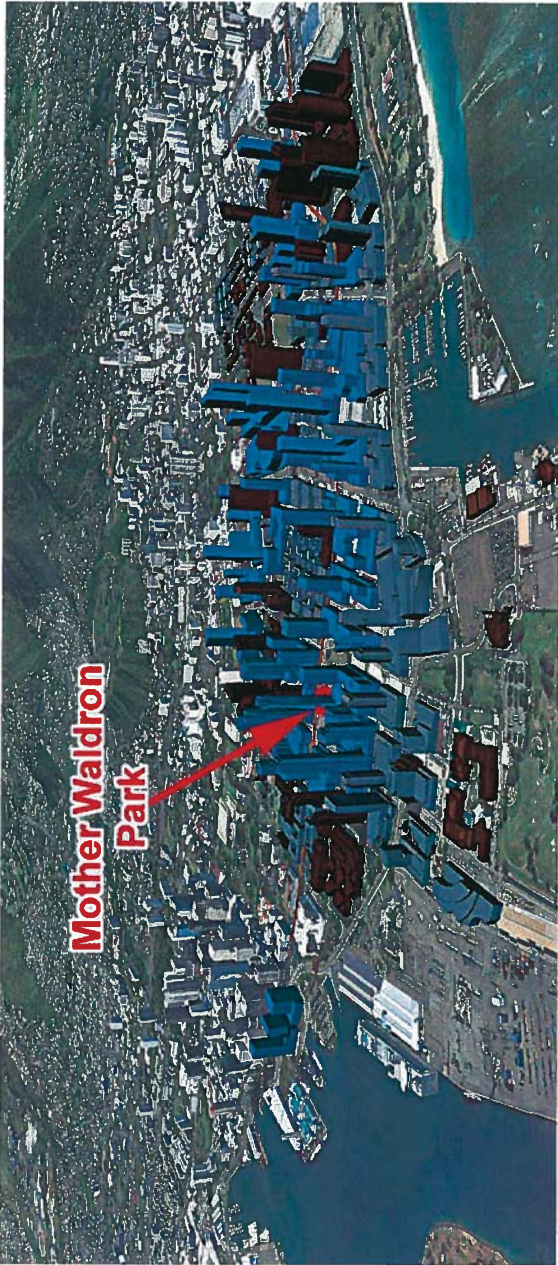
Many test trenches show ground water just 1- 2 meters below the surface. Soil is mostly coral, sand, silt and junk land fill and in pre-western times was tidal ponds and lagoons fed by freshwater Karst springs. | Bon3-2

Many burials from many eras area in this same area. The EA has lots of maps and photos. | Bon3-3

John Bond

7/1/2013

- Bon3-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.
- Bon3-2 Please see Common Response 10 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding karst formations.
- Bon 3-3 The surveys for previously unidentified below-ground archaeological sites have been completed for the entirety of the project alignment. The results of the surveys are reported in several volumes of an Archaeological Inventory Study (AIS). The AIS review is a separate process, which addressed State of Hawai'i requirements for project review and the requirements in the PA among FTA, the City, the U.S. Navy, the SHPO, and the Advisory Council on Historic Preservation. Information on the Archaeological Inventory Surveys is available on HART's website at www.honolulutransit.org.

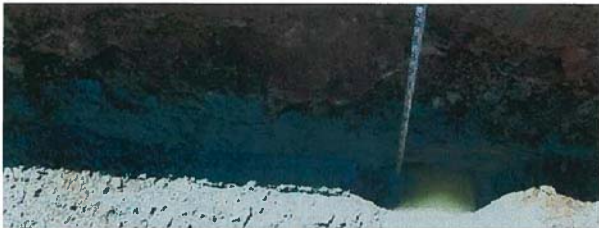


More samples of test trenches dug at project site reveal ground water :

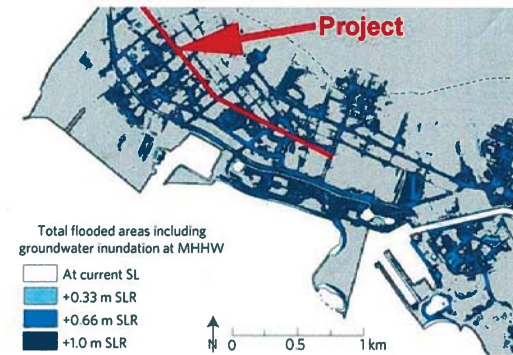




More samples of test trenches dug at project site reveal ground water :



Ground water flooding coming to Kakaako – overall 6 HART rail stations and adjacent roads, properties all affected. *Ground water rise will precede sea water rise by decades...*



A single project with an Environmental Assessment done in 2009 shows what the Kakaako problems are now and will be in the future...



Above 1838 sketch, and below 1887 photo of Kakaako area



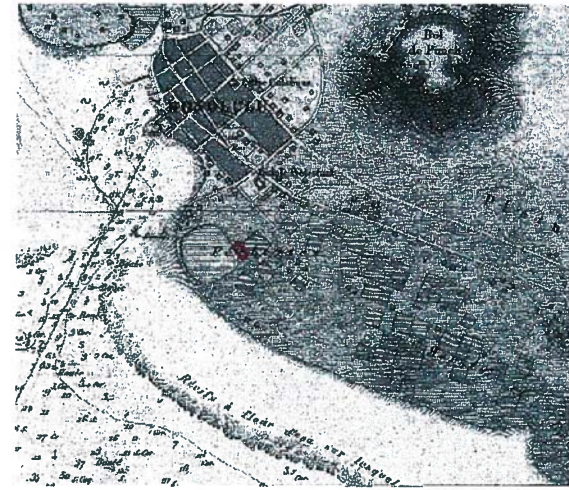
Archaeological Assessment, Halekauwila Place Project, Kaka'ako, Honolulu, O'ahu August 2009

http://gen.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Oahu/2000s/2009-12-08-OA-DEA-Halekauwila-Place-App.pdf

The project area is located in the *mauka* (inland) area of Kaka'ako, consisting of the northeastern portion of the block bounded by Halekauwila Street, Keawe Street, Pohukaina Street, and the Mother Waldron Park.

The proposed Halekauwila Place Project consists of development of a mixed-income urban housing community, including: a 19-story residential tower with ground-level retail and meeting spaces; condominium townhomes; and a multi-level parking garage with ground-level retail spaces.

Trenches were dug as part of a standard assessment to test for ground water...



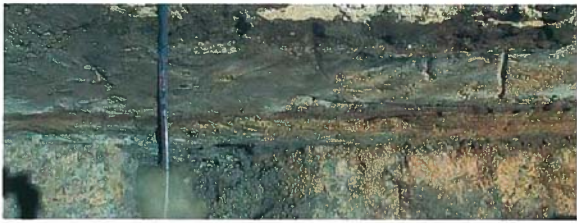
Project Location: 1855 map above and area today below



NEXT: Twelve test trenches reveal ground water between 1-2 meters below the ground surface. This is all filled swamp land that the sea will be taking back...



Samples of test trenches dug at project site reveal ground water:



Record Date : 7/12/2013
First Name : Victoria & Trudy
Last Name : Cannon
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission : We completely agree with Judge Mollway's comments. | Can-1
Reply Requested :
Attachments :

Can-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see the response to Judge Mollway's comments.

Record Date : 7/12/2013
First Name : Sean
Last Name : Chu
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

I am a Waipio Gentry resident and an open supporter of the rail. However, the really needs to go to UH, as mentioned by Judge Susan Oki Mollway's statement. Anyone who lives on the west side knows that the traffic is really terrible when UH is in session. UH West Oahu will never assume the role or the number of students as UH Manoa. Its opening should not be a reason to stop the rail at Ala Moana.

Chu-1

Chu-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). For discussion of the extension of the Project to UH Mānoa, please Common Response 2.

Reply Requested :

Record Date : 7/12/2013
First Name : Wayne
Last Name : Chun
Business/Organization : The Chun Ohana
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : It will be a significant travesty to the Oahu taxpayers should the University of Hawaii community not be served by HART. If HART does not correct the current route to serve the University of Hawaii community, Hawaii voters will continue to be absent at the voter polling locations. | Chun -1

Reply Requested :
Attachments :

Chun-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). For discussion of the extension of the Project to UH Mānoa, please see Common Response 2.

Record Date : 6/14/2013

First Name : Ellen

Last Name : Corrie

Business/Organization :

Address :

Apt./Suite No. :

City :

State :

Zip Code :

Email :

Telephone :

Add to Mailing List :

Submission : Mayor, please don't tear down Mother Waldron Park, many kids play in that park, and I beg of you not to take it away from them just to make a rail. Cor-1

Cor-1

As noted in Section 4.2 of the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)], the Project would be located entirely outside of the boundary of Mother Waldron Neighborhood Park. Please see Common Response 7 for more information on the Project's lack of use of Mother Waldron Park

Reply Requested :

Attachments :

Record Date : 7/9/2013
First Name : khistina
Last Name : dejean
Business/Organization : kmptokmp
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

I khistina caldwell dejean pray that this rail come to a end a s a p .
as i said running for governor2010
and mayor 2010 in special election I came in 5thplace
i khistina caldwell dejean came in 4th place for mayor of Honolulu Hi,i
stand firm for people first no rail.

Dej -1

Dej-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f)

Reply Requested :

Record Date : 7/9/2013
First Name : khistina
Last Name : dejean
Business/Organization : kmp to kmp
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

i khistina caldwell dejean will be running for governor 2014 Honolulu Hawaii. | Dej1-1
I said running for mayor 2012 honolulu nawaii no rails 8085453855 .
As your new governor 2014 i say no people first

Reply Requested :

Dej1-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f).



Dentons US LLP
 525 Market Street
 28th Floor
 San Francisco, CA 94105-2708 USA
 T +1 415 882 5000
 F +1 415 882 0300

Salans FMC SNR Denton
 dentons.com

HART

July 22, 2013

'13 JUL 23 9 2:29

Mr. Ted Matley
 FTA Region IX
 201 Mission St., Suite 1650
 San Francisco, CA 94105

Mr. Daniel Grabauskas
 Honolulu Authority for Rapid Transportation
 City and County of Honolulu
 1099 Alakea St., Suite 1700
 Honolulu, HI 96813

Re: Comments on Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation

Dear Sirs:

We submit the following comments on the Honolulu Rail Transit Project Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation (the "DSEIS") on behalf of the plaintiffs in *Honolulutraffic.com, et al v. Federal Transportation Administration*, United States District Court for the District of Hawaii Case No. 11-cv-00707-AWT.¹ Please be aware that some or all of the plaintiffs may also submit additional comments under separate cover.

As explained in greater detail below, the DSEIS is so inadequate as to preclude meaningful analysis, and therefore must be revised and recirculated for a second round of public and agency review. See 771.130(d) (SEISs subject to same procedural requirements as EISs); 40 C.F.R. § 1502.9 (recirculation of Draft EISs).

Specifically, the DSEIS (1) fails to address Traditional Cultural Properties ("TCPs"); (2) inaccurately assumes, without justification or supporting documentation, that the Beretania Street Tunnel Alternative will use historic sites, will not be prudent, and will not be the "least harm" option; (3) fails to provide the public with the documentation or analysis on which the document's Section 4(f) analysis of Mother Waldron Park is based; and (4) fails to consider significant new information and circumstance regarding other alternatives to the Project's use of the Chinatown Historic District and the Dillingham Transportation Building.

1. Failure To Address TCPs

In the above-cited litigation, Judge A. Wallace Tashima explicitly held that (1) a Section 4(f) evaluation must address TCPs, (2) the Federal Transit Administration ("FTA") illegally failed to address TCPs in its

¹ It appears that neither the City nor the FTA arranged for notice of the DSEIS to be published in the Federal Register. Therefore, we submit these comments pursuant to the City's assurance (posted at www.honolulutrainsit.org) that any comments postmarked by July 22, 2013 will be accepted. In submitting these comments on the details of the DSEIS (which assumes a heavy rail project), we in no way concede the more basic claims, raised in plaintiffs' Ninth Circuit appeal (United States Court of Appeals for the Ninth Circuit Case No. 13-15277), regarding the propriety of the City's and FTA's selection of elevated heavy rail in the first instance.

Den-1

Den-1

Please see Common Response 4 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Den-2

Den-2

The Notice of Availability appeared in the Federal Register on June 7, 2013 (Vol. 78, No. 110, p. 34,377).

prior Section 4(f) evaluation for the Project, and (3) the FTA must remedy that failure by identifying and evaluating TCPs under Section 4(f).

Despite that very clear direction, the DSEIS fails to address TCPs. Instead, it states that "a separate evaluation is underway" related to TCPs. By (yet again) failing to include TCPs in its Section 4(f) evaluation, the FTA has violated Judge Tashima's clear directions as well as Section 4(f).

The FTA's ongoing refusal to address TCPs in a public EIS/Section 4(f) evaluation is particularly troubling in light of the fact that several studies prepared by the City have identified TCPs near the Project. The DSEIS's failure to examine whether the Project will use (or otherwise impact) the identified TCPs precludes meaningful public review of this important issue and requires revision and recirculation of the DSEIS.

2. The Beretania Tunnel Alternative

The DSEIS's analysis of the Beretania Tunnel Alternative is fundamentally flawed in several respects.

A. Use Of Historic Properties

The DSEIS inaccurately assumes, without proper supporting documentation or analysis, that the Beretania Tunnel Alternative will result in the use of multiple Section 4(f) properties.

1. Oahu Railway & Land Property

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable Section 4(f) use of the historic resources on the Oahu Railway and Land Company ("OR&L") property.

The City's 2005-2006 Alternatives Analysis process (the "AA") defined the Beretania Street Tunnel Alternative as a tunnel beginning near the intersection of Dillingham Boulevard and Ka'aahi Street, passing beneath the OR&L property and downtown Honolulu (thereby avoiding impacts to the OR&L property, the Chinatown Historic District, the Dillingham Transportation Building, and other historic structures and districts in the downtown area), transitioning to an aerial structure on the far side of downtown, and terminating at the University of Hawaii, Manoa.²

The AA made it clear that there were to be seven stations along this route: Beretania Street at the Fort Street Mall, Beretania Street at Alapai Street, South King Street at Pensacola Street, South King Street at Kalakaua Avenue, South King Street at McCully Street, South King Street at Hausten Street, and the University of Hawaii.³

The DSEIS claims to be an analysis of the Beretania Street Tunnel Alternative "as defined" in the AA.⁴ But there are important — and unexplained — differences between the Beretania Street Tunnel Alternative "as defined" in the AA and the Beretania Street Tunnel Alternative presented in the DSEIS. Among other things, the DSEIS adds an eighth station at Ka'aahi Street, proposes to locate the new Ka'aahi Street station directly beneath the historic OR&L property, and, on that basis, concludes that the

² Alternatives Analysis Detailed Definition of Alternatives (Nov. 1, 2006) at 6-21.

³ *Id.*

⁴ DSEIS at 19.

Den-1
(cont.)

Den-3

Section 3.1 of the Draft Supplemental EIS/4(f) defined the Beretania Street Tunnel Alternative. The Alternatives Analysis did not name individual stations. The Ka'aahi Street Station was identified and shown in Figure 2-7 of the Honolulu High-Capacity Transit Corridor Project Alternatives Analysis Report, dated November 1, 2006, on the yellow-dashed line connecting Dillingham Boulevard to the Beretania Street tunnel/South King Street alignment. The station is located on the OR&L property.

The station locations are clarified on Page 6-17 of the Alternatives Analysis Detailed Definition of Alternatives dated November 1, 2006, which states "The Mauka and Makai of the Airport Viaduct alignments and the Aolele Street alignment would be connected to Dillingham Boulevard by crossing over portions of Ke'ehi Interchange. Stations on this alignment would be located generally near the following intersections: Middle Street at the Middle Street Transit Center, Dillingham Boulevard and Mokauea Street, Dillingham Boulevard and Kokea Street, and on Ka'aahi Street."

Table 2-2 of the Alternatives Analysis Report analyzes two sections designated as *Middle Street to Iwilei* and *Iwilei to UH Mānoa*. The station at Ka'aahi Street is analyzed as the end of the Middle Street to Iwilei section, rather than as the start of the Iwilei to UH Mānoa section, but the total does include the station. The station could not be moved 'Ewa because stations must be placed on a flat and straight track section to meet Americans with Disabilities Act requirements for safe loading and unloading of the train and the tracks are descending from elevated to below-ground immediately 'Ewa of the station. Moving the station Koko Head would place it in A'ala Park, and would not avoid Section 4(f) resources.

Section 3.3.1 of the Draft Supplemental EIS/4(f) discussed constraints on avoidance alternatives to the location of the Ka'aahi Street Station, including moving the station 'Ewa to the location of the Project's Iwilei Station.

Den-3

Beretania Street Alternative unavoidably requires use of the OR&L property within the meaning of Section 4(f).⁵

The DSEIS does not provide any explanation or justification for (or even alert the public to) these changes from the AA. Indeed, there does not appear to be any legitimate reason why the historic OR&L property must be used in this way. Neither the AA nor the DSEIS identifies any need for a station in this location. And if the City and the FTA feel that a station is necessary in this neighborhood, they could easily use a location closer to (or even overlapping with) the area they have reserved for the Project's nearby Iwilei station (either at ground level or above-ground), slightly repositioning the Kapalama station if needed.

2. McKinley High School

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable Section 4(f) use of McKinley High School, a portion of which is listed in the National Register of Historic Places.

The DSEIS does not provide any documentation of McKinley High School's listing in the National Register.

The DSEIS does not disclose that the Beretania Street Tunnel Alternative would be located outside the boundary of the historic portion of McKinley High School (as that boundary appears in the National Register listing on file with the National Park Service, a copy of which can be found in attachment 1 and at <http://pdfhost.focus.nps.gov/docs/NRHP/Text/80001281.pdf>).

The DSEIS fails to address the fact that the Beretania Street Tunnel Alternative's Pensacola Street rail station would be screened from the historic portion of the school by a large, multi-story non-historic building (misleadingly labeled "McKinley High School" in DSEIS Figure 19).

3. 1915B S. King Street ("King Florist")

The DSEIS improperly assumes that the Beretania Street Tunnel Alternative will result in an unavoidable use of a building at 1915B S. King Street identified by the City and the FTA as "King Florist."

As an initial matter, we note that the actual address of King Florist appears to be 1296 S. Beretania St., not 1915B King Street.⁶

The DSEIS does not provide any documents or information indicating that 1915B S. King Street meets the statutory or regulatory eligibility criteria for listing in the National Register of Historic Places. In fact, it does not even provide a photograph of the building. Photographs of the building, which appears to have been significantly modified to accommodate a drive-through and a surface parking lot, can be found in attachments 3 and 4.

The DSEIS assumes that the McCully rail station will require demolition of 1915 S. King St.⁷ But that station is to be located at the corner of S. King St. and McCully St., while 1915 S. King St. is located mid-

⁵ DSEIS at 19, 21, 38-40.

⁶ See attachment 2.

⁷ DSEIS at 43-45.

Den-4

Section 3.3.2 of the Draft SEIS/4(f) details the use of the McKinley High School property and identifies the property as being listed in the NRHP. It states that the Beretania Street Tunnel Alternative "would affect non-contributing elements of the McKinley High School Property." A use determination was made under Section 4(f) because land from a parcel encompassing a historic property would be incorporated into the Honolulu Rail Transit Project.

Den-3
(cont.)

The Section 4(f) Policy Paper (USDOT 2012) provides guidance on the definition of boundaries for Section 4(f) properties. It states "[s]election of boundaries is a judgment based on the nature of the property's significance, integrity, setting and landscape features, functions and research value. Most boundary determinations will take into account the modern legal boundaries, historic boundaries (identified in tax maps, deeds, or plats), natural features, cultural features and the distribution of resources as determined by survey and testing for subsurface resources." The boundary determination of the whole parcel for Section 4(f) evaluation of McKinley High School is consistent with the Section 4(f) finding for the Project for the OR&L Parcel, Chinatown, the Dillingham Transportation Building, and the HECO Downtown Plant and Leslie A. Hicks Building.

Den-4

The label in Figure 19 of the Draft Supplemental EIS/4(f) correctly identifies the McKinley High School property, which is a campus with both contributing and non-contributing buildings to the historic property. The Beretania Street Tunnel Alternative would not be fully screened from the historic buildings on the McKinley High School property. As the aerial photograph in Figure 19 indicates, the Beretania Street Tunnel Alternative would only be screened from viewpoints directly behind the referenced building. It would be visible from a number of vantage points within the McKinley High School Property.

Den-5

King Florist is the historical name (as a previous tenant) for the building at 1915B South King Street. The actual business appears to have moved at some time in the past.

Den-5

The property identified in the Alternatives Analysis as potentially eligible for listing in the NRHP under Criterion C. The evaluation of its eligibility for listing in the NRHP followed the same process and assumptions used to determine eligibility of properties during the Section 106 process for the Project. As discussed in Section 3.3.3 of the Draft Supplemental EIS/4(f), the King Florist building was constructed in 1945. The property has similar age, integrity, and significance as properties found eligible during consultation and that are located within the Area of Potential Effects for the Project. See Common Response 9 for additional information regarding the review of historic properties.

As described in Section 3.3.3 of the Draft Supplemental EIS/4(f), the McCully Street Station would require property along the makai side of South King Street to accommodate the makai edge of the station platform, station entrance building, and traction power substation

block between McCully St. and Pumehana St.⁸ Moreover, the area between 1915 S. King St. and the proposed location of the McCully station consists primarily of surface-level parking lots; there does not appear to be any reason why these lots cannot be used for rail station infrastructure (without resorting to demolition).⁹

The DSEIS also suggests that 1915B S. King St. must be demolished in order to accommodate a "traction power substation" (a small steel enclosure for electrical equipment referred to as a "TPSS").¹⁰ But the City admits that the TPSS can simply be moved to another property.¹¹ And, as noted above, nearby surface parking lots appear to provide ample room for all necessary infrastructure.¹²

Finally, the DSEIS makes a vague, unsubstantiated suggestion that "the space requirements around the station entrance and station platforms would still require right of way acquisition at King Florist."¹³ This unsupported, conclusory assertion rings hollow. There are multiple lots available for use as station entrances/exits.¹⁴ There is no reason to believe that the guideway must butt up against the buildings on the south side of King Street (in other portions of the Project, the guideway is positioned over the middle of the street). The idea of "acquiring right-of-way" is very different from the notion that all of 1915B S. King St. must be demolished.

B. Prudence and Feasibility

The DSEIS concludes that the Beretania Street Tunnel Alternative is imprudent. That conclusion is flawed in numerous respects.

As an initial matter, we note that the DSEIS does not articulate a clear basis for a finding of imprudence. It appears to treat the cost of the Beretania Street Tunnel Alternative as the most important factor in evaluating the Alternative's prudence.¹⁵ But the document does not conclude that the cost of the Beretania Street Tunnel is enough, standing alone, to justify a finding of imprudence.¹⁶ Instead, the DSEIS cites a mixture of (alleged) construction risks, visual impacts, traffic disruption, "delayed benefits," and cost increases as combining to result in imprudence.¹⁷

"Construction risk" does not provide a reasonable basis to find the Beretania Street Tunnel Alternative imprudent. Engineering questions of this sort are properly considered in terms of "feasibility" rather than "prudence."¹⁸ And the DSEIS (properly) concedes that building the Beretania Street Tunnel Alternative is "feasible as a matter of technical engineering."¹⁹

⁸ See attachment 4.

⁹ See attachment 4.

¹⁰ DSEIS at 43-44.

¹¹ DSEIS at 43.

¹² Attachment 4.

¹³ DSEIS at 43.

¹⁴ DSEIS at 44.

¹⁵ DSEIS at 61-64.

¹⁶ DSEIS at 64.

¹⁷ DSEIS at 64.

¹⁸ See 23 C.F.R. § 774.17.

¹⁹ DSEIS at 46.

Den- 5
(cont.)

(TPSS). The station platform would extend into the area now occupied by the front of the building (Figure 20). While the TPSS could be located on surface parking on a different parcel and the station entrance could be configured differently, it would not avoid the use of the property because of the need to demolish the front of the building to allow for construction of the station platform. Avoidance alternatives to the use of the property were evaluated as documented in Section 3.3.3 of the Draft Supplemental EIS/4(f).

The comment notes that, in other portions of the Project, the guideway is positioned over the middle of the street. That is not possible because South King Street is a one-way street. The elevated guideway along South King Street, as discussed in Section 3.1 of the Draft Supplemental EIS/4(f), would run along the makai side of King Street for safety and traffic operations reasons. Street medians are followed in areas where they exist or can be created safely. Locating the guideway columns between lanes of a one-way street would block sight distances and create an intermittent hazard to changing lanes; therefore, a raised median would have to be created to prevent unsafe weaving between the columns. King Street has numerous cross street intersections and driveway connections on both sides of the street. Vehicles traveling on one side of the median would not have access to driveways on the opposite side of the median.

Den-5
(cont.)

Den-6

Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Den-6

Den-7

Section 3.4 of the Draft Supplemental EIS/4(f) discussed the risk that voids created during tunnel construction, and the fact that tunnel construction increases the risk of settlement and damage to adjacent buildings and historic buildings. The impact to historic buildings is an environmental impact that is evaluated in the "prudence" analysis. The "feasibility" prong of the Section 4(f) evaluation examines whether it is possible as a technical engineering matter to construct the alternative. The tunnel construction creates an unavoidable risk of subsidence and resulting damage to buildings in the area of subsidence. This is a well-recognized risk associated with construction of tunnels in areas with the geological characteristics of this portion of Honolulu. The risk can largely be mitigated through design and, as noted in Section 3.5.2 of the Draft Supplemental EIS/4(f). Therefore, it is feasible as a technical engineering matter to construct a tunnel. The reasons for the finding that the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative are described in in Section 3.4 and 3.5 of the Final Supplemental EIS/4(f). Also refer to Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Den-7

Den-8

Visual impacts were discussed in the Visual Impacts sub-section of Section 3.5.3 of the Draft Supplemental EIS/4(f). The Project would affect a designated significant viewshed. The views are identified as significant in the City ordinance. The elevated guideway would cross view corridors protected as either prominent or significant in Chapter 21 of the Revised Ordinances of Honolulu, including views from Alapai Street between King and Beretania Streets in the Hawai'i Capital Special District and views to and from Thomas Square in the Thomas Square/Honolulu Academy of Arts Special District. .

As discussed in the Draft Supplemental EIS/4(f), the visual impacts of the Beretania Tunnel avoids some, but not all, visual impacts of the Project and would introduce other visual impacts. It would have effects on views in areas with view-sensitive elements recognized by the City of Honolulu land use regulations. The Beretania Street Tunnel Alternative would avoid view impacts in Chinatown and along the waterfront by traveling in a tunnel through the Chinatown and Hawai'i Capital Historic Districts. However, from the portal on Beretania Street and continuing along King Street, the elevated guideway would be in a heavily traveled mixed-use corridor with view-sensitive elements, including the Thomas Square/Honolulu Academy of Arts Special District. If the guideway followed Beretania Street, the view between Thomas Square and the Honolulu Academy of Arts would be disrupted.

The purpose of the Alternative Analysis is to screen potential alternatives on a number of factors, including but not limited to cost, constructability, and environmental considerations. The Alternatives Analysis makes recommendations on alternatives to be carried forward for further analysis in the environmental process.

The analysis for feasibility and prudence of the Beretania Street Tunnel Alternative is discussed in Section 3.4 and 3.5 of the Final Supplemental EIS/4(f). See also Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Den-9

Beretania Street Tunnel Alternative is not a prudent alternative because of its extraordinary cost and other factors such as environmental impacts and long-term construction impacts. The extraordinary cost alone makes the alternative not prudent. The analysis for feasibility and prudence of the Beretania Street Tunnel Alternative is discussed in Section 3.4 and 3.5 of the Final Supplemental EIS/4(f). See also Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Operational traffic conditions would be similar for the Project and the Beretania Street Tunnel Alternative and would not result in significant impacts for either the Beretania Street Tunnel Alternative or the Project.

Construction impacts were discussed in the Construction sub-section of Section 3.5.3 of the Draft Supplemental EIS/4(f). Considerable traffic impacts would result during construction of the Beretania Street Tunnel Alternative. As detailed in the Draft Supplemental EIS/4(f), over the nearly three-year station construction period, each station would be excavated from above in stages to maintain traffic on portions of the overlying streets. In addition to the closure of substantial roadway capacity during construction, removal and dewatering of tunnel spoils

The DSEIS cites significant visual impacts as another reason to find the Beretania Street Tunnel Alternative imprudent.²⁰ That assertion is contrary to all common sense. The Project is elevated for its entire length. The Beretania Street Tunnel Alternative would be underground in the most visually sensitive part of the rail line (downtown Honolulu).

Den-8

The DSEIS also references potential visual impacts on "protected view corridors" and buildings along S. King St. But the Project would cross more "protected view corridors" (and with greater effect) than would the Beretania Street Tunnel Alternative.²¹ And, contrary to the DSEIS's assertions, the AA process did not result in any findings of adverse effect for properties on S. King St. Moreover, even if S. King St. were truly unworkable, the City and the FTA could use Beretania Street instead.²²

The DSEIS also suggests that the Beretania Street Tunnel Alternative is imprudent because it will result in traffic disruption. Again, the assertion is contrary to all common sense. The Project would require the City to build an elevated guideway, on surface streets, through the densest and highest-traffic area of downtown Honolulu. Construction of the Beretania Street Tunnel Alternative would occur underground, and therefore would not disrupt downtown surface-level traffic to the same extent. It is telling that the DSEIS includes no detailed traffic study or analysis.

Den-9

The DSEIS briefly mentions "unique problems or unusual factors." But it fails to address unique, unusual, and *important* factors raised by the United States District Court for the District of Hawaii.²³ The City and the FTA have steadfastly insisted that the Court's comments on the Project are a non-issue (and have even gone so far as to represent to Judge Tashima that all of the Court's concerns have been fully resolved). A July 8, 2013 letter from the United States District Court for the District of Hawaii says otherwise.²⁴ The letter, signed by Chief Judge Susan Oki Mollway on behalf of the entire Court, makes it clear that (1) the Project would cause severe safety problems at the Courthouse, (2) the Court has consistently made both the City and the FTA aware of these problems (even as the City and the FTA assured Judge Tashima that the Court's concerns had been addressed), and (3) therefore (and for a number of reasons) the Project is *less* prudent than the Beretania Street Tunnel Alternative.

Den-10

The DSEIS also mentions "delayed benefits" as justifying a finding of imprudence.²⁵ Presumably, the City and the FTA mean to suggest that the Beretania Street Tunnel Alternative cannot be completed as quickly as the Project. But these "delays" are attributable to (1) their own failure properly to evaluate the Beretania Street Tunnel Alternative in the original EIS and (2) their decision to proceed with construction of the Project before completing this SEIS. Had the City and the FTA simply complied with the law in the first place, the Beretania Street Tunnel Alternative could have been implemented on the same time schedule as the Project. Moreover, alleged damages associated with delay are already built into the DSEIS's cost estimates; references to "delayed benefits" represent an impermissible attempt to double-count.

Den-11

²⁰ DSEIS at 50-57, 64.

²¹ See, e.g., Final Environmental Impact Statement/Section 4(f) Evaluation at 4-60 to 4-110.

²² As noted above, much of the DSEIS's analysis of visual impacts seems to assume that the guideway cannot be centered above S. King St. The document does not provide any justification for that assumption.

²³ DSEIS at 63.

²⁴ See attachment 5.

²⁵ DSEIS at 63.

Den-9 (cont.) would result in an average of 63 one-way truck trips to or from the site per day. The construction duration would be two years longer than the Project (Figure 13), and the construction area would be larger.

Den-10 Please see the response to Judge Mollway's comment letter, specifically responses Mol-2 and Mol-10. Also see the comments and responses to the General Services Administration.

Den-11 As discussed in response Den-9, the construction duration for the Beretania Street Tunnel Alternative is substantially longer than for an elevated guideway. A comparison of Figure 2 of the Draft Supplemental EIS/4(f) with Figure 13 also establishes this delay. As stated in Section 3.5.5, the monetary cost of delay is included in the cost estimate. Delay will also create costs to the traveling public which are in addition to the project cost.

The analysis for feasibility and prudence of the Beretania Street Tunnel Alternative is discussed in Section 3.4 and 3.5 of the Final Supplemental EIS/4(f). See also Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

It is also worth noting that the DSEIS does not present any *evidence* regarding delayed benefits. Among other things, the document does not contain any detailed timetable for tunnel construction or any evaluation of means to mitigation (alleged) delays, severely limiting the public's opportunity to provide meaningful input on these important issues.

Den-11
(cont.)

The DSEIS asserts that cost increases associated with the Beretania Street Tunnel Alternative would be an "overwhelming factor" in rendering the alternative imprudent.²⁶ But there are several major problems with the DSEIS's evaluation of costs:

- The DSEIS's cost estimates seem to be recycled from the 2006 AA and the 2010 Final EIS. Judge Tashima has already ruled that these estimates cover the King Street tunnel, not the Beretania Street tunnel. Den-12
- The DSEIS's cost estimates are inconsistent with the City's own 2007 tunnel construction cost estimates. Den-13
- The DSEIS appears to compare the cost of Segment 4 of the Project (from Iwilei to the Ala Moana Center, stopping short of the rail line's intended terminus at the University of Hawaii-Manoa) with the entire Beretania Street Tunnel Alternative route (stretching from Iwilei to the intended terminus at the University of Hawaii-Manoa). The proper comparison is between the total cost of connecting Iwilei to the University of Hawaii-Manoa using the Project (via Ala Moana Center) with the total cost of connecting Iwilei to the University of Hawaii-Manoa using the Beretania Street Tunnel Alternative (via a downtown tunnel).²⁷ Den-14
- It is not clear whether the cost estimates in the DSEIS include the (below-ground) station at Ka'aahi Street. For the reasons set forth above, there is no basis to include that station. Den-15
- The DSEIS states that we have suggested shortening the rail line so that it does not reach Leeward Community College. That is simply not true. Our position is that the City and the FTA should consider deferring some of the construction at the Ewa end of the rail line (which currently consists of a significant amount of empty agricultural land), perhaps in connection with other cost saving measures, as a method of funding the Beretania Street tunnel. Further extensions at the Ewa end of the line are already contemplated and could be structured so as to include the deferred portion of the current Project. Den-16
- The DSEIS assumes that the budget for the rail project will be strictly limited to \$5.544 billion. But that number comes from the City's cost estimate and grant agreement for *the Project*.²⁸ There is no evidence that the Beretania Street Tunnel Alternative would be ineligible for additional federal, state, or local funding. Den-17

Finally, the DSEIS's evaluation of prudence is contrary to Section 4(f), the Section 4(f) regulations, and the Supreme Court's decision in *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, (1971). Those authorities provide that an alternative is not imprudent unless it presents "severe problems" that

Den-18

²⁶ DSEIS at 64.

²⁷ This is particularly true in light of the fact that other parts of the DSEIS ask readers to assume that the Ala Moana-to-University of Hawaii extension of the Project will someday be built. See, e.g., DSEIS at 48.

²⁸ DSEIS at 62.

Den-12

The cost estimate for the Beretania Street Tunnel Alternative was developed following the same methodology as the estimate for the Project that was included in Chapter 6 of the Final EIS/4(f). The cost estimate for the Beretania Street Tunnel Alternative that was completed during the Alternatives Analysis was updated with current cost information and escalation factors. The cost estimate for the King Street tunnels was not used in the preparation of the estimate. The cost estimate for the Project was provided from Table 6-1 in the Final EIS/4(f) as a point of reference for the estimate developed for the Beretania Street Tunnel Alternative.

Den-13

The cost estimate in the May 2007 *Tunnels and Underground Stations Technical Memorandum*, as detailed in Chapter 5 of that report, includes only the cost of construction of the tunnel. The cost estimate excluded utility relocation, underground station costs, track or systems costs, and the elevated portion of the alternative that would continue beyond Punchbowl Street, all of which would be required to build and operate the Beretania Street Tunnel Alternative. The complete costs, detailed by cost category, were included in Table 10 in the Draft Supplemental EIS/4(f).

The District Court in its November 1, 2012 Order on Cross Motions for Summary Judgment addressed the commenter's claim regarding the 2007 Technical Memorandum. The District Court concluded that that 2007 Technical Memorandum "did not include utility relocation costs, underground station costs, track work, or other maintenance costs" and "[a]ccordingly, it was not arbitrary and capricious for Defendants to conclude that the King Street Tunnel would cost \$650 million in 2006 dollars." District Court Order at 25.

Den-14

Please see Common Response 2.

Den-15

The cost estimate includes all costs for the Beretania Street Tunnel Alternative, including the Ka'aahi Street Station.

Den-16

Please see Common Response 3.

Den-17

Chapter 6 of the Final EIS/4(f) provided an analysis of funding sources available to the Project. The total available funds, in year of expenditure dollars, is \$5,544 million. This information was discussed in section 3.5.4 of the Draft Supplemental EIS/4(f). The FTA and HART have executed a full-funding grant agreement limiting the federal funds to be expended for the Project. No additional funds are available for a tunnel alternative and given the significance shortfall in federal transportation funding, significant additional funds are unlikely to be provided to the Project. Any additional state or local funds dedicated to the increased cost of building the Beretania Street Tunnel Alternative would have to be transferred from other programs, such as road repair or bus service, and many of those programs have already experienced budget cuts in recent years. In addition to the environmental impacts described in the Draft Supplemental EIS/4(f), as referenced in Common Response 5, the inability to fund other projects and programs would have environmental and community effects that contribute to the imprudence of the alternative.

"substantially outweigh" the value of preserving the Section 4(f) resources at issue.²⁹ This analysis must begin "with a thumb on the scale" in favor of preservation.³⁰ Here, the Section 4(f) resources at issue — the Chinatown Historic District and the Dillingham Transportation Building — are nowhere mentioned or evaluated in the DSEIS's discussion of imprudence.³¹ The document utterly and completely fails to apply the "substantially outweighs" test. The City and the FTA have used neither the "thumb" nor the "scale."

C. Least Harm

For all of the reasons explained above, the Beretania Street Tunnel Alternative should be considered a feasible and prudent avoidance alternative. Therefore, the concept of "least harm" is not directly relevant. We make the following comments on the DSEIS's "least harm" analysis without waiving any argument regarding the prudence of the Beretania Street Tunnel Alternative.

The DSEIS maintains that the Project is the "least harm" alternative. There are numerous problems with that conclusion.

It is undisputed that the Project would use more Section 4(f) resources than the Beretania Street Tunnel Alternative. Once the DSEIS's egregiously flawed analysis of the OR&L property, McKinley High School, and "King Florist" is corrected, the distinction becomes even clearer: The Beretania Street Tunnel Alternative would result in use of at least 4 fewer Section 4(f) resources than would the Project.³²

Perhaps seeking to obscure this critical fact, the DSEIS focuses on a meaningless criterion: square footage of direct use. In doing so, it fails to address the full extent of the significant adverse impacts the Project would have on Chinatown and the Dillingham Transportation Building. Contrary to the DSEIS's suggestion, the Project would have severe impacts on both Chinatown and the Dillingham Building, even after mitigation, as evidenced in the 2010 Environmental Impact Statement and the City's own Historic Effects Report (among other sources).³³

The DSEIS also fails squarely to confront the fact that the resources that would be avoided by the Beretania Street Tunnel Alternative — and, in particular, the Chinatown Historic District and the Dillingham Transportation Building — are universally considered to be among the most important historic resources in Honolulu. Buildings like "King Florist," a small, run-down, heavily-modified commercial building that has never been identified as historically significant (or even studied in detail!) simply do not have the same importance as the Chinatown Historic District and the Dillingham Transportation Building.

The DSEIS also fails to address other impacts on natural and historic resources that would be avoided by the Beretania Street Tunnel Alternative, including (but not limited to) adverse impacts on the historic Nuuanu Stream Bridge and other effects on jurisdictional waterways associated with the Project's crossing of Nuuanu Stream.

²⁹ In particular, see 23 C.F.R. § 774.17 and 73 Fed. Reg. 13368, 13391-92 (March 12, 2008).

³⁰ See 73 Fed. Reg. 13368, 13392 (March 12, 2008).

³¹ DSEIS at 47-64.

³² This does not include Mother Waldron Park, a disputed issue addressed below.

³³ See, e.g., Final Environmental Impact Statement/Section 4(f) Evaluation at 4-71, 4-99 to 4-107, 4-194, etc.; Historic Effects Report (April 14, 2009) at 293-303, 335-37, etc. Attachment 6 contains a visual simulation, prepared by the American Institute of Architects, showing the impacts of the Project on and near the Dillingham Transportation Building.

- Den-18 The analysis for feasibility and prudence of the Beretania Street Tunnel Alternative is consistent with 23 CFR 774, which implements 23 U.S.C. 138 and 49 U.S.C. 303 and codifies prior Section 4(f) case law, and the U.S. DOT Policy Paper as discussed in Section 3.4 and 3.5 of the Final Supplemental EIS/4(f). See also Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f). Chinatown and the Dillingham Transportation Building would not be affected by the Beretania Street Tunnel Alternative; therefore, they are not included in the prudence evaluation.
- Den-19 Per 23 CFR 774.13, a feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. The Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative because it results in a use of Section 4(f) properties. As described in Section 3.3.5 of the Draft Supplemental EIS/4(f), the Beretania Street Tunnel Alternative would use the OR&L Office/Document Storage Building and Terminal Building, former filling station on OR&L property, McKinley High School, and King Florist. Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f).
- Den-20 The least overall harm analysis considers the balancing of several factors, including the relative severity of the remaining harm after mitigation and the relative significance of each Section 4(f) property. The Project would result in a direct use from station entrances and easements on from non-contributing elements to historic properties. In addition to station entrances and easements on historic properties, the Beretania Street Tunnel Alternative would remove, relocate, or alter two historic properties at the OR&L parcel and require demolition of the King Florist Building. See Common Response 5 regarding the Beretania Street Tunnel Alternative as a feasible and prudent avoidance alternative. See responses Den-3, Den-4 and Den-5 regarding the effects of the Beretania Street Tunnel Alternative on the OR&L Property, McKinley High School, and King Florist. Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the least overall harm analysis.
- Den-21 The Final EIS/4(f) discussed the adverse effects on the Project on Chinatown and the Dillingham Transportation Building. As documented in the Final EIS/4(f) the Project will cross the Chinatown Historic District in the median of the Nimitz Highway. It will not result in an impact on an element that contributes to the eligibility of the Chinatown Historic District for the NRHP. The Project will not alter the Dillingham Transportation Building. A permanent station entrance will be sited on a modern plaza next to the Dillingham Transportation Building on the same parcel. Figure 4-34 of the Final EIS/4(f) provides a view of the Project looking towards the Dillingham Transportation Building. The Project would include mitigation for impacts to historic properties, as outlined in the Final EIS/4(f) and the Programmatic Agreement for the Project. Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the least overall harm analysis.
- Den-22 Please see Common Response 6 regarding the least overall harm analysis.
- Den-23 Other resources were considered in Section 3.7.6 of the Draft Supplemental EIS/4(f) within the context of least overall harm. As stated in the Final EIS/4(f), the Project would not result in a Section 4(f) use of the Nu'uuanu Stream Bridge. The Final EIS/4(f) addressed all impacts of the Project to Nu'uuanu Stream.

The DSEIS does not actually present the "views of the officials with jurisdiction" over Section 4(f) resources.³⁴ Instead, it presents the City's assumptions about what those views might be.

Den-24

The DSEIS's discussion of "least harm" (like its discussion of prudence and feasibility) fails to address the important issues raised by the United States District Court for the District of Hawaii.

Den-25

The DSEIS's "least harm" assertions regarding construction, delays, costs, and alleged impacts are very similar to assertions made in the document's discussion feasibility and prudence. We incorporate by reference our comments on feasibility and prudence.

Den-26

Finally, we note that the DSEIS's discussion and selection of a "least harm" alternative is directly contrary to the requirements of the Section 4(f) regulations and applicable Department of Transportation guidance, both of which mandate selection of the Beretania Street Tunnel Alternative as the option causing the least overall harm.

Den-27

3. The DSEIS Fails The Information About Mother Waldron Park

The DSEIS's discussion of and conclusions about Mother Waldron Park is almost entirely based on a draft National Register form being prepared by the City. That form has not been provided to the public, making it virtually impossible to submit meaningful comments. This is particularly problematic because the conclusions of the draft National Register form with respect to visual and aesthetic impacts appear likely to be very different from the City's previous conclusions about the impact of the Project on the visual environment near the Park.

Den-28

We also note that page 97 of the DSEIS refers to prior public comments on Mother Waldron Park ("in response to public comments..."). To the best of our understanding, this DSEIS represents the first opportunity for public comment in the SEIS process. Please clarify.

Den-29

4. The DSEIS Fails To Address Significant New Information

An SEIS must address significant new information — indeed, that is its purpose. Here, there is significant new information regarding the availability of reasonable, feasible, and prudent alternatives to the City's preferred elevated heavy rail Project.

Den-30

The City previously claimed that none of the alternatives considered in the AA was reasonable, feasible, or prudent because only the Project would satisfy the Purpose and Need for action. The DSEIS admits, for the first time, that alternatives considered (and rejected) during the AA process would, in fact, meet the Purpose and Need for action just as well as the Project.³⁵

Den-24

Chapter 5 of the Draft Supplemental EIS/4(f) summarized agency coordination related to the Supplemental EIS/4(f), including coordination with, and views expressed by the SHPO and the City and County of Honolulu Department of Parks and Recreation, the agencies with jurisdiction over resources in the study area.

The SHPO, ACHP, and the Department of Parks and Recreation were sent copies of the Draft Supplemental EIS/4(f) for review and comment on May 31, 2013. The SHPO and ACHP did not comment on the Draft Supplemental EIS/4(f). The Department of Parks and Recreation noted that they were in agreement with the conclusions of the Draft Supplemental EIS/4(f). The agency comments are reflected in Chapter 5 of the Final Supplemental EIS/4(f).

Den-25

Please see the response to Judge Mollway's comment letter. Also see the responses to the General Services Administration comments.

Den-26

The standards for least overall harm analysis differ from the tests for prudence. The least overall harm test allows for weighing of additional factors than the test for prudence. The least overall harm analysis compares the ability to mitigate impacts; relative severity of the remaining harm after implementation of mitigation; relative significance of each Section 4(f) property; views of the officials with jurisdiction over a Section 4(f) property; degree to which purpose and need are met; magnitude of impacts on non-Section 4(f) resources; and cost. Please see the responses to comments Den-6 through Den-13 regarding the evaluation of feasibility and prudence. See Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the least overall harm analysis.

Den-27

Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f). The analysis summarized in Section 3.7.8 and Table 12 of the Draft Supplemental EIS/4(f) present the least overall harm analysis. The Beretania Street Tunnel Alternative is not the alternative that would result in the least overall harm.

Den-28

The Section 4(f) evaluation of Mother Waldron Neighborhood Park and Playground in Section 4 of the Draft Supplemental EIS/4(f) drawn on information from the draft NRHP nomination form the Section 106 finding of effect made for the Project, information from the City and County of Honolulu Department of Parks and Recreation and the Honolulu Community Development Authority that was included in Appendix C to the Draft Supplemental EIS/4(f), and the other sources referenced in Chapter 4 of the Draft Supplemental EIS/4(f).

The NRHP nomination form for Mother Waldron Playground has been prepared according to the requirements of the Programmatic Agreement between the FTA, SHPO, U.S. Navy, and Advisory Council on Historic Preservation (ACHP). There is no requirement for public review of the nomination form. The nomination form that was under review by the SHPO was included in Appendix C to the Draft Supplemental EIS/4(f) and the final form submitted to the SHPO is included in Appendix D to the Final Supplemental EIS/4(f). The City and County of Honolulu Department of Parks and Recreation, the agency with jurisdiction over Mother Waldron Playground, provided comment on a preliminary form, which was included during preparation of the form.


³⁴ DSEIS at 68-69.

³⁵ DSEIS at 19, 47-49, 69.

The DSEIS should be significantly revised to address this significant new information by evaluating additional alternatives to the Project. Alternatives considered should include Bus Rapid Transit (including the Bus Rapid Transit project found to be reasonable, feasible, prudent, and "preferred" in EISs prepared by the City and the FTA in 2002-2003), light rail, and any alternative transit routes or configurations capable of avoiding impacts and/or use of downtown Honolulu's historic resources and parks. The document must then be recirculated for public and agency comment.

Sincerely,

Dentons US LLP

By: 
Nicholas C. Yost
Matthew Adams

cc: Elizabeth Merritt

Attachments

Den-28
(cont.)

Section 4.3 of the Final Supplemental EIS/4(f) was revised to clarify that an evaluation of feasible and prudent avoidance alternatives is required only if the alternative results in a use of a Section 4(f) resource.

See Common Response 7 for additional discussion of Mother Waldron Neighborhood Park and Playground.

Den-29

Various public comments made prior to issue of the Draft Supplemental EIS/4(f), including comments by the plaintiffs, referred to impacts to Mother Waldron Neighborhood Park.

Den-30

As noted in Section 1.1 of the Final Supplemental EIS/4(f), the Supplemental EIS/4(f) was prepared to address the Judgment and Partial Injunction Order of the United States District Court for the District of Hawai'i in Honolulu-Traffic.com et al. vs. Federal Transit Administration et al. The scope of the analysis was limited to whether the Beretania Street Tunnel Alternative was feasible and prudent and whether the Project would "use" Mother Waldron Neighborhood Park under Section 4(f).

The Court granted the Plaintiffs' Motion for Summary Judgment with respect to (1) their Section 4(f) claims that Defendants arbitrarily and capriciously failed to complete reasonable efforts to identify above-ground TCPs prior to issuing the ROD; (2) Defendants' failure adequately to consider the Beretania Street Tunnel Alternative prior to eliminating it as imprudent; and (3) Defendants' failure adequately to consider whether the Project will constructively use Mother Waldron Park. The court granted the Defendants' Motion for Summary Judgment with respect to all other claims [Appendix C to the Final Supplemental EIS/4(f)].

ATTACHMENT 1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR NPS USE ONLY
RECEIVED JUN 5 1980
DATE ENTERED AUG 11 1980

SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC McKinley High School

AND/OR COMMON

2 LOCATION

STREET & NUMBER 1039 South King Street

CITY, TOWN Honolulu VICINITY OF First

STATE Hawaii CODE 15 COUNTY Honolulu CODE 03

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE
<input type="checkbox"/> DISTRICT	<input checked="" type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE <input type="checkbox"/> MUSEUM
<input checked="" type="checkbox"/> BUILDING(S)	<input type="checkbox"/> PRIVATE	<input type="checkbox"/> UNOCCUPIED	<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> BOTH	<input type="checkbox"/> WORK IN PROGRESS	<input checked="" type="checkbox"/> EDUCATIONAL <input type="checkbox"/> PRIVATE RESIDENCE
<input type="checkbox"/> SITE	PUBLIC ACQUISITION	ACCESSIBLE	<input type="checkbox"/> ENTERTAINMENT <input type="checkbox"/> RELIGIOUS
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input type="checkbox"/> YES: RESTRICTED	<input type="checkbox"/> GOVERNMENT <input type="checkbox"/> SCIENTIFIC
	<input type="checkbox"/> BEING CONSIDERED	<input checked="" type="checkbox"/> YES: UNRESTRICTED	<input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> TRANSPORTATION
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY <input type="checkbox"/> OTHER

4 OWNER OF PROPERTY

NAME State of Hawaii--Department of Education

STREET & NUMBER Queen Liliuokalani Building--1390 Miller Street

CITY, TOWN Honolulu VICINITY OF Hawaii

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC. Bureau of Conveyances

STREET & NUMBER 1151 Punchbowl Street

CITY, TOWN Honolulu STATE Hawaii

6 REPRESENTATION IN EXISTING SURVEYS

TITLE Hawaii Register of Historic Places 80-14-9926

DATE 1975 FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR SURVEY RECORDS Department of Land and Natural Resources

CITY, TOWN Honolulu STATE Hawaii

7 DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> DETERIORATED	<input checked="" type="checkbox"/> UNALTERED	<input checked="" type="checkbox"/> ORIGINAL SITE
<input checked="" type="checkbox"/> GOOD	<input type="checkbox"/> RUINS	<input type="checkbox"/> ALTERED	<input type="checkbox"/> MOVED DATE _____
<input type="checkbox"/> FAIR	<input type="checkbox"/> UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

Sited on South King Street in the midst of a medium density urban area, the McKinley High School campus is distinguished by its central quadrangle with a spacious lawn bordered on two sides by seventeen Chinese banyan trees, which were planted by students in the late nineteen twenties. Surrounding the quadrangle are the four original classroom buildings and the Marion McCarrell Scott Auditorium, all of which are stucco veneered, reinforced concrete structures rendered in the Spanish Colonial revival style. Another significant historic building, The Senior Core Building, is located at the Ewa-makai (west) corner of the quadrangle. Other features on the quadrangle include a flagpole in the center, and a statue of President William McKinley, which stands in the middle of an oval drive at the head of the quadrangle, and is flanked on either side by a monkey pod tree. The eight foot high bronze statue rests on a nine foot pedestal made of Hurricane Island granite by the Bardwill Granite Company of Rockland, Maine. The statue is the work of Curzon Osborne, a Honolulu sculptor, and was cast in one piece by the firm of Bartelli in New York, which employed the then innovative "lost wax" technique.

The Buildings:

1. The Commercial Building is a two-story rectangular structure with a red tile hipped roof. It has a center section of nine bays with outset wings at either end. The end bays of the center section contain round arched entries which are elaborately embellished with terra cotta. Above these entries are a pair of second story round arched, double hung sash windows. The remainder of the windows in the center section are casement, with the first story windows featuring round arched architrave trim. The wings are distinguished by three second story round arched windows with wreathed columns. The wings' windows are casement with six panes, and between the first and second stories is a tile panel with a cartouche. The wings terminate with a false front gable with a blind arcade.

2. The Home Economics Building is a one-story, rectangular structure with a red tile hipped roof which is connected to the Commercial Building by a single story, round arched arcade of six bays. The arcade has a red tile gabled roof and a set of centered steps leading to it. The Home Economics Building is seven bays long with a centered round arched entry with a gabled roof dominating the facade. To either side of the entry are five casement windows which are flanked by small round arched windows. The primary design feature of the structure is an elaborately decorated round arched entry with a gabled roof on the mauka (mountain, King Street) side of the building. On either side of the decorative archway are free-standing columns which support ceramic owls.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> ARCHITECTURE	<input checked="" type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES 1923-4, 1927, 1939 BUILDER/ARCHITECT Davis & Fishbourne, Ossipoff

STATEMENT OF SIGNIFICANCE

The McKinley High School is significant in the history of education in the State of Hawaii as the oldest high school in the State and the leading public school in Hawaii during the nineteen twenties and thirties.

The history of McKinley as a school can be traced back to the Fort Street School of 1865. This school in 1895 was split into Kaiulani Elementary School and Honolulu High School. The latter was located in Princess Ruth's Palace on Emma Street until 1908 when the present Linekona School was completed. At the time of the dedication of this new building on Victoria Street, the school's name was changed to McKinley, in honor of the martyred president who had annexed Hawaii as a territory of the United States. The school quickly outgrew its new building and in 1922 plans were drawn by Davis & Fishbourne for a new campus on King Street. The Commercial (1) and Mathematics (4) Buildings were completed in 1923 and the Art (3) and Home Economics (2) Buildings were finished in the following year, at which time the entire student body began using the new campus. The Marion McCarrell Scott Auditorium (5), also designed by Davis & Fishbourne, was dedicated to former principal Scott in May 1928. At the time of its dedication, it was the largest theater in Hawaii with a seating capacity of 1,114. As such, it served not only the students but the community at large, with famous singers and lecturers performing there. The next substantial building erected on the campus was the Senior Core Building (6), a WPA financed project. Louis Davis, the designer of the other campus buildings, was in retirement at this time, but was commissioned to design this building with Vladimir Ossipoff, who did the actual work. Since World War II, numerous buildings have been constructed on the campus, but these are of a more modern and functional design and are not included in this nomination.

Through the nineteen twenties more than half of the high school students in Hawaii attended McKinley. Among its 1929 student body of 2,339, 43% were Japanese, 20% were Chinese, 11% Hawaiian, 10% haole (white) and 4% Portuguese. Throughout this decade McKinley offered the general public, which was primarily non-white, a level of education previously obtainable only at haole (white) dominated private schools. The person primarily responsible for the position of McKinley as a harbinger of democratic principles and racial acceptance was Miles E. Carey, the school's principal from 1924 to 1948. A graduate of Columbia University and student of

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Original Blueprints
 Lawrence Fuchs, Hawaii Pono, New York. 1961
 "A Hundred Years; McKinley High School 1865-1965." Honolulu, 1965
 "75 Years." Honolulu, 1940
 Honolulu Advertiser and Star-Bulletin. 1922-1940
 The Daily Pinion, September-December 1939

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY approx. 8 acres **UTM NOT VERIFIED**
 QUADRANGLE NAME _____ **ACREAGE NOT VERIFIED** QUADRANGLE SCALE _____
 UTM REFERENCES _____
 A [0,4] [6,1,9,2,4,0] [2,3,5,6,1,8,0] B _____
 C ZONE EASTING NORTHING D ZONE EASTING NORTHING
 E _____ F _____
 G _____ H _____

VERBAL BOUNDARY DESCRIPTION

This nomination includes the property within the red lines as delineated by the enclosed map entitled McKinley High School.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE

11 FORM PREPARED BY

NAME / TITLE _____
 Don Hibbard-Architectural Historian and Nathan Napoka-Historian
 ORGANIZATION _____ DATE _____
 Department of Land and Natural Resources Nov. 16, 1979
 STREET & NUMBER _____ TELEPHONE _____
 1151 Punchbowl Street 548-6408
 CITY OR TOWN _____ STATE _____
 Honolulu Hawaii

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL _____ STATE X LOCAL _____

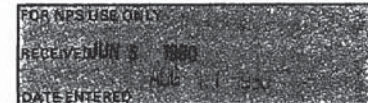
As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1986 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE [Signature] DATE May 28, 1980

FOR NPS USE ONLY
 I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER
 ATTEST: [Signature] DATE 5/11/80
 _____ DATE 8-4-80
 CHIEF OF BUREAU

Form No. 10-300a
 (Rev. 10-74)

UNITED STATES DEPARTMENT OF THE INTERIOR
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**NATIONAL REGISTER OF HISTORIC PLACES
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CONTINUATION SHEET ITEM NUMBER 7 PAGE 2

3. The Art Building stands across the quadrangle from the Home Economics Building and repeats the same design. The only differences between the two structures are that the Art Building has wood louvered windows rather than casement, and a wing extends from the right rear of the building, thus causing three of the archways of the arcade to be blind.

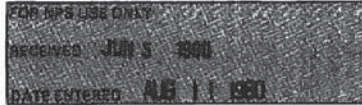
4. The Mathematics Building, connected to the Art Building by an arcade similar to that between the Commercial and Home Economics Buildings, follows the plan of the Commercial Building, but has different applied ornament. Its round arched entries feature a Griffin in the tympanum and terminate in a manner reminiscent of an accolade. Also the two wings feature a round arched niche supported by a pendentive on the first story, and a set of three blind round arches with wreathed columns on the second. A cartouche with garlands is below the second story blind arches.

5. The Marion McCarrell Scott Auditorium, located at the head of the quadrangle, is a two-story, T-shaped building with a red tile roof. The auditorium is dominated by an outset center section of five bays which serves as the main entry. This section has on the first story three highly embellished, terra cotta, round arched portals which are flanked on either side by a round arched window with a terra cotta ornamented tympanum. The second story features pairs of round arched windows with wreathed columns in the center three sections. Again a single round arched window flanks these major windows. All windows are casement of twelve lights. The three center bays terminate with a false front gable with a blind arcade while the end bays form mock towers with hipped roofs which balance this section. A large octagonal cupola with a red tile roof and a smaller bronze cupola with a finial rise from this center section.

To either side of the center section extends eight bays with ten light casement windows on both stories. The first story windows have round arched architrave trim. The facade terminates at each end with an outset bay with a gabled roof and a large round arched panel. The interior of this structure, as with all the others, remains relatively intact. The building houses the administrative offices of the school, the library, and the auditorium. The central lobby features octagonal columns. On the exterior of the auditorium, on either side of the base of the T, are landscaped areas which are now in a state of disrepair. Numerous coconut palms grow in these areas. In the Diamond Head (south-east) area stands a broken sun dial, the gift of the class of 1922.

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CONTINUATION SHEET

ITEM NUMBER 7 PAGE 3

6. The Senior Core Building, built in 1939, is a two-story, U-shaped, reinforced concrete building with a red tile hipped roof with overhanging eaves and exposed rafters. Its center section and wings are each five bays wide, with the center section's three middle bays having a stepped entry. Other access portals are located at the ends of the wings and at the intersection of the wings and the center section. These portals all feature cast stone decorative panels above their openings. These panels depict a man with sharks, and a woman with breadfruit and mo'lo (dragons, lizards). The building is distinguished by an inset wrap-around lanai (porch) on the first and second stories which faces makai (ocean) to protect against the rains coming from the mountains. The lanai (porch) railings have terra cotta trim on top and feature terra cotta ornamentation which depict Island produce--breadfruit, taro, and papaya. All windows are double hung sash with bottom transoms of four lights. The wings' front walls have cast stone ornamentation on the first story and a second story balcony.

Although this building is not fifty years old, it is included in the nomination as it perpetuates the spirit of the older buildings, and is one of the more outstanding examples of tropical design applied to a school building in the nineteen thirties. Since the end of World War II, the Department of Education has built in an austere manner, erecting minimal buildings of concrete block in an effort to save tax dollars. Thus, this structure is easily recognizable as belonging to a distinct period whose time has passed.

UNITED STATES DEPARTMENT OF THE INTERIOR
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CONTINUATION SHEET

ITEM NUMBER 8 PAGE 2

Dewey's, Carey was the most significant educator in Hawaii during the nineteen twenties and thirties. His most important contribution to McKinley was the development of the "core curriculum" of English and Social Studies. His objective was to center the teaching of English around real social problems, and to encourage democratic participation by students as they learned. The program was very popular among teachers and students, but ran into opposition within the community. Many people considered Carey too pro-Japanese (he spent part of World War II volunteering his help in a Japanese relocation center on the mainland), and they thought his core program to be too liberal, as he was encouraging his students to take part in the democratic process of government. Many people well understood that participation could lead to control of the system, thus those in power regarded his methods as quite threatening. Carey's influence on the history of Hawaii has been long lasting as can be readily attested by merely perusing the photographs of illustrious alumni which hang on the wall in the halls of the Marion McCarrell Scott Auditorium. These include such political leaders as Governor George Ariyoshi, former U.S. Senator Hiram Fong, and U.S. Senator Dan Inouye.

As part of the core program, the students did most all the landscape work on the campus and helped to maintain the school grounds as well. In 1924, a chapter of the National Honor Society was established at the school, the first such chapter granted a school in an American possession outside the United States.

McKinley High School is also architecturally significant as one of the most elegant examples of Spanish Colonial revival architecture in Hawaii, along with the Hawaiian Electric Building by York and Sawyer, and the Y.W.C.A. by Julia Morgan. Designed in the early nineteen twenties, its style is typical of the era, a period when architects were self-consciously approaching the question of an indigenous architectural design characteristic for Hawaii. From the early twenties through the thirties the Mediterranean and Spanish architectural forms experienced much popularity in the Islands, as might be noted in such buildings as the O.R. & L. Depot, Honolulu Academy of Arts, Federal Building, Honolulu Hale, Royal Hawaiian, C. Brewer Building, and numerous residences.

The extensive use of elaborate terra cotta embellishment employed on the buildings at McKinley is particularly noteworthy, and represent the most lavish use of this material on Spanish Colonial revival style buildings in the State.

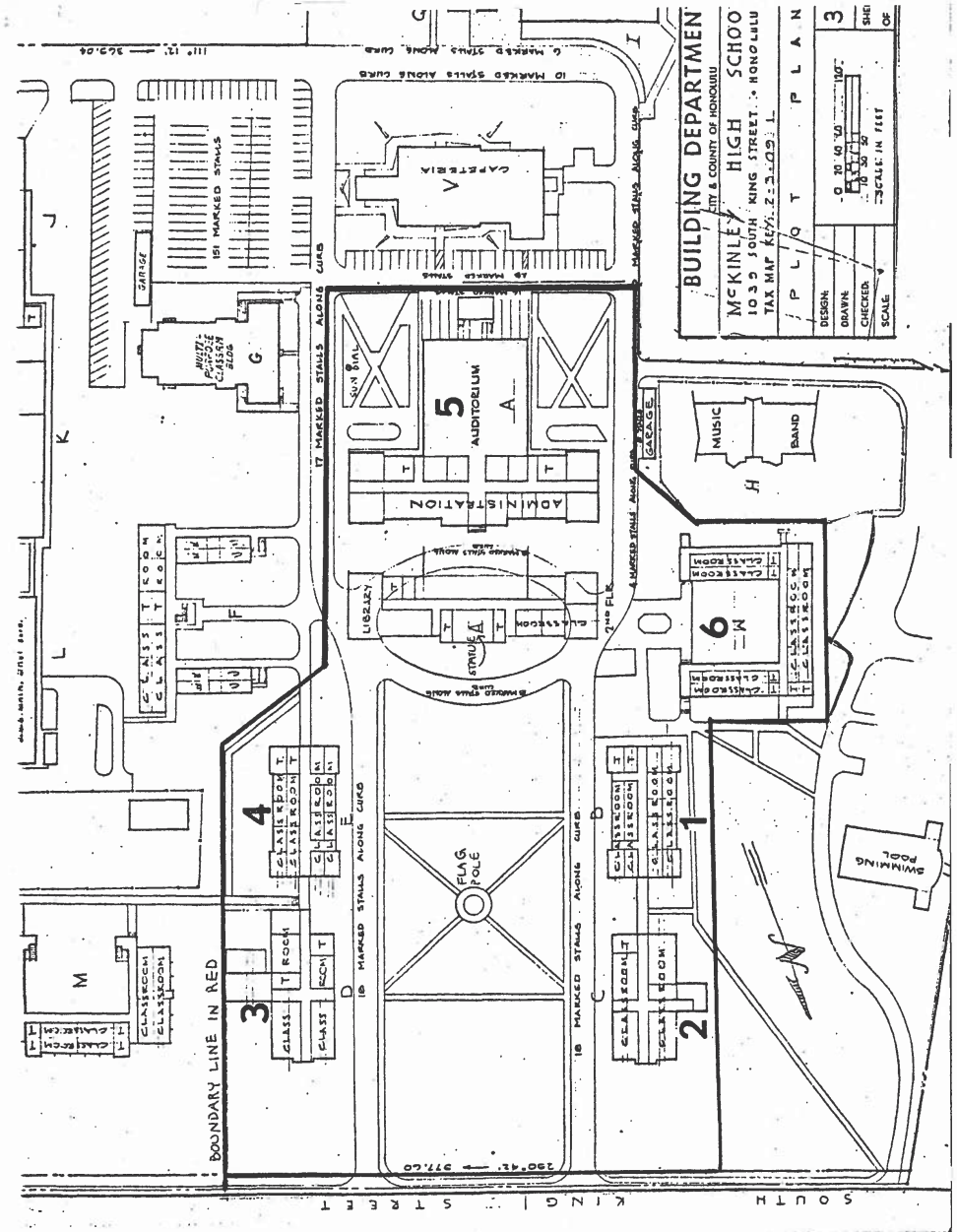
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DATE ENTERED JUN 13 1980

CONTINUATION SHEET

ITEM NUMBER 8 PAGE 3

The Senior Core Building (6), completed in 1940, is not yet fifty years old. This structure is of exceptional significance; its ornamentation and open, airy spaces, make it one of the more outstanding examples of thirties public architecture to consciously embody a Hawaiian architectural style.



ATTACHMENT 2

1/22/13

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1296 S Beretania St #103
Honolulu, HI 96814
808-597-1802

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Cities: Honolulu; Kaneohe;

Zip Codes: 96744; 96801; 96802; 96803; 96804; 96805; 96806; 96807; 96808; 96809; 96810; 96811; 96812; 96813; 96814; 96815; 96816; 96817; 96818; 96819; 96820; 96821; 96822; 96823; 96824; 96825; 96826; 96827; 96828; 96830; 96835; 96836; 96837; 96838; 96839; 96840; 96841; 96842; 96843; 96844; 96845; 96846; 96847; 96848; 96849; 96850;

Cemeteries: Diamond Head Memorial Park; Greenhaven Memorial Park; Homelani Memorial Park Inc; Honolulu Memorial Park; Maui Memorial Park Inc; Oahu Cemetery; Valley Of The Temples Memorial;

Funeral Homes: Borthwick Mortuary; Hawaiian Memorial Park Cemetery & Crematory; Hosoi Garden Mortuary Inc; Mililani Downtown Mortuary; Moanaula Mortuary; Nakamura Mortuary Inc; Williams Funeral Service; Windward Mortuary; Windward Mortuary At Valley; Woolsey Funeral Home & Cemetery;

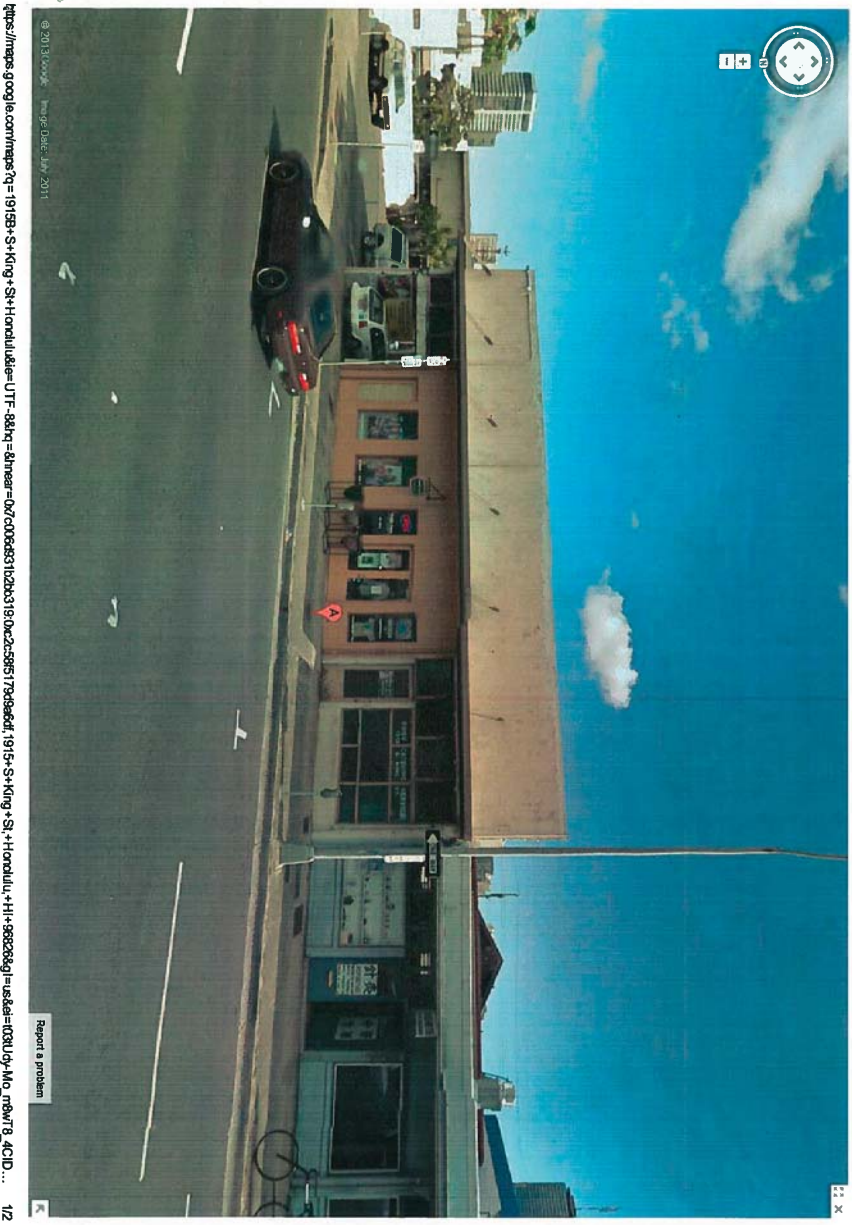
Hospitals: Hawaii State Hospital; Kapiolani Medical Center; Kuakini Health System; Leahi Hospital; Queen's Medical Center; Rehabilitation Hospital; Shriners Hospital For Children; St Francis Medical Center; Straub Clinic & Hospital Inc;

King Florist Sells the Following:

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www.flowershopsamerica.com/0055/index.aspx?memberid=248424

1/2

To see all the details that are visible on the screen, use the "Print" link next to the map.



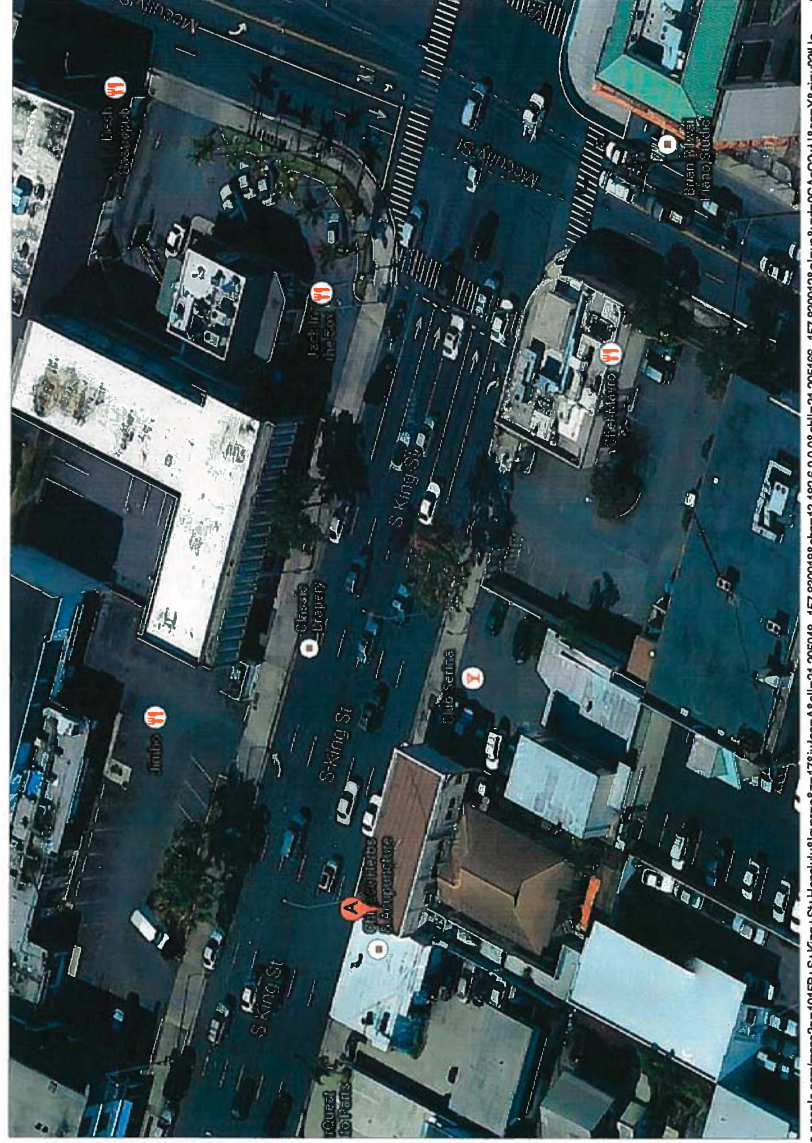
ATTACHMENT 3

ATTACHMENT 4

7/22/13

1915B S King St Honolulu - Google Maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



<https://maps.google.com/maps?q=1915B+S+King+St+Honolulu&layer=cbz=17&llor=A&ll=21.285048,-157.830918&cbz=13,182.6,0,0&cbll=21.285186,-157.830912&gl=us&ved=0CApp2wU&as=X&ei=u03Ua...>

ATTACHMENT 5



UNITED STATES DISTRICT COURT

CHAMBERS OF
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-409
HONOLULU, HAWAII 96850-0409

TELEPHONE
(808) 544-1720
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(808) 544-1724

July 8, 2013

Mr. Ted Matley
FTA Region IX
201 Mission St., Ste. 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Ste. 1700
Honolulu, HI 96813

Re: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

Gentlemen:

On behalf of the United States District Court for the District of Hawaii, I submit that the Draft Supplemental Environmental Impact Statement (“DSEIS”) fails to give adequate consideration to the Beretania Street Tunnel Alternative.¹

In his Order on Cross-Motions for Summary Judgment filed November 1, 2012, Judge A. Wallace Tashima directed that: “Defendants must fully consider the prudence and feasibility of the Beretania tunnel alternative specifically, and supplement the FEIS and ROD to reflect this reasoned analysis in light of evidence regarding costs, consistency with the Project’s purpose, and other pertinent factors. . . . Should

¹ In a letter dated May 30, 2012, I previously submitted reasons that the Halekauwila Street route was neither prudent nor feasible, particularly with respect to still unresolved serious security risks to the United States District Court building presented by the proposed route of the Honolulu Rail Transit Project.

Mr. Ted Matley
Mr. Daniel A. Grabauskas
July 8, 2013
Page 2

Defendants determine, upon further examination of the evidence, that their previous decision to exclude the Beretania alternative because it would be imprudent was incorrect, they must withdraw the FEIS and ROD and reconsider the project in light of the feasibility of the Beretania tunnel alternative. . . .” Order at page 27.

The Beretania Street Tunnel Alternative accomplishes the original intended goal of the Honolulu Rail Transit Project, while the Project’s proposed route to the Ala Moana Shopping Center does not. Indeed, under the heading “1.4.1 Purpose of the Project”, on page 12, the DSEIS proclaims: “The purpose of the Honolulu [Rail Transit] Project is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and UH Manoa, as specified in the Oahu Regional Transportation Plan 2030 (ORTP)(OahuMPO 2007).” (Emphasis added.)

Remarkably, the Project’s proposed rail route fails to run along “the highly congested east-west transportation corridor between Kapolei and UH Manoa,” the very corridor expressly identified as the route the Project is intended to serve.

The Project’s proposed rail route does not go anywhere near the UH Manoa campus. Instead, it goes to the Ala Moana Shopping Center! The DSEIS then unrealistically posits that a UH student, after riding the rail to Ala Moana, can transfer to a bus to get to the UH campus and, even including the time spent getting to the bus boarding area and waiting for the bus, arrive within 9 minutes. (See Table 3, page 48 of the DSEIS: Waianae to UH Manoa: Beretania Street Tunnel – 84 minutes; The Project – 93 minutes.)

The DSEIS opines that the Beretania Street Tunnel Alternative will increase the capital cost of the Project by \$960 million (page 61) and add 2 years to its construction duration (page 58). However, the DSEIS fails to opine, or even consider, what the capital cost of the proposed future extension from the Ala Moana Shopping Center to UH Manoa might be. There could be a major cost-saving in implementing the Beretania Street Tunnel Alternative now rather than pursuing a possible two-stage development involving initial construction of the rail route to the Ala Moana Shopping Center and later extension to UH Manoa. In fact, given the economy, sequestration, the loss of Senator Inouye’s influence, and other intervening factors, it is realistic to question whether the extension to UH Manoa will ever be built. It is critical to accomplish the intended purpose of the Honolulu Rail Transit Project “to provide high-capacity rapid transit” by a rail route to UH Manoa now, while we have the best opportunity to do so.

Mr. Ted Matley
Mr. Daniel A. Grabauskas
July 8, 2013
Page 3

UH Manoa, with a student body of 20,426, plus professors, administrators, maintenance staff, and others, is a major contributor to Oahu’s severe traffic problems. These problems would be significantly improved by the Beretania Street Tunnel Alternative. The Project’s proposed Ala Moana route promises nothing close to that improvement. Moreover, the proposed Fort Street Station that is part of the Beretania Street Tunnel Alternative would be in easy walking distance of downtown workplaces. Passage by bus directly to Waikiki could be provided from the proposed Kalakaua Station. Although Kapolei and other areas in West Oahu have shopping centers with both comparable shops as well as many stores offering discounted merchandise, the court understands that passengers from those parts of the island may want to go to the Ala Moana Shopping Center. Those passengers would be able to transfer to buses at the proposed Pensacola Street Station (DSEIS page 20).

The DSEIS suggests that the Beretania Street Tunnel Alternative risks reaching the water table and thereby creating settlement problems (page 45). However, the DSEIS itself acknowledges that any such risk could be significantly mitigated. Indeed, in many other cities tunnels have been successfully and safely constructed at that level. In the alternative, the rail could be elevated above street level, which presumably would be less costly. (HART appears to have rejected a street-level alternative because of vehicular traffic and safety concerns.)

To those familiar with the historic structures in the downtown area, it appears that the DSEIS may well overstate the relative impact the Beretania Street Tunnel Alternative would have on historic buildings as compared to the impact the present proposed route would have. (page 68).

Nor does it appear that the effect the Beretania Street Tunnel Alternative would have on vehicular traffic would be significantly greater than the Project’s proposed route along Ala Moana Boulevard and Halekauwila Street (page 61).

It also appears that the Beretania Street Tunnel Alternative would avoid obstructing the view corridors for the Capitol District from Punchbowl to the waterfront as established in Land Use Ordinance Sec. 21-9.30-1.3, which the Project’s proposed Ala Moana route would violate (page 20).

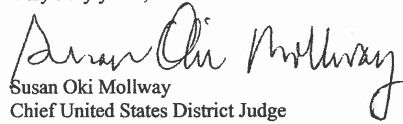
While suggesting that a Beretania Street tunnel might affect some archeological and burial sites, the DSEIS acknowledges that fewer such sites would likely

Mr. Ted Matley
Mr. Daniel A. Grabauskas
July 8, 2013
Page 4

be affected because the Beretania Street Tunnel Alternative is further inland than the Project's proposed Ala Moana route (page 57).

In conclusion, the court urges you to recognize that the Beretania Street Tunnel Alternative, which is a more prudent and feasible route for the Project than the route presently proposed, has not been adequately considered in the DSEIS.

Very truly yours,

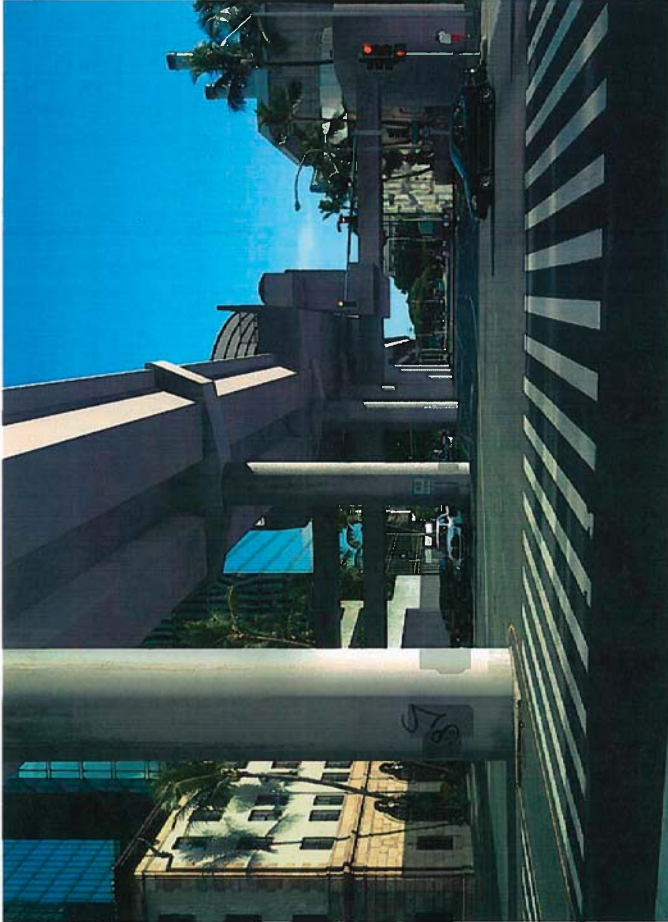

Susan Oki Mollway
Chief United States District Judge

cc: Matthew G. Adams
Michael Jay Green
David B. Glazer
John P. Manaut
Harry Yee
Peter C. Whitfield
Don S. Kitaoka
Edward V. A. Kussy
Robert D. Thornton
William Meheula
Robert P. Richards
Elizabeth S. Merritt

ATTACHMENT 6

7/22/13

Downtown_Station_Elevated_Blight_700.jpg (700x505)



www.honolulutraffic.com/Downtown_Station_Elevated_Blight_700.jpg

11

Record Date : 7/22/2013
First Name : Dr. Kioni
Last Name : Dudley
Business/Organization : Friends of Makakilo
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

I am sending two articles that I have written about Groundwater Inundation and its effects on the Rail. The first article is found here. The second will follow in an other e-mail.
And you thought Sea Level Rise was a big problem
by Dr. Kioni Dudley

Last Saturday, the Star Advertiser's headline was one word, "Wow!" commenting on 700' high-rises HCDA is proposing for Kaka'ako. As this article will show, that headline should have been, "Ouch!"

Within the lifetimes of current young adults and children, rising seas will erode our beaches, and flood low-lying streets and roads around the island. By the latter part of this century, portions of Waikiki, Mo'ili'ili, Ala Moana, and Kaka'ako will stand in sea water at high tide. Key thoroughfares and intersections in urban Honolulu and around the island will be below sea-level. (See map.)

But Sea Level Rise is just the start of our problems.

A research paper by UH professors Kolja Rotzoll and Charles "Chip" Fletcher in the prestigious scientific journal Nature Climate Change discusses another hidden, unexpected, and potentially more massive problem: groundwater inundation. (See <http://www.nature.com/nclimate/journal/v3/n5/full/nclimate1725.html>) The coastal plains of each island, created by lava flows and ancient coral reefs and then covered by layers of sediment, are a massive array of porous geology. In low-lying areas, the water table (the sub-surface level below which the ground is completely saturated with water) lies just below the surface. There, fresh water, which has seeped down, floats atop salt water which has worked its way in from the ocean. This salt water, which is generally at the same height as sea level, rises and falls with the tides. As the sea level rises in the future, it will cause this salt water to also rise permanently, pushing the fresh water above it up through the ground. Once the water pushes up above the surface, it will have nowhere to go, and will just sit there. Rain will add to the problem. As the accompanying map shows, groundwater flooding will put far greater parts of Waikiki, Mo'ili'ili, Ala Moana, permanently under water, along with much of Kaka'ako where the 700 foot high rises are planned. Ouch! Low-lying areas in Leeward, and in numerous other places around the whole island will also be flooded. This groundwater inundation will begin to be a problem before mid-century and will continue to grow and spread as the seas rise, for centuries to come. Being inland groundwater, pushed up through the land surface, it cannot be stopped by dikes.

In light of all of this, does it make sense to build skyscrapers in the Kaka'ako floodlands? Should we really construct more buildings in Waikiki? Is it logical to build a rail line from Kapolei to Ala Moana, if much of the route, and all of the Ala Moana area, lie deep in the future flood zone? Are we set to spend billions on rail, sewers, water mains, and roads, that need to be re-directed?

The first concern in the old O'ahu General Plan was the need to control population growth. Given our projected future, is it moral to invite, and build homes for, unsuspecting malihini, as we are now doing? Is it wise to keep expanding tourism? Is it fair to our own descendants to bring in more people who will draw down their declining supply of drinking water? Worldwide, costs to accommodate sea rise will push up prices on everything, making imports, including food, far more expensive. We will need to grow much more, if not all, of our own food. Isn't it suicidal to sacrifice today's highest producing farmlands for unnecessary housing projects?

Dud-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.

Dud-1

Where are the county plans to guide all of this?

In 2012, the State legislature passed Act 286, which directed that all county general plans (like the O'ahu General Plan) and county development plans (like the Ewa Development Plan) must engage in focused research to produce models of future climate changes and their impacts, and must include in the plans steps to address those impacts. That is not happening.

Developers, construction unions, banks, landowners, and others who profit directly from development have enough friends in the right places that, instead of addressing climate change, the City is moving to get as much anticipated development through the approval gate as possible, before the populace wakes up.

It's time to stop all County plan approvals, to take all the plans back to the drawing boards, and to spend the necessary time to really study the intermediate and long-term ramifications of sea level rise and groundwater inundation for the whole island, and to work out steps to address them, as Act 286--state law--requires. (For greater understanding of the problems discussed here, see the site "Sea Level Rise Hawaii," created by UH Professor Chip Fletcher. at <http://www.soest.hawaii.edu/coasts/sealevel>.)

Professor Ira Rohter (d. 2009) is regarded as the "Father of Sustainability" for the islands. I had the honor of publishing his major work: A Green Hawai'i Sourcebook for Development Alternatives. As early as 2002, he was teaching that the two most important forces to address during the rest of our lifetimes are rising seas and peak oil. This article is dedicated to his genius.

The attached picture really must accompany this article. It should be captioned: "Rotzoll, K. and Fletcher, C., 2013, Assessment of groundwater inundation by sea level rise; Nature Climate Change, 3, 477-481, DOI:10.1038/NCLIMATE1725"

The top map might be titled, "Areas flooded by the ocean with sea level rise of 1 foot, 2 feet, and 3 feet."

The bottom map might be titled, "Total flooded areas by the ocean and by groundwater inundation at sea level rise of 1 foot, 2 feet, and 3 feet."

On both maps, it would be helpful for readers if Kaka'ako, Ala Moana, Mo'ili'ili, and Waikiki were identified.

Reply Requested :

Record Date : 7/22/2013
First Name : Dr. Kioni
Last Name : Dudley
Business/Organization : The Friends of Makakilo
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

This is the second of two articles I have written about Groundwater Inundation. Please note the map at the end.

Best Overall News Site
2010 & 2011 Excellence in Journalism Award
Friday, June 21st, 2013
Honolulu Council Begging for Sea Level Rise Lawsuits
By Kioni Dudley 06/20/2013
Civil Beat/RJ Brown

Last week New York City's mayor announced that the city is spending \$20 billion to protect against sea level rise. To our great peril, our city and county government, on an island surrounded by the sea, refuses to acknowledge that there is even a problem — it being a far more important mission to clear the way for more development.

Last Saturday, people lined up all night to sign up for apartments in The Symphony, a new high rise across the NBC arena. As the accompanying map shows, in a few decades that land will be under water due to groundwater inundation — the rise of groundwater (which floats on seawater) being pushed up through the surface by sea level rise.

The City Planning Commission is considering approval of a high rise for the YMCA property on Atkinson, which will be deep in the flooded area. Plans move ahead for high-rises in Kaka'ako and Waikiki.

When the groundwater flooding begins, whom will these people blame for allowing them to build there? Whom will they sue? Taxpayers will pay for the lawsuits against the city.

On Friday, the Rail put out word that it is moving to four-car trains. Why aren't they admitting that groundwater inundation has made folly of the whole project? Passengers will need boats to reach the last four stations. The route from downtown to the floating island, Ala Moana Center, will all be under water. The path of the train, its destination, perhaps its whole purpose may have to be completely revamped. Perhaps the Rail project will be dropped entirely.

In Pearlridge, five towers are in advanced planning — classic Transit Oriented Development — with the train station as the focal point. Groundwater inundation has not yet been studied for the area, but sea level rise alone will push Pearl Harbor water over its path to the stadium. None of our county plans incorporate any of the new research on groundwater inundation which will flood much of Kaka'ako, Ala Moana, Waikiki, and Mo'ili'ili...and other low-lying areas of the island. (Read the study by UH professors Kolja Rotzoll and Chip Fletcher.)

Much of the 'Ewa Development Plan(EDP), which is currently before the City Council for approval, centers around the Rail and the Ho'opili development. New Ho'opili literature features two major Transit Oriented Developments centered around Rail stations. If the rail is scuttled, the city will be in a position of encouraging investment in and development of projects based on these plans, with full knowledge that groundwater inundation could well undermine it all.

When people want to sue the city, they will have the 2012 Act 286 to support their cases. That law states that county plans must study the impacts of climate change and ways to protect the people from them. Passing development plans and sustainability plans at this time, when the scientific studies on groundwater inundation have already been published, and news-media articles on groundwater-rise have warned the council against doing so, invites lawsuits. It is irresponsible, and actually, a crime against the people.

The EDP has one more Zoning and Planning meeting on June 27th, then approval by the full council at their July 10 meeting will confirm it as the law.

It must be noted that, although a watery future awaits much of low-lying 'Ewa, the 'Ewa Development Plan will wreck the lives of Leeward residents long before then. In its current form, it will extend the peak

Dud1-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.

Dud1 - 1

hour freeway commute to two hours each way. It will put houses on 31 percent of the Oahu farmland currently producing fresh fruits and vegetables for our markets and restaurants. And it will exhaust our fresh supply of water, forcing us into desalination...just to mention a few things.

An in depth discussion of these problems with the 'Ewa Development Plan will take place at a Town Hall Meeting from 7:00 to 9:30 p.m. on Tuesday, June 25, at Kapolei High School cafeteria. The public is invited. The meeting can also be viewed live on 'Olelo channel 54. Inundation at MHHW under sea-level rise in the Honolulu caprock aquifer, Oahu, Hawaii:

About the author: Dr. Kioni Dudley is the president of the Friends of Makakilo, and chairman of Save O'ahu Farmlands, and is a retired educator.

Community Voices aims to encourage broad discussion on many topics of community interest. It's kind of a cross between Letters to the Editor and op-eds. This is your space to talk about important issues or interesting people who are making a difference in our world. Columns generally run about 800 words (yes, they can be shorter or longer) and we need a photo of the author and a bio. We welcome video commentary and other multimedia formats. Send to news@civilbeat.com.

3

About the Author
Kioni Dudley
Contributor

Articles /
Kioni Dudley
Topics /
Kioni Dudley

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Reply Requested :

Record Date : 6/17/2013
First Name : William
Last Name : Ernst
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

I believe that you have left out the most important place for a Rapid Transit Station. The rail line should have stops at the University of Hawaii. The college is closed for the summer. As a result we now have a very reasonable commute in the traffic on the H-1 freeway. Most commuters will save 30 minutes on each leg of their commute to work in Honolulu when school is not in session.

Ern-1

Ern-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

The rail system should also have a station at the Honolulu Airport. Just look at the system that Toronto, Canada has! You can take your suitcase and leave home and ride on the bus and the rail to the airport. What a wonderful system. My brother lived in Toronto for years and it was always a pleasure to use the Toronto bus and rail systems.

Ern-2

Ern-2

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding comments outside of the scope of the Supplemental EIS/ 4(f).

Getting to and returning from our airport should be created with the state of the art planning and new equipment. We are going to spend millions on upgrading the airport and not a dime on improving the transportation. You should be able to take your suitcase on The Bus or the Rail to and from our airport. This would reduce van, bus, taxi and private vehicle traffic on the roadways and at the airport.

You need to make changes that improve the efficiency of transportation choices and reduce the time spent commuting.

Reply Requested :

Record Date : 6/20/2013
First Name : Ralph
Last Name : Faufata
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : Requested information on status of AIS work and lawsuit, Federal hearing on 8/15 and SEIS documentation. Wants to know when the project will resume its Waipahu HART community meetings | Fau-1

Reply Requested :

Fau-1

The lawsuit in State of Hawai'i court is independent of this Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)]. Information on the Archaeological Investigation Survey and public meetings is available on the Project website at www.honolulutransit.org. Public outreach for the Supplemental EIS/4(f) is discussed in Chapter 5 of the Final Supplemental EIS/4(f).

Record Date : 7/19/2013
First Name : Joseph
Last Name : Ferraro
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : July 19, 2013

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Subject: Honolulu Rail Transit Project
Draft Supplemental Environmental Impact Statement

Dear Messrs. Matley and Grabauskas:

I am writing to comment on the Draft Supplemental Environmental Impact Statement/Section 4f Evaluation [EIS/4(f)] dated May 2013.

I have reviewed the Draft Supplemental EIS/4(f) and wish to express my family's wholehearted support for the Beretania Street Tunnel Alternative. Unlike the current proposed Project, the Tunnel Alternative would offer the following significant benefits to transit riders and the public alike:

- A more convenient transit route closer to the central corridor of Honolulu
- A direct connection between the UH West Oahu and UH Manoa campuses
- Preservation of the views and character of Honolulu's most historic waterfront, Chinatown and Hawaii Capital Special Districts

Although this alternative will cost more, an estimated \$1B, in the long run, the cost to eventually implement a transit system to the UH would probably be less expensive. And without a change in train lines, the commute would also be faster (the HART mantra) and more direct. Is it more important to bring people from the Ewa plain to Ala Moana shopping center or to the University of Hawaii?

Should the transit route remain along the Nimitz corridor, I urge HART to more seriously consider the alternative of implementing a Fort Street Mall station instead of the proposed Downtown station. Fort Street Mall already serves as the primary public Mauka/Makai pedestrian thoroughfare from the Aloha Tower to Beretania Street. As such, it presents a natural and logical station location for a transit system intended to serve pedestrians. Compared with the proposed PGC plaza, Fort Street is also more appropriately configured to accept the expected magnitude of foot traffic during peak periods.

Sincerely Yours,

Joseph J. Ferraro FAIA, LEED AP
2703 Terrace Drive
Honolulu, HI 96822

Reply Requested :

Fer-1 Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the Beretania Street Tunnel Alternative as a prudent and feasible avoidance alternative. See Common Response 2 regarding the cost of servicing UH Mānoa with rail. FTA and HART acknowledge the commenter's support for the Beretania Street Tunnel Alternative.

Fer-1

Fer-2 Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f), including comments on system and station planning for the Project. The Final EIS/4(f) evaluated alternative locations for the Downtown Station.

Fer-2

Record Date : 7/12/2013
First Name : Jeffrey
Last Name : Gaskell
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

Dear HART,

I was thinking about the awnings on platforms of the transit station designs. The current white sail design is reminiscent of the ones atop the Convention Center, and it definitely qualifies as a "Hawaiian" design element. However, I was thinking that those awnings could be further improved if they were made out of photovoltaic material. I looked online for "PV awnings" and there are many examples currently in use worldwide. I'm not sure if they could be fashioned into a sail shape to retain the original design, but it would create a visually stunning see-through gridded canopy.

Costwise, the PV panels could be supplied by a local vendors at minimal cost in exchange for being allowed to place their logo in a visible area nearby (tastefully done of course so as not to create undue visual clutter) It could be a similar arrangement to what you see at electric vehicle charging stations around town where companies get advertising space for providing the charging systems.

It would also be good PR for Rail to create a green image that they can offset some of the energy requirements of running escalators, elevators, lighting and ticketing machines.

Obviously, the panels would need to be made hurricane proof, so that would be my main concern, but I think the concept has merit. Just wondering if the idea has been considered or addressed by the design committee.

Thanks, Jeff Gaskell

Reply Requested :

Gas-1

Gas-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Comments on station design were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010. The comments on station design were forwarded to the Project's design team.

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

7-19-13
HART
13 JUL 22 P12:57
July 19, 2013

Subject: Comments on the Honolulu Rail Project Draft Supplemental Environmental Impact Statement (SEIS)

Mr. Grabauskas:

I am submitting these comments despite the likelihood that the Honolulu Authority for Rapid Transportation (HART) will not only successfully rebuff the efforts of rail opponents to terminate the project but also provide enough rationale to preclude any move for U.S. District Court Judge Susan Oki Mollway's recommendations for tunneling to preserve downtown Honolulu view planes and for changing the alignment to reach the University of Hawaii (UH) Manoa campus rather than the Ala Moana Center for the eastern terminus of the system. I may be "tilting at windmills" but believe it is important to "go on record" as an advocate for using more advanced technology (i.e., medium-speed magnetic levitation [maglev] for urban operations) for any future expansion of the rail system. (NOTE: That recommendation was submitted to Mayor Kirk Caldwell earlier this year.)

Gen-1

Gen-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Comments on project limits and technology were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] issued in June 2010. Please see the responses to the comments on Judge Mollway's letter.

The following comments, some of them extracted from my formal reply on the rail project's draft EIS years ago, remain pertinent because—to me—it would be best to "reverse course" and accept a delay to implement the best course of action for O'ahu taxpayers and commuters. That action would encompass the following steps: terminate the existing technology contract but provide a one-time payment to Ansaldo Honolulu Joint Venture, which acted in good faith in the steel wheel on steel rail (SWSR)-only competition, of (perhaps) \$15-20 million as well as advising the firm that it can also submit a proposal for the new contract; develop a new EIS for an alignment that runs mauka of downtown Honolulu and connects East Kapolei with UH-Manoa; using the base price of approximately \$5.3 billion as the estimated cost for the current SWSR project, announce a Request for Proposals for all rail system supplier-guideway construction teams to submit bids as to what they can provide for the available funding; and accelerate the whole process with the assistance of the Federal Transit Administration (FTA).

Gen-2

Gen-2 Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f).

I must respectfully disagree with both the current HART project and the (costly) tunneling plan. To me, the best solution would be a fully elevated two-way guideway in the mauka alignment from East Kapolei to UH-Manoa, with a single direction (additionally financed) extension loop that services Ala Moana Center and Waikiki (rather than the currently-planned Waikiki regional bus circulator). With the recent announcement that the Hawaiian Electric Company will remove

the downtown power plant, the City and County may want to reconsider development plans for the area east of Aloha Tower—accompanied by a developer and landowner-business funded bus or light rail (at-grade) circulator through the financial and government districts. As stated (by me) in a commentary published in the May 19, 2013 Honolulu Star-Advertiser, the residential tower plan for Kaka'ako is a transit-oriented development (TOD) plan for buses rather than rail. Such development is better suited for Kapolei to enhance rail ridership and save farm land.

The actual statement in the initial Notice of Intent for this project's EIS is pertinent to my criticism of the city's actions on the rail project. It states that "The draft EIS would consider five distinct transit technologies: Light rail transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system." None of the EIS documents produced to date come close to anything resembling a consideration of technologies other than SWSR, presumably fitting into the first category above (since it is not planned as being "rapid") but is certainly "heavier" than at-grade systems such as those in Denver, Phoenix, and San Diego.

The draft EIS listed costs for the Airport Alternative at \$5.433 billion. A steel wheels "bridge" construction (using 49 percent of total cost) was estimated at that time at \$2.662 billion, or a cost per mile of \$133 million. The Japanese Linimo supplier estimated construction for a maglev guideway at \$570 million less, or \$2.092 billion, resulting in a cost per mile of \$105 million. Using the steel wheels budget of \$2.662 billion, at least 25 miles of maglev guideway could have been built (i.e., enough to reach the UH-Manoa campus, an important link for ridership, along with a spur into Waikiki).

Operations and maintenance (O&M) costs also would be cheaper using a maglev. Despite a need for about ten percent additional electricity to levitate the train, the virtually frictionless running of the maglev is estimated at 20 to 30 percent less (than an SWSR system) per year. Enormous savings would be realized over 30 years, considerably easing the burden on taxpayers' funding for the transit subsidy. O&M costs savings alone would enable guideway extension into Central O'ahu, a major ridership area. Given the significant savings that can be realized with an urban maglev, the City should never have limited the initial competition to SWSR systems.

The statement in the SEIS appendices concerning the 2008 (so called) expert panel's discussion that ends with "... the alternate rail technologies were eliminated because they are proprietary and did not offer substantial proven performance, cost, and reliability benefits compared to steel-on-steel technology" is just another (continuing) attempt to justify SWSR systems, and is patently false concerning a maglev. Compared to any steel wheels system's performance, a maglev would be faster (at 62.5 miles per hour compared to 55), much quieter (in the range of an average television level in a home, or at least twice as quiet as noise-mitigated [i.e., requiring parapet walls and wheel skirts] SWSR—with the maglev quiet enough to place a station adjacent to the Queen's Medical Center on a mauka alignment without disturbing hospital staff and

patients; one has to wonder at precisely what it would cost to make SWSR as quiet as maglev, as stated in the appendices), and smoother riding because it is levitated above its guideway beam. The narrower guideway used for the maglev (as well as conventional monorail) also would be less physically and visually imposing than the SWSR bridge (making the statement in the appendices about maglev blocking more views also patently false—and making this writer feel, indeed, that the final EIS was arbitrary and capricious). The Nagoya Linimo as of 2009 had carried more than 30 million passengers with a reliability rating of more than 99.9 percent; can any SWSR system match that? The Linimo has now been in revenue operations for more than eight years, making claims that the maglev is unproven technology ridiculous.

As for cost, the supplier of the Linimo (also known as the HSST) estimated materials and construction savings for a maglev guideway at 20 percent less than SWSR. An HSST implementation would have brought about \$1.5 billion in guideway and O&M savings over 30 years. These benefits are indeed substantial, and indicated that the panel's goal in 2008 was to justify the City and County's choice, not perform a real evaluation of each of the suppliers that met the criteria in the initial Request for Information. The irrelevancy of that panel makes any EIS developed to date incomplete because all of the analyses are based solely on SWSR systems. It should be noted that a new fair and open competition may bring in proposals from American, Chinese, and Korean maglev system suppliers as well as one from the Japanese Linimo supplier; in fact, it is quite likely that urban maglev systems will be operational in Beijing and Incheon before the O'ahu SWSR guideway even reaches Pearl Highlands.

It has now been nine years since I became an avid supporter (and unpaid volunteer) for the rail project, five years since I became a constant critic of the project when an open competition for the technology was dropped in favor of an SWSR-only competition, and two years since I returned to lukewarm support only because "something would be better than nothing" for fixed-guideway transit, desperately needed in West O'ahu. Recent events renew hope—however slim—that there still is time to get this right and produce the best system at the best price. At this point, it is almost unfathomable to contemplate HART asking for new funding in the next decade (i.e., two centuries after SWSR was implemented in the United States) to expand an obsolescent SWSR system to meet public demand for rail transit to the Manoa campus, Waikiki, West Kapolei, and (perhaps) Central O'ahu. We can do better. Mahalo and Aloha.



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95-1523 Ainamakua Dr. #93
Mililani, HI 96789-4420
July 17, 2013

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

JUL 19 2013

RE: Public comment on Draft Supplemental EIS/Section 4(f) Evaluation

Dear Mr. Matley:

I'm just a private citizen and I don't know about feasibility of the Beretania Street tunnel. I just have an opinion about the aesthetics: I don't want our Honolulu waterfront to be like a Disneyland theme park or the Las Vegas strip with a train ride cutting across the skyline. The rail line should go underground through the city center.

Hee-1

Hee-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f).

As for Mother Waldron Park, it absolutely can and should be saved, and I can explain why.

The park is located in the Transit Oriented Development area of Honolulu called Kakaako. A special agency, the Hawaii Community Development Authority (HCDA) is in charge of making the rules and approving development of over 20 new high-rise, mixed-use condo towers planned in Kakaako, one as high as 650 feet tall. Urban planner Ralph Portmore has stated that Kakaako will be higher in density than any other Transit Oriented Development in Honolulu or on the mainland!

According to HCDA's executive director Anthony Ching, Kakaako will be a walkable, bikeable community. He said that in 5, 10, or 15 minutes, a person could walk from almost anywhere in Kakaako to Ala Moana Shopping Center, downtown Honolulu, or the beach. He said this live on "Insights," a PBS TV forum on June 13, 2013. Executive Director Ching went on to say:

Hee-2

Hee-2

FTA and HART acknowledge the commenter's support for the Beretania Street Tunnel Alternative. Please see Common Response 3 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding why the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative.

"I actually want to introduce a new term. Instead of Transit Oriented Development, it's actually **PEDESTRIAN Oriented Development** . . . because you could walk or bike just as fast if not more efficiently . . . The bulk of the [Kakaako development] plan talks about complete streets . . ."

Ching said that cars would not need to drive through the area, that they would park at the edge of Kakaako, and people could walk from there.

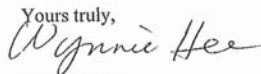
Mr. Matley, if the executive director of development in Kakaako believes that Kakaako is NOT dependent on auto transit, surely Kakaako has even less need for an elevated rail line to cut through the neighborhood and absolutely NO need for an elevated train station. Mother Waldron Park can and should be spared!

Hee-3

Hee-3

Please see Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Thank you for considering my comments.

Yours truly,

Wynnie Hee

Record Date : 7/11/2013
First Name : Lien
Last Name : Hilfer
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

I would like to use the rail on a daily basis; I will be paying for the rail which I can't use because the rail doesn't to Waikiki. The rail will optimally serve everyone on Oahu if it will service the congested areas of UH and Waikiki.

Hil-1

Hil-1

Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f). Rail service to Waikiki is not included in the Project.

Reply Requested :

First Name : Choon
Last Name : James
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Submitted online on <http://www.pbcommentsense.com/hct/seis.aspx>

July 21, 2013

Mr. Ted Matley,
FTA Region IX,
201 Mission Street, Suite 1650,
San Francisco, CA 94105,

Mr. Daniel A. Grabauskas,
Honolulu Authority for Rapid Transportation,
City and County of Honolulu,
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Draft Supplemental EIS for Honolulu Rail Transit Project (formerly the Honolulu High-Capacity Transit Corridor Project)
"The Honolulu Rail Transit Project is a 20-mile elevated rail line that will connect West Oahu with downtown Honolulu and Ala Moana Center. The Honolulu Authority for Rapid Transportation and the U.S. Federal Transit Administration have prepared a Draft Supplemental Environmental Impact Statement (EIS)/Section 4(f) Evaluation for the Honolulu Rail Transit Project as required by a U.S. District Court Judgment. The document is limited to Section 4(f) evaluations of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park."

Aloha Mr. Ted Matley and Daniel Grabauskas:

As you process this SEIS, I hope you'll uphold the obligation (kuleana) to carefully review the irreparable ramifications that this highly controversial project has on our island home of only 597 square miles.

I'm sorry I did not know about this SEIS till late. Here are some of my comments and questions. This SEIS is highly technical and requires a tremendous amount of reading. This put the general public at a great disadvantage.

The Honolulu Rail will negatively alter the social, cultural, physical, and economic complexion of our island home forever. Oahu's sense of place, culture, and tranquility will be greatly diminished. Just the noises of the steel on steel itself will negatively create inappropriate urbanization impacts to our island home.

Civil Beat, a local independent news media, reported "In 1960, 93 percent of Hawaii's registered voters in the general election. In 2010, only about 56 percent of registered voters bothered to show up on Election Day.

What's happened?

Hawaii has one of the lowest voter turnout rates in the country. In the past few elections, only about 40 percent of the state's registered voters have participated in the primary election. And that's only about 36 percent of all the people in Hawaii who are eligible to vote, registered or not."

In other words, the public confidence in good governance is tanking.

Why?

The Honolulu Rapid Transit's marketing slogan has always been the majority of Oahu wants the Honolulu Rail. However, based on the above election turnout history, it is hardly a majority endorsement of this project among the 900,000.00 plus residents in Oahu.

Before I go on, I wish to tell you of a month-long experiment that I did before the mayoral election. Wherever I went, I asked strangers what they thought of the rail. I asked waitresses, workers at Home Depot,

Jam-1

Jam-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Responses 1 and 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding other alternatives.

Lowes, Zippys, school teachers and so forth. The constant 85% had always replied the rail is too expensive and that it doesn't belong. Yet, this rail is plowing on. I cannot bridge this chasm. Do you think this project was based more on the political prowess of interest-based establishments rather than a truly viable solution for decongestion for our island home? Why has the rail route eliminated the two very busy traffic hub – University of Hawaii and the Honolulu International Airport? Note: "The Federal Transit Administration is the lead federal agency and the Honolulu Authority for Rapid Transportation is the project sponsor for the 20-mile rail transit project that extends from Kapolei to Ala Moana Center, via the Honolulu waterfront." (May 2013 SEIS page 5.)

Jam-1
(cont.)

I have personally heard you testify before City Council Budget Chair Ann Kobayashi's hearings that it would cost the city \$9.02 BILLION if we want to connect UH and the Airport.

Are you worried about the unforeseen circumstances and cost-overruns along the entire route, including the Mother Waldron's area and phase?

Are you a 100% sure that taxpayers' funds are prudently and carefully expended?

Getting back on track, the elimination of these two significant hubs raises the following questions:

Is this Honolulu Rail, that does not connect to the University of Hawaii campus and the Honolulu International Airport, a traffic decongestion project or is it a Transit-Oriented Development project?

The reason I ask this question is because the rail is starting out in the vacant agricultural tract in West Oahu and does not connect the busy hubs of University of Hawaii and the Honolulu International Airport. In the April 2012 newsletter by HART, it advertised Community-based Transit-Oriented Development Plans: One of the most exciting aspects of the Honolulu rail transit project is the opportunity it provides for residents to become involved in the revitalization of their neighborhoods around transit stations.

In the Kalihi and Downtown Transit-Oriented Development (TOD) plans, it promotes a revitalized and vibrant and so forth. "

The May 2013 SEIS also referenced to future land-use developments adjacent to the Mother Waldron Neighborhood Park areas. This would mean along this particular junction as well as within the 1/2 mile radius of each station. This means the entire 21square miles corridor. (pg 82)

Needless to say, the first phase of the Honolulu Rail development in the middle of undeveloped agricultural lands can only mean one thing – this is a TOD development, not a traffic congestion project.

Am I correct in this conclusion that this rail is more about real estate development than traffic decongestion?

Furthermore, I'm very concerned about the ramifications that Transit Oriented Development (TOD) has on this island's private property rights.

The handwriting is on the wall that small mom and pop enterprises would be the casualties in this TOD scheme. (Refer to SEIS page 82.

Figure 33 Existing and Simulated Future Land Use adjacent to Mother Waldron Neighborhood Park as an example.)

Isn't it obvious to you that the city will not sentence big corporate owners like the Ala Moana shopping center or the major hotels to eminent domain abuse?

Isn't it obvious that the smaller private owners will be very vulnerable to the city's use of eminent domain powers under the guise of revitalization and public use?

Can the federal government and city county and state assure the public along the entire TOD's 21-mile square mile, including the Mother Waldron phase area, that small private property owners will not be

Jam-2

Jam-2

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f), including comments on project limits, which were addressed in the Final EIS/4(f) issued in June 2010. The Project includes a station at Honolulu International Airport. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding extension to UH Mānoa.

Jam-3

Jam-3

Please see Common Response 8 in Section 5.2.4 of the Final Supplemental EIS/4(f).

persecuted by eminent domain abuse?

The following article will briefly describes the substantive and over-arching impacts of the entire Honolulu Rapid Transit 21 square mile corridor including the Mother Waldron phase area will have on Oahu's private property owners.

<http://www.civilbeat.com/voices/2012/11/03/17545-rails-transit-oriented-development-an-assault-on-private-property/>

Rail's Transit-Oriented Development An Assault on Private Property
By Choon James 11/03/2012

How would you react if a stranger enters your home; goes into your bedroom and sleeps in your bed — without your permission? The natural reaction would be one of disbelief and outright objection, right?

We would consider this intrusion an invasion of our privacy and space. We would dial 911 to get the intruder off our property.

Yet, we see no similar reactions towards the Honolulu city's proposed Transit-oriented developments (TOD); we detect no deference to or respect for private property rights. The city's planners and facilitators have successfully drowned this constitutional right in their public presentations.

On the other hand, the amount of giddy excitement and coveting of private properties (that the government does not own) for this Honolulu Rail's Transit-oriented development (TOD) is very alarming.

http://www.youtube.com/watch?feature=player_embedded&v=sLSzpi0ySY

We live in a Democracy; we are not China or Russia.

Private property rights is an integral part of free enterprise. We must not allow crony capitalism to stomp private property owners. Government and its cronies must not be allowed to plan as they unilaterally please.

<http://www.youtube.com/watch?v=SmM4ZBoppNQ>

At each of the proposed 21 rail stations, the city wants TODs "within half a mile radius" vicinity. The proposed rail stations are located at every mile; this means the whole land area along the entire 21-mile rail corridor is up for grabs. "Half a mile radius" sounds so harmless!

To covet and seize an additional 20 square miles area along this rail corridor on our small island pose a huge economical, social and cultural impact!

It's not as if private owners can easily relocate down the road. Family inheritances, investments, and businesses built with sweat, equity, and sacrifices will be placed under the mercy of absolute powers of eminent domain. Kama'aina owners and businesses will be pushed out to pave the way for national and international investors.

<http://www.youtube.com/watch?v=i67hlaAe6hs>

Have we forgotten about Kelo vs. New London, the most despised eminent domain case in recent history

http://en.wikipedia.org/wiki/Kelo_v._City_of_New_London The Fort Trumbull community had 117 private properties. The City of New London supposedly had carefully crafted a revitalization plan to spur new jobs and increase tax revenue.

To push this "revitalization" plan forward, New London City abused its eminent domain powers to seize private properties to transfer to its private partner. <http://www.youtube.com/watch?v=4N1svadJQ40>

As it turned out, the city's private partner - Pfizer corporation - failed to deliver needed funds and abandoned the much-heralded project. The Pfizer corporation also left town.

The city and state spent \$78 Million for the acquisition and bulldozing the Fort Trumbull neighborhood. The promised 3,169 new jobs and \$1.2 million a year in tax revenues evaporated.

The municipal experts' Revitalization Plan, the basis for the ill Supreme Court's June 23, 2005 decision in deference to legislators, proved to be

an elusive concept and not reality.
 In early 2012, its newly-elected Mayor of New London extended an apology to the Fort Trumbull victims . . . what good did that do?
 The priceless toll on the victims could never be compensated; lives were uprooted and constitution rights subverted while the bureaucratic and political perpetrators walked away scot-free.
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=000&invol=04-108>
 Here in Hawaii, we observe a similar "revitalization" process has been set in motion. City "experts" are holding "Community Visioning" meetings to discuss "Neighborhood TOD Planning".
http://www.youtube.com/watch?feature=player_embedded&v=sLSzpi0ytSY
 The city wants to "take advantage of rail to its optimal level" and to "concentrate population" along this rail corridor.
<http://dev.honoluludpp.org/Planning/NeighborhoodTODPlans.aspx>
 The "experts" presented beautiful artistic renderings at these meetings but we've yet to hear the sounds of the Rail along the Honolulu High-Capacity Transit Corridor. Who will live along the noisy railroad tracks?
<http://youtu.be/abzMGHe3Pc0>
 (The push to steer the low-income population along the noisy rail corridor is "segregation déjà vu" and not social equity.)
 The dangerous potential for the city to seize 21 square miles of private properties for transfer to private investors has to be reckoned with, today. The proposed Honolulu Rail is not only ugly, noisy, and a black hole for Oahu's taxpayers; its accompanied TOD is a direct assault on private property rights. <http://www.youtube.com/watch?v=V4ezw1Hbf6Y>
 No Oahu residents should sit idly by and condone such autocratic land-use plans for our island home. It is wrong. It's dangerous. It's unAmerican. It goes against the core tenets of our free society.
 City planning and developments must conform within the constitutional parameters of private property rights. This should have been a big part of the public deliberations. Any "exemption" laws to skirt this right must be rejected. Too many big decisions have been manipulated and controlled by raw crony capitalism and special interests. Private property owners continue to be trampled on and pushed aside by the big boys.
 We must take our government back.

About the author:

Choon James has been a real estate broker for over 20 years. She is a member of the Ko'olauloa Sustainable Communities Planning Committee and hosts "Country Talk Story", a weekly community television show on Saturdays at 5:00 pm on Channel 55."

~ ~ ~
 I believe that the above issues of displacement, eminent domain abuse of taking a private property to give to another bigger private corporation or investors have not been addressed despite its substantive impacts on Oahu.

Question: Do you think the most prudent decision would be to not go forward with this highly controversial steel on steel rail system at all in our small island home?

Jam - 4

(SEIS Page 59) 3.5 Evaluation of Prudence
 23 CFR 774 defines a feasible and prudent avoidance alternative as an alternative that avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting Section 4(f) properties [see Section 1.2.1 of this Draft Supplemental
 EIS/4(f)]. An alternative is not prudent if:

- It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;

Jam-4

The No Build Alternative was evaluated in the Final EIS/4(f). Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f).

- It results in unacceptable safety or operational problems;
- After reasonable mitigation, it still causes:
 - Severe social, economic, or environmental impacts;
 - Severe disruption to established communities;
 - Severe disproportionate impacts to minority or low income populations;
- or
- Severe impacts to environmental resources protected under other Federal statutes;
- It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- It causes other unique problems or unusual factors; or
- It involves multiple factors in [the paragraphs above], that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude. (SEIS Page 59)

Can you please relate the above Page 59 excerpt to the following quote: There has only been one U.S. elevated heavy rail line built since 1984 and that was the Tren Urbano in San Juan, Puerto Rico. Its cost overrun was 74 percent higher than the amount settled at the time of the Full Funding Grant Agreement. Its ridership was just as bad, it achieved only 23 percent of what it had projected. Even worse is its subsequent performance: In 2003, the last full year before rail, San Juan had bus ridership of 32.0 million. In 2010 the combined ridership of its buses and its multi-billion dollar rail line was 21.8 million, a 32 percent decline from 2003 from its bus ridership alone. (Hawaii Free Press, July 11, 2012)

Can you objectively explain what is more prudent? To force stressed out taxpayers and financially-strapped county/ federal government to fall deeper into the money black hole or to stop this steel on steel and come up with better alternatives, free from political, commercial and specific interests pressure?
 Can you explain why TOD, including the Mother Waldron Neighborhood phase area would not severely disrupt established communities?
 Where would all these small mom and pop private property owners and businesses re-locate to? Remember Oahu is an island of only about 597 square miles.
 Can you explain why TOD, including the Mother Waldron/Beretania Neighborhood phase would not create "Severe disproportionate impacts to minority or low income populations"?

Jam-5

Jam-5

The Final EIS/4(f) evaluated project costs in Chapter 6, displacements in Section 4.4, and impacts of the project to minority and low income populations in Section 4.7.

Is it true that HART's intent is to concentrate affordable housing along the Honolulu rail corridor?

Isn't this segregation deva ju as mentioned in my article? The poor gets to live along the noisy rail corridor while the affluent lives as far away as they get can from the noise and grime.

How could the rail be provide true "equity" when many low-income are engaged in trade/labor services where a truck and set of tools or merchandize are essentials that cannot be transported on the Honolulu Rail?

Aren't the severe social, economic, cultural or environmental impacts of the rail route, including the Mother Waldron phase route , on our island home obvious by now?

There is too much irregularities and unanswered questions. The Honolulu Rail Project needs to be scrapped before it creates more irreparable damage to the happiness of long-term residents and unique charm of this island.

Special interest groups will come and go but many kama'aina and their families will remain for generations.

Let's not destroy this beautiful island's sense of place, sense of culture, and sense of what Hawaii is about.

We're not Fruitvale California or New York City. This Honolulu Rail decision-making has not taken these basic attributes of Oahu into consideration.

Sadly, this controversial rail project has been hijacked by the full forces of special labor groups, for-profit corporations, and its political cronies.

Please do it right in the best long-term interest of our special island home. We will all win.

The future will bless us for pono decision-making or curse those who put self-interests before public good.

Mahalo,

Choon James
Kahuku, Hawaii 96731

Reply Requested :

Record Date : 7/22/2013
First Name : Choon
Last Name : James
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Submitted online on <http://www.pbcommentsense.com/hct/seis.aspx>

July 21, 2013

Mr. Ted Matley,
FTA Region IX,
201 Mission Street, Suite 1650,
San Francisco, CA 94105,

Mr. Daniel A. Grabauskas,
Honolulu Authority for Rapid Transportation,
City and County of Honolulu,
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Draft Supplemental EIS for Honolulu Rail Transit Project (formerly the Honolulu High-Capacity Transit Corridor Project)
"The Honolulu Rail Transit Project is a 20-mile elevated rail line that will connect West Oahu with downtown Honolulu and Ala Moana Center. The Honolulu Authority for Rapid Transportation and the U.S. Federal Transit Administration have prepared a Draft Supplemental Environmental Impact Statement (EIS)/Section 4(f) Evaluation for the Honolulu Rail Transit Project as required by a U.S. District Court Judgment. The document is limited to Section 4(f) evaluations of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park."

Aloha Gentlemen:

This is a compilation of comments amongst neighbors who do not have access to computers.

As you process this SEIS, I hope you'll uphold the obligation (kuleana) to carefully review the irreparable ramifications that this highly controversial project has on our island home of only 597 square miles.

Do you think this project seriously and fairly considered the merits, suggestions, and other alternatives of educated concerned citizens? Oahu residents who oppose this project include ex-Governor Ben Cayetano, former Judge Walter Heen, businessman Cliff Slater, and law Professor Randall Roth who were forced to file a lawsuit against the city of Honolulu. Others opposing include current federal judges, engineers, city council members, architects, professors, students, attorneys, tourists, Hawaiian civic and cultural groups, environmental groups, and thousands of concerned citizens and so forth.

Why do you think such over-arching and diverse entities are so concerned about this particular steel on steel system in our island home?

On the other hand, prominent groups supporting and bankrolling the pro-rail campaign are prevalently organized labor groups like Pacific Resource Partnership. Profit-based corporations like First Hawaiian Bank are also involved with Mr. Don Horner, former First Hawaiian CEO, as a founding member of the Honolulu Authority for Rapid Transit (HART.)

Do you think there should be more careful analysis of the special-interest groups' motives versus the public interests in this project?

Do you think citizen-based opposition groups were given equal standing by the city/state/federal Transportation Directors and their hired experts/consultants throughout the decision-making process? Should this Honolulu Rail Project's decision-making be based on who has more resources to win in the political and social media warfare?

Jam1-1

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). The Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] issued in June 2010 addressed alternatives to the Project and responds to comments by every citizen and organization that submitted comments. The public outreach for this Supplemental EIS/4(f) is summarized in Chapter 5.

FTA and HART issued the Draft Supplemental EIS/4(f) for public review and comment on May 31, 2013, and notice of availability appeared in the Federal Register on June 7, 2103. HART held a public and agency Supplemental EIS/4(f) hearing on July 9, 2013, and the comment period ended on July 22, 2013. Section 5 of the Final Supplemental EIS/4(f) includes a summary of comments received on the Draft Supplemental EIS/4(f) and revisions made in the Final Supplemental EIS/4(f) to address the comments. Responses also are provided to comments received on the Draft Supplemental EIS/4(f) in Appendix A.

Jam1 - 1

These concerns stated below must be addressed here as these concerns are integral and substantive parts of this particular SEIS process.

QUOTE:

"Secretary of Transportation Ray LaHood was misled or is part of the Honolulu Rail Transit Project problem. He stated in April 2012 - Honolulu On the Move April 2012, The Honolulu Rail Transit Project Newsletter - that "the Obama Administration's support for the Honolulu rail transit remains strong."

Jam1-2 Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding extension to UH Mānoa. The Project includes a station at Honolulu International Airport.

He went on to reveal his lack of knowledge: "I want you to know that we are committed to this project. This is an important project. This will deliver people ALL OVER THE ISLAND. It's an important project and at this point, we will continue to work through whatever issues need to be worked through. We're committed to this. We're committed to the money; we're committed to the project."

Jam1 - 2

No, Mr. LaHood, the rail is NOT ALL OVER THE ISLAND. Mr. Ray LaHood needs to understand that the Honolulu rail starts in the middle of an empty fertile agricultural tract in Ewa. This 20-mile rail starts from nowhere to nowhere. It is not connected to the University of Hawaii or the Honolulu International Airport."

Mr. LaHood's official press releases that the "rail will deliver people all over the island" is a big deal because we know these words are carefully chosen. This is a very substantial misinformation. Can you please investigate this history and let us know what routes and estimated costs were presented to the Federal government? Can you also investigate and provide your responses towards the recent content against the project made by Hawaii's Chief Federal Judge Mollway, including comments about this rail not connecting to the University of Hawaii and the Honolulu International Airport?

Jam1-3 Please see the responses to comments by Judge Mollway.

Will her substantive comments have any standing in this SEIS or will her comments be glossed over?

Jam1 - 3

If Judge Mollway's comments are going to be magically "mitigated" or glossed over, what further standing would average citizens like us have in this SEIS?

Along this line, if other professional and experienced experts' opinions (other than the city bureaucrats and its own hired hands) will not be taken into account and implemented in this SEIS, what good is this SEIS procedure?

Experts and professionals in no way diminish the public participation of ordinary people as Hawaii's EIS process wisely include the broad and inclusion spectrum of the whole public.

The nucleus of the Hawaii Environment Impact Statement (EIS) Review specifically requires public participation: §343-1 Findings and purpose.

Jam1-4 Hawaii's state requirements were addressed in the June 2010 Final EIS/4(f). Public involvement completed on the Draft Supplemental EIS/ 4(f) is described in Section 5 of the Final Supplemental EIS/ 4(f). See response Jam1-1 regarding public involvement on the Draft Supplemental EIS/ 4(f).

Jam1 - 4

The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced,

cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations. [L 1979, c 197, §1(1); am L 1983, c 140, §4]

Again, will citizens be heard or is this just a check list where only the city's hired "experts" will control its pre-selected outcome?

QUOTE:

"The fraud begins at inception. First, the city of Honolulu hired Parsons Brinckerhoff executive Wayne Yoshioka to be the City Transportation Director. Then it contracted with Parsons Brinckerhoff to plan the rail line. It then contracted with InfraConsult LLC to watch over PB. (Three senior PB officials had formed InfraConsult prior to its contract with the City).

To run HART, the semi-autonomous transit authority, politicians appointed nine directors, not one of whom had any familiarity with transit whatsoever. Lack of it seemed to be a requirement for appointment."

Do you think the above paragraphs present a damning history of conflict of interest in this highly controversial project? Will you investigate this foundational weakness in the decision-making of this Honolulu Rail Project?

Regarding the comments above, do you feel the citizens of Oahu have been fully protected in the decision-making process of this Honolulu Rail?

QUOTE:

"Some months ago HART awarded Ansaldo STS/Breda a core systems contract which includes the design, construction and delivery of the train vehicles, the train control systems and the operation and maintenance of the rail system after installation. HART chose Ansaldo despite their not being the low bidder."

Can you please investigate the reason for this decision? This is a substantial part of the SEIS because the 20-mile rail cannot be segmented in its control systems, operation and maintenance. What is the financial health of Ansaldo today?

A primary marketing tool of the Honolulu Rail was that it would provide jobs for locals. How many jobs have Ansaldo provided for Hawaii's local contractors in this 20-mile project?

How many local jobs will be provided for the Section 4(f) evaluation of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park?

QUOTE:

Billions of dollars were awarded in contracts to top campaign contributors by Mayor Mufi Hannemann and his political cronies. <http://www.OpenSecrets.org/7/12/12> and [The Honolulu Advertiser 3/7/10](http://www.TheHonoluluAdvertiser.com/3/7/10). Some Honolulu City Council members also asked for audit and found irregularities - <http://www.khon2.com/news/local/story/HART-public-relations-spending-questioned-by-City/JIGaN9yqCkuci0CEX86qZQ.csp>

Jam1-5

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding comments outside of the scope of the Supplemental EIS/ 4(f). The Final EIS addressed issues relating to Project design and construction.

Jam1 - 5

Have you investigated the above-mentioned activities in conjunction with this Section 4(f) evaluation of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park ?
Did these irregularities affect the decision-making of this project, including this particular SEIS phase area?
Should this be re-considered as part of this SEIS process?

QUOTE:

<http://www.civilbeat.com/articles/2011/09/08/12788-civil-beat-catches-rail-leaders-trying-to-go-deep-undercover-in-washington/> There is no transparent and open process. Citizens are forced to sue its government. The City's strategy is to waste as much money as possible and hope for Judge Tashima to defer to the foxes which guard the hen house:

Carrie Okinaga , HART Chair (former City Corporation Counsel appointed by Mayor Mufi Hannemann):" The public expression of the lawsuit has always been that we didn't study it adequately or sufficiently. That's not the legal standard. When your government has spent \$300 million studying something, you're praying that there's some deference that a court will give to this multi-jurisdictional, multi-year, \$300 million effort."

Have you read the above comments?
Should the city county's modus operandi be a concern to taxpayers and you as decision-makers at this SEIS?

Can the public be assured that you are not spending millions of dollars just to get a "standing" in this process?
What happens if the funding runs out before or after the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park or other alternative phase?

Will the city raise property taxes and other fees to compensate for funds shortage?

QUOTE:

Before the eminent Hawaii Supreme Court's decision, Honolulu awarded \$75M in rail design contracts before work stopped.

The City and County of Honolulu awarded \$75 million in design and professional services contracts for the its rail transit project in the two months before the Hawaii Supreme Court's ruling that led the city to temporarily halt construction on the project this week.

The Honolulu Star-Advertiser reports the contracts awarded in June and July include a \$43.94 million agreement to design the "City Center" section of the rail guideway that went to Los Angeles-based AECOM Technical Services Inc., which was also awarded a \$10 million contract for architectural and engineering services for the state Department of Transportation.

The newspaper reports the other contracts included \$12 million to Honolulu-based SSFM International Inc. to provide architectural and engineering services for the state Department of Transportation, \$7.8 million to San Francisco-based URS Corp. to design rail stations in East Kapolei, at the new University of Hawaii West Oahu campus and the station at D.R. Horton's planned Hoopili subdivision in Ewa.

The Star-Advertiser reports a spokesman for the Honolulu Authority for Rapid Transportation said design work will continue, although the agency's board of directors is scheduled to review that decision when it meets on Thursday.

Source:
http://www.bizjournals.com/pacific/blog/morning_call/2012/08/honolulu-awarded-75m-in-rail-design.html

Jam1 - 6

Jam1-6

As described in Section 3.5.4 of the Final Supplemental EIS/4(f), the Beretania Street Tunnel Alternative could not be built within available funding for the Honolulu Rail Transit Project. The financial plan includes funds and contingency to construct the Project, including the City Center section, which would be near Mother Waldron Neighborhood Park.

QUOTE:

There has only been one U.S. elevated heavy rail line built since 1984 and that was the Tren Urbano in San Juan, Puerto Rico. Its cost overrun was 74 percent higher than the amount settled at the time of the Full Funding Grant Agreement. Its ridership was just as bad, it achieved only 23 percent of what it had projected. Even worse is its subsequent performance: In 2003, the last full year before rail, San Juan had bus ridership of 32.0 million. In 2010 the combined ridership of its buses and its multi-billion dollar rail line was 21.8 million, a 32 percent decline from 2003 from its bus ridership alone. (Hawaii Free Press, July 11, 2012)

What is your response to this elevated heavy rail information? If you insist on plowing this controversial rail through no matter what, wouldn't it make more logical sense to seriously implement the Beretania Street Tunnel Alternative as explained in Chief District Judge Susan Oki Mollway's letter? <http://www.scribd.com/doc/153264607/Judge-Susan-Oki-Mollway-s-letter-to-HART-and-federal-transit-officials>
In Singapore, there is even underground shopping center tunnel.

Jam1 - 7

Jam1-7

Please see Common Response 6, which explains the overall comparison between the Project and the Beretania Tunnel Alternative.

It's possible but your May 2013 SEIS makes it clear you are against the Beretania Street Tunnel Alternative. You even went to the extent of showing a big bold picture of a boring machine :=)

Mahalo!

Choon James on behalf of neighbors.

E

Reply Requested :

Record Date : 7/22/2013
First Name : Choon
Last Name : James
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Submitted online on <http://www.pbcommentsense.com/hct/seis.aspx>
July 21, 2013

Mr. Ted Matley,
FTA Region IX,
201 Mission Street, Suite 1650,
San Francisco, CA 94105,

Mr. Daniel A. Grabauskas,
Honolulu Authority for Rapid Transportation,
City and County of Honolulu,
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Draft Supplemental EIS for Honolulu Rail Transit Project (formerly the Honolulu High-Capacity Transit Corridor Project)
"The Honolulu Rail Transit Project is a 20-mile elevated rail line that will connect West Oahu with downtown Honolulu and Ala Moana Center. The Honolulu Authority for Rapid Transportation and the U.S. Federal Transit Administration have prepared a Draft Supplemental Environmental Impact Statement (EIS)/Section 4(f) Evaluation for the Honolulu Rail Transit Project as required by a U.S. District Court Judgment. The document is limited to Section 4(f) evaluations of the Beretania Street Tunnel Alternative and Mother Waldron Neighborhood Park."

Aloha Mr. Ted Matley and Daniel Grabauskas:

Your May 2013 SEIS states (SEIS Page 59) 3.5 Evaluation of Prudence 23 CFR 774 defines a feasible and prudent avoidance alternative as an alternative that avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting Section 4(f) properties [see Section 1.2.1 of this Draft Supplemental EIS/4(f)]. An alternative is not prudent if:

- It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- It results in unacceptable safety or operational problems;
- After reasonable mitigation, it still causes:
 - Severe social, economic, or environmental impacts;
 - Severe disruption to established communities;
 - Severe disproportionate impacts to minority or low income populations; or
 - Severe impacts to environmental resources protected under other Federal statutes;
- It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- It causes other unique problems or unusual factors; or
- It involves multiple factors in [the paragraphs above], that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude. (SEIS Page 59)

Can you please review the article below and the prudence factors above in relation to your SEIS process?

Can you see how disenchanted the public is with this Honolulu Rail?

The four gentlemen below brought up a very disconcerting point again regarding public engagement versus special interests.

The fact that Oahu has a one-newspaper town does not serve democracy well.

Will you bend backwards to listen to the public comments?

Will you work with the public and incorporate their ideas and insights?

Or will you play semantics games and go your merry way?

<http://www.hawaiireporter.com/star-advertiser-coverage-of-rail-is-fundamentally-dishonest/123>

Star-Advertiser Coverage of Rail is Fundamentally Dishonest
By Walter Heen, Ben Cayetano, Cliff Slater and Randall Roth
[The following commentary was submitted to the Star-Advertiser on July 17, 2013, and rejected by the Star-Advertiser on July 17, 2013.]
Star-Advertiser news coverage attributed solely to Chief Judge Susan Mollway the contents of a letter that Mollway wrote on behalf of all 11 members of the U.S. District Court for the District of Hawaii. ("Judge blasts city for ending rail route at Ala Moana, not UH," July 11, 2013)
A subsequent Star-Advertiser editorial repeated that error and downplayed the letter's significance by describing it as "no surprise."
The editorial also judged the letter's criticism of the current rail project to be "impractical," and declared the elevated heavy rail plan is "solid."
("Rail tunnel isn't worth the cost," July 15, 2013)
We feel compelled to set the record straight.
First, it matters that Chief Judge Mollway wrote the letter on behalf of the entire court. Never before has an entire federal district court, here or elsewhere, made such a strong public statement about issues currently being litigated. Lawyers here and on the mainland have called it a "jaw-dropping" event.
Second, while none of the judges in question is officially involved in the federal rail lawsuit, all of them are people who have been entrusted to resolve legal controversies. They know the law and are widely regarded for their judgment.
Third, the Star-Advertiser's description of this letter as a mere "echo" of prior statements from this court ignores a dramatic difference. The earlier letters focused exclusively on the security threat of trains running only a few feet from the federal courthouse. What makes the recent letter "jaw-dropping," is that it only mentions the security issue once, and that is in a footnote. The body of the letter says nothing about the security issue.
Fourth, the Star-Advertiser missed completely the significance of the judges' description of the current rail project as "neither prudent nor feasible." These particular words are at the core of our federal lawsuit that is now in front of the Ninth Circuit Court of Appeals. Federal judges do not casually use the operative words of the controlling statute when making a public statement.
Fifth, the arguments used to support the judges' bottom-line opinion are extremely well constructed and expressed. One small but fun example is the masterful use of an exclamation mark at this end of rock-solid reasoning:

Jam2-1

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Public involvement completed on the Draft Supplemental EIS/ 4(f) is described in Section 5 of the Final Supplemental EIS/ 4(f).

Jam2 - 1

Jam2 - 2

Jam2-2

Please see the responses to Judge Mollway's comments. Prudence, feasibility, and the evaluation of the least overall harm are addressed in Sections 3.4 through 3.7 of the Draft Supplemental FEIS/4(f).

Jam2 - 3

Jam2-3

Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding extension to UH Mānoa.

"Remarkably, the Project's proposed rail route fails to run along 'the highly congested east-west transportation corridor between Kapolei and UH Manoa,' the very corridor expressly identified as the route the Project is intended to serve. The Project's proposed rail route does not go anywhere near the UH Manoa campus. Instead, it goes to the Ala Moana Shopping Center!"

Sixth, the Star-Advertiser failed the "laugh out loud" test when it defended the Ala Moana Shopping Center as the terminating station because that decision had been "vetted via community hearings and ... improved the rail route."

Sixth, the Star-Advertiser failed the "laugh out loud" test when it defended the Ala Moana Shopping Center as the terminating station because that decision had been "vetted via community hearings and ... improved the rail route."

Seventh, the Star-Advertiser editorial betrays its bias by continuing to mention an extension of elevated rail to UH Manoa as a possibility, without noting the judges' skepticism on this point: "given the economy, sequestration, the loss of Senator Inouye's influence, and other intervening factors, it is realistic to question whether the extension to UH Manoa will ever be built."

Eighth, the Star-Advertiser described the \$960 million added cost of the Beretania tunnel as "overly expensive," but failed to mention that it would cost more than \$9 billion to build an elevated rail route that starts in Kapolei and ends at UH Manoa (according to HART's Dan Grabauskas).

Ninth, the Star-Advertiser also fails to mention the irony of terminating a traffic-congestion relief project at a shopping center that does not open until rush hour has ended.

Finally, the judges' letter helps the public see that the original plan to alleviate traffic congestion has morphed into an excuse to use eminent domain to clear the way for transit-oriented development. That change delights big landowners and developers, along with the politicians they finance, who evidently expect taxpayers to pick up the tab.

We respect the Star-Advertiser's right to express its views on the editorial page, but we respectfully suggest that it cannot retain the trust of its readers if it continues to distort key facts and the opinions of others, as it recently did.

Walter Heen is a former state and federal judge, Ben Cayetano is former governor of Hawaii (D-1994-2002), Cliff Slater is founder of Maui Divers, and Randall Roth is a law professor at the University of Hawaii and author.

Jam2 - 3
(cont .)

Reply Requested :

Record Date : 7/12/2013
First Name : Malia
Last Name : Kaai-Barrett
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Mr. Ted Matley
FTA Region IX, 201
Mission Street, Suite 1650,
San Francisco, CA 94105

Mr. Daniel A. Grabauskas,
Honolulu Authority for Rapid Transportation,
City and County of Honolulu,
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Dir Sirs and ALL individuals involved in the planning and implementation of this project:

I have been a resident of O'ahu now for almost 25 years and born and raised in Hawaii.

I have been passively watching, reading and following this impending project. However I feel compelled at this time to voice my opinion on this issue.

I am gravely concerned about the huge impact this rail project is going to have on our beloved and beautiful island. I do understand ALL of the issues with regards to traffic, population etc. My concern comes from the route and the proposed approach to the construction project.

My first and greatest concern is the route. Why you continue to ignore the voices that call for the route to go to the Airport and to UH as major destination points is beyond my comprehension! If your aim is to truly help solve some of O'ahu's growing traffic and population management issues then you simply MUST choose the route that will serve the greatest numbers of riders. If your intent is to help get visitors off the roads and to get students to school then limiting the route as it is currently by passing the airport and going to Ala Moana is fool hardy at best and down right abusive of the best interests of the residents of this island.

I further urge you to move the route to the Beretania route away from the Nimitz Highway / Kakaako route... ending at UH Manoa. This route is simply the smartest route to choose because it serves the community better. It is a more direct route for ALL concerned. I am also gravely concerned about the raised rail going down near our water for the horrible visual impact it will have on our most precious resource the beauty of our 'Aina as a visitor destination and our most important economic factor. The Beretainia route will not impact the visual beauty of our island due the the high density of high rises and the raised freeway in that area.

I also urge you to implement the Beretainia tunnel by-pass. I do appreciate the increased costs, however, given the alternatives of sound and sight impact it is the only choice to make.

My last concern is the sound impact we are going to be tortured by due to the raised nature of the route and the steel on steel technology chosen for this project. I have visited many of our mainland neighbor cities who have installed light rail, steel on steel on ground and the noise factor and ground shaking is significant! To now take that sound and weight and suspend it in the air will only amplify the impact. I do understand that the choice was to "lessen the footprint impact" of the project and to avoid all the of the cultural kupuna iwi issues along the route by limiting the area impacted. But the alternative will be sound pollution which will greatly reduce the quality of life of our island for ALL

Kaa-1

Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding extension to UH Mānoa. The Project includes a station at Honolulu International Airport.

Kaa - 1

Kaa-2

Visual impacts were addressed in Section 4.8.3 of the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010. Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the Beretania Street Tunnel Alternative as a prudent and feasible avoidance alternative.

Kaa - 2

Kaa-3

Noise impacts were addressed in Section 4.10.3 of the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.

Kaa - 3

our residents within the rail zone project route and will also be another very negative impact on our visitor's overall experience of our beautiful island.

Cost issues should NOT supercede the potential decline of the quality of life for our residents, or negatively impact our visitor industry experience. The visitor industry is what makes our life in Hawaii comfortable and possible due to the revenue they bring to our island shores. To jeopardize this important constituent group, and to disregard the quality of life of our residents, is blatant abuse of power and a complete disregard for the very constituents you claim to be serving!

I urge you to reconsider your choices! The time to ACT is NOW.

Respectfully,

Malia

Reply Requested :

Record Date : 7/12/2013
First Name : Tasha
Last Name : kauihou
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

No Rail!
Really?! This is an Island a small Island! Please preserve the beauty of our 'Aina. You will waste billions of dollars building it. And if it fails and it no one uses it... Then what do you do with the structure? It's nothing like The Boat or the Super Ferry where you can just get rid of the boat. This is a permanent structure that you are wasting our money on and by the time it's built it will be outdated. Not to mention steel on steel! Imagine the noise for the business that are below the rail. Please reconsider. This is no place for rail. This is Hawaii a Paradise. Mahalo

Kau-1

Kau-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. The Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010, addressed noise, the choice of technology, and the No Build Alternative.

Reply Requested :

Katherine T. Kupukaa
95-685 Makaunulau Street
Mililani, Hawaii 96789

HART

'13 JUL 22 P 4:09

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

The article in the Honolulu Advertiser dated 1/31/07, tentative timeline for 20 miles of rail completion of minimal operable segment year 2017. Construction begins late 2009 and first phase opens late 2012. According to this schedule this project is about 4 years behind schedule. Hopefully this project does not go forward.

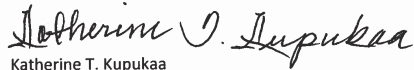
Here are my concerns: As recently as June 2013, HART's plan is still not solid. For example, a change from 2-car train to 4-car train is being contemplated. Also smaller train stations. Whether 2-car train or 4-car train it will never get filled with passengers.

In May 2013, I rode the sky train at JFK in New York City, taking me to station to catch a subway to Manhattan. I rode in a car that was packed, standing room only. The ride to my destination was about 50 minutes.

In the Honolulu Advertiser dated 12/30/08, the article regarding transit-tax take plummets 16%. Lowell Kalapa stated "when collections start falling by more than 10 percent of projections, you're never going to make that up because this is good for only 15 years.

What I am most concern about is the citizens of the City and County of Honolulu will be burdened by this huge cost of this project.

Sincerely,



Katherine T. Kupukaa

Kup-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Figure 2 in the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] provides the current Project schedule. Section 3.5.4 of the Draft Supplemental EIS/4(f) discusses the cost of the Project.

Kup-1

Record Date : 7/6/2013

First Name : George

Last Name : Lee

Business/Organization :

Address :

Apt./Suite No. :

City :

State :

Zip Code :

Email :

Telephone :

Add to Mailing List :

Submission : Do you have an idea of when the lawsuit holding up construction will be resolved? | LeeG-1

Reply Requested :

LeeG-1

The lawsuit in State of Hawai'i court is independent of this Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)]. As noted in Section 1.1 of the Final Supplemental EIS/4(f), the Supplemental EIS/4(f) was prepared to address the Judgment and Partial Injunction Order of the United States District Court for the District of Hawai'i in HonoluluTraffic.com et al. vs. Federal Transit Administration et al.

Index of DVD Contents:

Aloha,

'13 JUL 23 P2 :40

Enclosed are comments for Michael Lee, Native Hawaiian Cultural Practitioner.

His comments are for the entire rail route TCP's where he has standing. These were also submitted to SHPD in May 22, 2013.

And also for

Kanehili Cultural Hui – a 501-c-3 in Ewa, Oahu.

Our KCH comments are for Honouliuli-Ewa TCP's that we have identified

That are impacted by the HART rail project. These were also submitted to SHPD in May 22, 2013.

In addition, our KCH has submitted comments on the Kakaako rail route and our concerns about Sea Level Rise, Storm Surge, Ground Water Rise, and our suggested alternatives to avoid these expensive construction conditions using alternative methods.

This DVD contains the comments for:

Draft Supplemental EIS for Honolulu Rail Transit Project Available for Public Review

The Honolulu Rail Transit Project is a 20-mile elevated rail line that will connect West Oahu with downtown Honolulu and Ala Moana Center. The Honolulu Authority for Rapid Transportation and the U.S. Federal Transit Administration have prepared a Draft Supplemental Environmental Impact Statement (EIS)/Section 4(f) Evaluation for the Honolulu Rail Transit Project as required by a U.S. District Court Judgment.

Submit written comments to Mr. Ted Matley, FTA Region IX, 201 Mission Street, Suite 1650, San Francisco, CA 94105, and Mr. Daniel A. Grabauskas, Honolulu Authority for Rapid Transportation, City and County of Honolulu, 1099 Alakea Street, Suite 1700 Honolulu, HI 96813

LeeM-1

LeeM-1

Please see Common Response 4 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the Traditional Cultural Properties (TCP) Analysis. See Common Response 10 regarding karst formations. The review and response to the TCP comments are summarized below. The AIS review is a separate process, which addressed State of Hawai'i requirements for project review and the requirements in the PA among FTA, the City, the U.S. Navy, the SHPO, and the Advisory Council on Historic Preservation. Information on the Archaeological Inventory Surveys is available on HART's website at www.honolulutransit.org (See Common Response 11).

Specifically regarding comments on karst formations, HART and its contractor completed extensive geotechnical investigations along the alignment in Construction Phase 1. This included geotechnical borings located at every proposed pier, usually 20 feet or more below the proposed pier depth. No karst topography was observed in any of the geotechnical investigations. If "caverns" or "caves" were penetrated, the void would have been discernible during drilling activity and would have been noted on the respective boring logs. A review of the logs has not indicated any "drops" or other notations indicative of a void or cavern being penetrated. Thus, it can be concluded that karst features in the Honouliuli ahupua'a were not encountered.

In addition, all the available preliminary geotechnical information collected during the PE phase of the project's development has been extensively evaluated. This included borings in the downtown area between Nu'uuanu Stream to the west, King Street to the north and Punchbowl Street to the east. There have been some indications of cavities within coral limestone/coralline debris. However, the cavities have been on the order of half to one inch diameter. One cavity up to 3 feet across was noted. These are distinctively different from "karst" associated cavities. All documented cavities were outside of the project alignment.

Additional geotechnical investigations will be completed prior to final design. In the event that these investigations encounter voids or groundwater, contract specifications require that the water table be preserved in place during coring to ensure that hydrology is maintained. This means that a positive flow will be maintained during drilling to ensure that freshwater flow is preserved through the area being drilled.

LeeM-1
(cont.)

Specifically regarding comments on Leina a ka 'uhane, the Section 1-3 TCP study identified several wahi pana that are related to one another through the same story. This is the Leina a ka 'uhane, or Spirit Leaping Off Place (SRIF and Kumu Pono 2012:50-53). According to traditional Hawaiian beliefs, the leaping off place is where the souls of the dead leave this world to enter the next. "A breadfruit tree (Ulu-o-lei-walo) near the Leina a ka 'uhane is used by the soul for this purpose. To reach the next world, the soul, guided by its aumakua (a deified ancestor), must choose one of two branches resulting either decent to Po, the underworld, overseen by the akua Milu, or passage to the 'aumākua world (SRIF and Kumu Pono 2012:50)".

The management summary considers the Leina a ka 'uhane as a single district of several wahi pana that crosses from Moanalua and Halawa ahupua'a to Honouliuli ahupua'a (Figures 2 and 3). Spirits would leap from the five wahi pana in Moanalua and Halawa. If not escorted by an aumakua, spirits would land and wander Kānehili and Kaupe'a on the 'Ewa side. However, there are no stories associated with the area between the two sides of the Leina. More importantly, there is no tangible element or property referent that binds the two areas together.

National Register Bulletin number 38 states "This Bulletin does not address cultural resources that are purely "intangible"—i.e. those that have no property referents—except by exclusion" and "the National Register is not the appropriate vehicle for recognizing cultural values that are purely intangible, nor is there legal authority to address them under 106 unless they are somehow related to a historic property (Parker and King 1998:3)" For these reasons the two sides of the Leina that do retain physical property referents are considered as distinct sites. In this light, the wahi pana associated with the Leina are all outside of the HRTPs APE.

Regarding the Malden Trail and other trails as TCPs, the AIS included a 100% pedestrian survey of the entire project, including locations in Construction Phase 1 proximate to the location of the historic Malden Trails. In addition, HART staff also surveyed the area separately. No evidence of any trails exists in the APE.

Regarding other TCPs, additional areas in Honouliuli, such as Pu'u o Kapolei, Kānehili and Kaupe'a were discussed in public meetings. Pu'u o Kapolei is outside the APE. The locations of Kānehili and Kaupe'a were discussed, which resulted in identifying that the site names were reversed on the report's map, and that their locations should be plotted further makai. The discussion highlighted the difficulty in plotting sites and in potentially conflicting information gathered when studying them. The proper naming has been added to the maps in this report. Moving Kānehili and Kaupe'a further makai moves them further from the HRTP.

July 20, 2013

From:
Michael Lee, Hawaiian Cultural Practitioner
Kanehili Cultural Hui, Ewa, Honouliuli, Oahu

Cover Letter and Addendums as Comments On:
Honolulu Rapid Transit Corridor Project Archeological Inventory Survey
of the 22 mile fixed guide way and stations (phases 1-4)

To:

Mr. Leslie Rogers, Regional Administrator
Federal Transit Administration, Region 9
201 Mission Street, Suite 2210
San Francisco, Ca. 94105-1831

William J. Aila, Jr., Chairperson
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813

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Historic Hawai'i Foundation
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National Trust for Historic Preservation
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Faith Miyamoto, Chief Planner
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City and County of Honolulu, 1099 Alakea Street, 17th Floor
Honolulu, Hawaii, 96813

Barbara Gilliland, AICP, Planning Manager
Parsons Brinckerhoff
1099 Alakea Street, Ali'i Place, 17th Floor
Honolulu, HI 96813

Aloha,

Thank you for extending the comment period to May 30th, 2013 and for the requests made to have the entire Honolulu Rapid Transit Corridor Project Archeological Inventory Survey of the 22 mile fixed guide way and stations (phases 1-4) open to public review and comment.

Thank you for allowing me to provide what I believe is important comments and documents that were not included in the preliminary Archeological Inventory Survey that left many voices and important native Hawaiian cultural issues and concerns out.

TCP- The Traditional Cultural Property (TCP) is a very Big Part of my concern. Native Hawaiian TCP isn't just a cultural "place" where we enjoyed some good times and festivals, it is a critical cultural resource for our survival as a native people that lived off natural resources managed under the Konohiki system.

I am a recognized party in the Navy's Section 106 consultation in the lease with the Hunt Development Solar Energy Farm as the Native Hawaiian cultural practitioner of this geographic area within the ahupua'a of Honouliuli, and further under the State of Hawaii Article 12, Section 7 as a Native Hawaiian Cultural Practitioner of my medicinal practice with medicines derived from Ewa shoreline limu varieties fed by the Ewa Karst water system in the Honouliuli ahupua'a. I have further standing in this Honouliuli project site through the Native Hawaiian Burial Council laws as a Cultural Descendant recognized by the State Historic Reservations Division and the Oahu Island Burial Counsel in a certificate, dated April 10, 2011.

I have standing under Hawaii law protecting Native Hawaiian cultural practitioners and I am recognized in the Hawaii First Circuit Court in cases for the Honouliuli area and in Federal Court as the Hawaiian Cultural Practitioner of sea medicine on the Big Island in Kohala in the Kona Blue v. Kahea Kohala fishery's case in 2011. The HART Rail Project Archeological Inventory Survey is inadequate and has failed to mitigate the pylon and construction impacts on the Ewa Karst water system as documented by City, State and Federal hydrological studies and will require the AIS to be done over again.

As a long time kahunalapa'auokekaioilimu, or Native Hawaiian practitioner of limu medicine, disturbance in the fresh water source and water conditions in these interior wetlands adversely affect my protected cultural limu practice. Fresh water flows through an extensive network of underground interconnected Karst caverns from the mountains to the sea and contains the nutrients that feed the foundation of our eco-system food chain. This is true for the entire South Oahu shoreline which is nearly entirely Karst - ancient coral limestone reef. This is a documented fact and I have supplied numerous documents in the addendum to document this.

I must rely upon vigilant protection of my religious, traditional and customary Native Hawaiian practices and cultural and natural resources or I will lose them forever. As the kahu, or keeper, of the iwi kupuna in this area, as recognized by the Oahu Island Burial Council and State of Hawaii Historic Preservation Division, it is my responsibility to ensure the protection and safety of all the bones and objects within my family's burial complexes in this area.

The Honolulu City Council passed unanimously in 2012 the Ewa Plain Trails resolution giving my cultural practice further standing in Honouliuli by advocating the protection of the 1825 Malden Trails (ancient Hawaiian trails) and Ewa Karst water system which is an ancient limestone reef wetlands water system recognized in the United States under the Federal EPA Clean Water Act. Karst is the ancient limestone reef wetlands water system beneath the Ewa Plains and which also runs along the southern shoreline of Oahu. Much of Honolulu's original history and culture is based upon the Karst water system, Karst burial caves. Kawaiaha'o Church is a graphic example of the ancient Honolulu Karst system, having been built from ancient coral reef and the name symbolizes the Karst spring there. I'olani Palace, the royal barracks and other very old and historic structures in the downtown area are made with Karst coral reef blocks from the shoreline areas.

I am also a Hawaiian astronomer or star priest called Papakilohoku recognized by the Honolulu City Council with an Honorary Certificate which gives me standing concerning the recognized Hawaiian Traditional Cultural Property (TCP) in Honouliuli called the Leina a ka Uhane, a very sacred spiritual leaping place for souls of the deceased returning to their ancient homeland. This major wahi pana (sacred place) was officially recognized by the HART Rail Project AIS in an April 2012 published document as a requirement to identify Ewa Plain Honouliuli TCP's, of which I am also part of that consultation as well.

I am very concerned about the Hawaiian Traditional Cultural Property (TCP) in Honouliuli called the Leina a ka Uhane, a very sacred spiritual leaping place for souls of the deceased returning to their ancient homeland. This major wahi pana (sacred place) was officially recognized as existing by the HART Rail Project AIS in an April 2012 published document as a requirement to identify Honouliuli-Ewa TCPs. This TCP is clearly within the ancient area known as Kanehili, which includes Kaupe'a, and also overlaps most if not all of the important ancient Hawaiian trails within Honouliuli-Ewa identified in the 1825 Malden Trails which the HART AIS did not include maps of or even mention. The ancient Hawaiian trails running from Honouliuli to Ewa, Kualaka'I and One'ula are very key components to understanding the cultural history of the Honouliuli ahupua'a. Portions of these trails still exist throughout Kanehili and cultural and archeological remnants still exist in areas where the HRTP-HART rail line and stations will be going in. The archeological inventory of this historic trail has NEVER BEEN DONE.

I have to really question the credibility of the HRTP-HART AIS for this entire project and the way it has been conducted so as to exclude a great deal of important Honouliuli - Ewa cultural and historic sites.

However this TCP has presented a huge problem for HART and FTA and they seem to have done everything possible to somehow move or minimize with mapping manipulation and apparently advice from SHPD-DLNR administrators to get the "no effect" result desired by FTA. The areas where HART has designated the Kanehili and kaupe'a areas are little boomerang shaped Post-It Notes and they continuously had the locations wrong (flipped), since April 2012 when the draft was quietly put out hoping no one would notice. Consultant Kepa Maly had repeatedly, in public meetings, stated that the locations were wrong, but HART never wanted to hear or correct this comment to even attempt some legitimate mapping effort. HART, SHPD has

apparently been trying figure out how to make this important sacred Honouliuli Leina problem somehow go away into a small box someplace, which is how iwi kupuna and cultural artifacts are always treated. This is a standard tactic when important Hawaiian culture items and wahi pana sites are found - always treated so as to minimize it and make it disappear.

I must also point out that while I and the Kanehili Cultural Hui have submitted very detailed Hawaiian cultural testimony to the Ewa Field Hunt Development Solar Energy Farm Section 106 and NEPA process all during last year, our views have not only been nearly completely ignored, they have even been mocked in the Navy's Programmatic Agreement (which no one in the local community even signed) with statements that "some Hawaiian's believe in Karst, etc" and other such extremely ignorant statements written it seems by a Navy persons with little Hawaiian cultural interest or scientific knowledge. I hope this isn't what HART's agenda is as well.

SHPD administrator Pua Aiu stated in a recent HART meeting that Puu O Kapolei should be recognized as a wahi pana, because "eventually Rail may go by there." This seems to be an issue for her because it would be publically convenient to recognize something completely out of the way that is already a City Park, but not at all convenient to have a wahi pana in the same area as a major shopping center, major railway station and major highway, so that it gets recognition for where it really exists and where Karst caves and underground water still flows with live native shrimp. Because the Leina a ka 'uhane is such a huge problem, the plan has been to obfuscate it and make sure no one locally really knows where it is. Clearly, it is in Kanehili, an area where even DHHL has named their home subdivision development, and where in the chants of Hi'iaika and other stories of Ewa, Kanehili and Kaupe'a are named and described in geographic ways that you know where approximately where these areas are. Other previous major archeological surveys, such as those done for the Navy in 1998-2003, have placed Kanehili in the former NAS Barbers Point - MCAS Ewa area, as well as the 1825 Malden Trails, which are clearly still there. Why hasn't the HART AIS even recognized this?

The 1825 Malden Trails - Another big problem HART land developers want to go away.

"In the early 1790s Captain George Vancouver visited the Hawaiian Islands. As a part of the Vancouver expedition, cartographer, Lt. C.R. Malden, prepared a map of a portion of O'ahu, which also covered the Honouliuli - Pu'uloa region. Malden's map was published in 1825 (Register Map No's 437 & 640), and provides the earliest cartographic record of the Honouliuli region. The map depicts several clusters of houses, fish weirs, and fishponds in the Honouliuli/Pu'uloa area. Being recorded during the early period of western contact, the map is believed to represent the basic pre-contact coastal settlement pattern for of Honouliuli and vicinity. Even though the map and visit is of an early date, given the rapid decline of the native population just after western contact, it is likely that the pre-contact population would have been higher and settlement more dense than indicated by the Malden." - Kepa Maly

The SHPD-Kaleikini Supreme Court case shows the far-reaching impacts of a Hawaii Supreme Court decision in August for the Honolulu rail project. That ruling concluded the State Historic Preservation Division failed to follow its own rules in allowing an archaeological inventory survey to be completed in four phases - construction was allowed to begin on each rail segment following survey work. Reading the letters exchanged between various City, State and Federal

agencies (FTA, etc.) show how incredibly rushed and sloppy this AIS work was and how it was being tailored to fit expedited rail contracts and rail construction. It is clear to anyone familiar with the culture and history of Honouliuli-Ewa that the AIS was a sham and shallow exercise.

The rail AIS is very premature because it is surveying according to maps developed in 2009. Much of the survey work is very outdated or poorly done according to modern professional archeological standards. The city's engineers still need to finish the Final Design of the project in segments #3 and #4. They have specific authority to make changes to the 2009 maps. Their work will result in bid documents that will clearly describe the rail footprint. Will the city do a supplemental AIS to review all the changes made to the 2009 maps? Next year we will see for the first time the support structures required for each of the over 100 columns in segment #4. The largest support structures will require huge construction sites for each column. These large construction sites will be up to 5 times larger than the trenches used in the AIS. We know for a fact that locations for certain stations in Honouliuli-Ewa aren't even accurately located according to GIS GPS data. The station designs are still largely fuzzy conceptual designs and are basically Post-It notes on maps. How can even this latest AIS and the ground surveys accurately define what is really going to happen when the final structural drawings are made and a myriad of utility, power, parking infrastructure aren't clearly known and detailed? Clearly, there will have to be another Supplemental AIS done.

Hawaiian Land and Cultural Rights As Stated in the Hawaii State Constitution

The land and the people are one. Access to and protection of native ecosystems is a cornerstone of continued cultural practice in Hawai'i. When a native species or critical ecosystem is lost to extinction or a wahi pani or wahi kapu is erased from the landscape, the words and traditions associated with them are also lost.

I believe it is my duty as a native Hawaiian cultural practitioner to state that we cannot afford any more of these losses and developments must adhere to state and federal laws.

In the HART AIS they don't recognize the Konohiki land management system and Wahi Kapu are not being recognized by the rail as a TCP as they protect limu, burial caves for iwi kupuna. These caves making the mistake of calling these wahi pana and not Wahi Kapu. The cultural practices are linked in and HART must provide geotech reports that show the below ground water system. The water needs to be sampled, monitored and not contaminated. Cultural monitoring done. Fresh water shows it is still a spring. I don't want money, I want these resources protected, which is the law in the State Constitution and under the US Federal Clean Water Act. I just want HART to follow the State and Federal laws. These must be retained under the Hawaiian Konohiki practice.

The mitigation is NO DESTRUCTION of these cultural and ecological sites or cause the contamination of them. These should be under cultural boundary zones to protect them.

This is also a Hawaii Public Trust Interest as stated in the Hawaii State Constitution.

The fisheries are for the public, this isn't just about Hawaiians- this is about all of the Hawaii people. The State of Hawaii is mandated to protect this resource- caves, karst, underground streams and rivers under Statute 6D 1-10, Article 11, Section 7 State Constitution: You do NOT destroy these aquifers and native Hawaiian cultural practice.

I would like to state up front that this concern of mine about Karst, caves, water flow, burials, etc. is not something that I "made up 10 minutes ago." I am on record going back at least since 2001 with these issues and at least a decade with Ewa related native Hawaiian cultural concerns. As I child I grew up around a major Karst cave water system in Moiliili as my father was the owner and manager of the historic Willows Restaurant in that community

I have attached to this document copies of correspondence and emails I have had with boards, councils, chairpersons and attorneys, among others, stating specific concerns about Karst, caves, water flow, burials, etc. I have also been practicing what I preach with ongoing classes on Hawaiian cultural practices related to limu, the stars, the Mawaewae Ceremony and have been an expert witness in legal cases involving native cultural practice. I have been officially recognized numerous times, including twice by the Honolulu City Council with Honorary Certificates, and in letters from the Chair of the Office of Hawaiian Affairs and others in City and State government. I have also represented myself Pro Se and won in legal issues in this area. I have recognized cultural practitioner standing from the State of Hawaii Preservation Department and the Oahu Island Burial Council.

The past practices that agencies and private parties have been illegally following for decades has led to the desecration of hundreds of iwi, unnecessary delays and cost overruns. I have advocated for Best Practices but in many cases this is not being followed by developers who are in a big rush to start up their bulldozers and don't really want to hear or know about the actual damage they are doing.

The Department of Transportation Section 4(f) bars the phasing of archaeological work for highway projects. The federal courts have so ruled on multiple occasions. And, section 4(f) protects burials sites, historic sites and cultural sites, which are eligible for listing on the National Register of Historic Places. These must be properly identified and not shoveled under a rug.

The Hawaii public is fighting against a "paradigm shift" which is taking over the thinking of more and more government officials. We are following a pattern which has been established with third world countries. Governments of these countries are squeezed by the World Bank and IMF to adopt "austerity" measures, slashing government services on the one hand, while yielding control over public assets to private corporations. The idea is to take advantage of the budget shortfall in order to wring from the government valuable public assets. This has got to stop in Hawaii before it gets started and the Hawaii public is becoming increasingly outraged by these tactics.

I cannot stress enough the special native Hawaiian cultural importance of the Ewa area and the ahupua'a of Honouliuli. This very important sacred area, in Western terms, is equivalent to Plymouth Rock, The Oregon Trail and Arlington National Cemetery. This is because the very first major landfall from ancient Tahiti was the Ewa shoreline where the very first breadfruit tree

from the homeland was planted. The 1825 Malden surveyed trails were major conduits for communication, defense, trade and very important religious and cultural ceremonies. And the Leina a ka Uhane in Kanehili was a sacred burial area for iwi kupuna in the tens of thousands. Burials in the Kanehili, Kaupē'a areas were conducted using the native Hawaiian Trails documented by Malden in 1825 and which HART Rail guideway and stations go directly over. There is still archeological evidence of this and the underground Karst caves and water flow system that still exists there.

Ancient Hawaiian tenants paid labor taxes and annual taxes to the Konohiki, or local overseer, who collected goods to support the chief and his court. The konohiki supervised communal labor within the ahupua'a and also regulated land, water and ocean use. The ancient trail system identified by Malden in 1825 was a major part of this Konohiki system of land and resource management.

Hawaiian Trails were hugely important in ancient times because they were not only key to trade, communication, defense, etc- they were also a showcase for the local Hawaiian community that maintained these important trails. Bad trail maintenance could see the regional chiefs raising the taxes paid as punishment for not keeping a section up to the same quality as other ahupua'a sections. These trails were also of huge importance during the annual Makahiki Ceremonies with Lono processions traveling throughout the ahupua'a of Honolulu. In addition, it is said that these same trails are still used, even when destroyed, by the Night Marchers of Honolulu, meaning that future rail stations, offices and homes will be directly on ancient spirit pathways. A large number of Hawaiian soldiers died in fierce combat in these areas and their troops are still heard and seen at certain times of the year moving through the Honolulu area on these Ancient trails.

The major Kalo'i Waterway was never adequately checked for archeological sites, yet considering that the major 1825 Malden identified trail system ran directly through this area that likely many thousands of native Hawaiians and later ranchers used, there is likely still cultural sites and data to be recovered.

Federal law concerning major projects like this multi-billion dollar publically funded railway explicitly requires that in the identification of historic cultural sites, a "reasonable and good faith effort" be made. We don't see this as having been the case and certainly Federal Judge Wallace Tashima stated in his ruling that he was greatly concerned about the identification of Traditional Cultural Properties (TCP) along the rail route.

I am especially concerned that Parsons Brinckerhoff wrote in the 2003 Final Honolulu BRT EIS:

"...extreme disruption of existing underground utilities and constant dewatering made necessary by a high water table and poor soils would drive construction costs to unacceptable levels." -2003 FEIS

I see this clear warning by a professional engineering company, contracted to give the best advice to their client- the City of Honolulu, as a paramount concern. The massive amount of deep pylon drilling that is going to take place to anchor rail fixed guide ways and station

platforms suggests a coming nightmare of destruction of Karst caverns, caves, below ground water channels and undetected iwi kupuna burials. This is going to be a large scale destruction of wahi pana and wahi kapu sites that are an integral part of native Hawaiian cultural practice.

Federal law concerning a major projects like this multi-billion dollar publically funded railway explicitly requires that in the identification of historic cultural sites, a "reasonable and good faith effort" be made. There are many stories of construction or personal vehicles falling into underground caves and sinkholes over a period of many decades, including up until very recently.

All of the identified caves either HART has identified or I have provided must be protected. This is the reason it made sense in 2012 I requested a FOIA for all of the Pylons, which I was denied and I have cause for eminent harm. We believe that the overall primary, cumulative and secondary project impacts to cultural and historic sites significantly affects the quality of the human environment—and particularly underground resources such as widely documented karst systems known to contain Hawaiian Iwi, pre-historic remains and rare aquatic native shrimp.

The underground water that is known by hydrological documents and traditional Hawaiian cultural observation flows below ground in a myriad of karst channels and networks, which rail pylons and other site construction may impact. In this karst system the water from the upper lands and mountains directly impacts the propagation and sustainability of rare forms of Hawaiian limu along the shoreline which is an important cultural and medicinal resource practice protected for native Hawaiians under Hawaii State Law.

I don't see this as having been the case so far and certainly Federal Judge Wallace Tashima agreed when he stated in his recent legal ruling that he was greatly concerned about the identification of Traditional Cultural Properties (TCP) along the rail route. Native Hawaiian TCP's do not follow any exact linear, circular or simple place box format like a TMK. They can cover a large area, vary in depth and width and are often linked together by trails, caves, ponds and canoe landings.

I am very concerned that many of the actual stations appear still as just design sketches, and "wouldn't it be nice if it looked like this" but in fact there are no actual construction details showing what will REALLY be put up, and exactly where. I am very concerned that another Supplemental Archeological Inventory Survey will have to be required and that this whole project still has many undefined construction parameters that could significantly alter what we are commenting on right now.

My Kuleana is native Hawaiian cultural practice and I am a believer in the Konohiki concept of ecological management. It is my duty and obligation as a native Hawaiian cultural practitioner to require recognition of the **ancient lava tubes** and **Karst cave water systems** as an integral part of protections needed. Careful and thorough studies be done to accurately map out where all Lava and Karst caves, caverns and water channels are and to strictly avoid puncturing and contaminating them.

Careful water studies, geotechnical studies, reports must be made and documentation made showing how these very important features will be avoided and preserved from damage during construction. I need to see these and my past requests for this information has not been honored.

There needs to be continuous water monitoring, to insure that the Clean Water Act is not being violated.

Important Hawaiian Cultural Beliefs Concerning Water:

He hūewai ola ke kanaka na Kane.

Water is life and Kane (god) is the keeper of life.

Kuleana

A privilege and responsibility referring to the assignment of managing water.

Ola i ka wai

Water is life (We should not forget this on our island)

Cultural and Legal Rights in Hawaii Nei:

Appurtenant rights: Protects land that was cultivated by traditional crops before the colonization period, such as taro that requires a necessary amount of water to cultivate. Rights are attached to the land, not an individual. This right receives the highest level of protection under Hawaiian law and is considered a public trust purpose.

Native Hawaiian rights: Reinstates Article XII Section 7 of the Hawaii Constitution that states, "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence cultural and religious purposes and possessed by ahupua'a (see Hawaiian Cultural Beliefs page) tenants who are descendants of native Hawaiians prior to 1778..."

Riparian rights: Protects the interests of people who live near a river or stream to reasonably use that riparian surface water source. Appurtenant and Native Hawaiian rights supersede riparian rights. Existing riparian rights cannot be severed from the riparian land regardless of sale or designated water management areas, however riparian landowners who are not using water currently from an adjacent stream may or may not be granted a new permit.

Michael Lee

91-1200 Keauniu Drive, Unit 614,
Ewa Beach, Hawaii 96706
808-683-1954

Please see attached Addendums:

1. HART Rail FOIA - ML
2. Hoopili Case - ML
3. BLNR Dec. 12, 2008 Item K-3 Contested Case Hearing Request – ML
4. OHA Letter Mr. Nomua
5. Previous Emails with HART - ML

Honouliuli TCP Information

Honouliuli Recognition papers Native Hawaiian Cultural Practitioner

HC's given by City Council as Native Hawaiian Cultural Practitioner

April 7, 2010 OIBC for TMKS of Haseko, etc Honouliuli

Navy recognized Section 106 consultant for Ewa Field PV site

HCDA recognized Native Hawaiian Cultural Practitioner

Recognized April 1, 2012 in Hoopili Case by Dr. Horton

Big Island– Hokulia case - Judge Ronald Ibara as is a precedents for Courts

July 20, 2013

From:
Kanehili Cultural Hui, Ewa, Honouliuli, Oahu
Michael Lee
Glenn Oamilda
John Bond

Cover Letter and Addendums as Comments On:
Honolulu Rapid Transit Corridor Project Archeological Inventory Survey
of the 22 mile fixed guide way and stations (phases 1-4)

To:

Mr. Leslie Rogers, Regional Administrator
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Barbara Gilliland, AICP, Planning Manager
Parsons Brinckerhoff
1099 Alakea Street, Ali'i Place, 17th Floor
Honolulu, HI 96813

July 20, 2013

Aloha,

The Kanehili Cultural Hui as formed in 2012 is a 501-c-3 was created to address the protection, inventorying and preservation of these critically important cultural and historical sites, trails, Karsts, flora, and fauna for responsible Public Trust community stewardship through education and advocacy of these Ewa Plain Hawaiian Cultural resources. It officially became a HART consulting party in July 2012.

The president and vice president of the Kanehili Cultural Hui are long time members of the Honouliuli-Ewa area. John Bond is a local Ewa historian who has received official recognition certificates from the Honolulu City Council and Hawaii State Legislature and began recording Ewa history in 1969. Glenn Oamilda is extremely well known in the Honouliuli Ewa area for his work in Hawaiian cultural issues, Ewa –Kapolei neighborhood boards, numerous Ewa community development plans, testifying on community concerns at the City Council and State legislature, and is President of the 50 year old Ewa Beach Community Association. He and his wife grew up on and worked for the Honouliuli-Ewa area plantations. Michael Lee provides Kanehili Cultural Hui very deep and well researched insights into native Hawaiian cultural and religious issues and has led the way in Ewa iwi kupuna, wahi pana, and wahi kapu concerns and also in education of the community in the Konohiki – ecosystem management of the Karst water system, native flora and fauna, caves, caverns, sinkholes, ponds and below surface estuaries that affect the limu and Ewa fisheries. Mike Lee's family roots go back to the John Meek Big Tree Ranch in Honouliuli-Ewa.

The Honolulu City Council passed unanimously in 2012 the Ewa Plain Trails resolution, supported by the Kanehili Cultural Hui, giving our community cultural history organization further standing in Honouliuli-Ewa by advocating for the protection of the 1825 mapped Malden Trails (ancient Hawaiian trails) and Ewa Karst water system, which is the ancient limestone reef wetlands water system beneath the Ewa Plains and which also runs along the southern shoreline of Oahu. Much of Honolulu's original history and culture is based upon the Karst water system, Karst burial caves. Kawaiaha'o Church is a graphic example of the ancient Honolulu Karst system, having been built from ancient coral reef and the name symbolizes the Karst spring there. I'olani Palace, the royal barracks and other very old and historic structures in the downtown area are made with Karst coral reef blocks from the shoreline areas.

The Leina a ka 'uhane in Kanehili, Honouliuli-Ewa – Make It Go Away?

We are very concerned about the Hawaiian Traditional Cultural Property (TCP) in Honouliuli called the Leina a ka Uhane, a very sacred spiritual leaping place for souls of the deceased returning to their ancient homeland. This major wahi pana (sacred place) was officially recognized as existing by the HART Rail Project AIS in an April 2012 published document as a requirement to identify Honouliuli-Ewa TCPs. This TCP is clearly within the ancient area known as Kanehili, which includes Kaupae'a, and also overlaps most if not all of the important ancient Hawaiian trails within Honouliuli-Ewa identified in the 1825 Malden Trails which the HART AIS did not include maps of or even mention. The ancient Hawaiian trails running from Honouliuli to Ewa, Kualaka'i and One'ula are very key components to understanding the cultural history of the Honouliuli ahupua'a. Portions of these trails still exist throughout Kanehili and cultural and archeological remnants still exist in areas where the HART-HART rail line and stations will be going in. The archeological inventory of this historic trail has NEVER BEEN DONE.

However this TCP has presented a huge problem for HART and FTA and they seem to have done everything possible to somehow move or minimize with mapping manipulation and apparently advice from SHPD-DLNR administrators to get the "no effect" result desired by FTA. The areas where HART has designated the Kanehili and kaupe'a areas are little boomerang shaped Post-It Notes and they continuously had the locations wrong (flipped), since April 2012 when the draft was quietly put out hoping no one would notice. Consultant Kepa Maly had repeatedly, in public meetings, stated that the locations were wrong, but HART never wanted to hear or correct this comment to even attempt some legitimate mapping effort. HART, SHPD has apparently been trying figure out how to make this important sacred Honouliuli Leina problem somehow go away into a small box someplace, which is how iwi kupuna and cultural artifacts are always treated. This is a standard tactic when important Hawaiian culture items and wahi pana sites are found - always treated so as to minimize it and make it disappear.

SHPD administrator Pua Aiu stated in a recent HART meeting that Puu O Kapolei should be recognized as a wahi pana, because "eventually Rail may go by there." This seems to be an issue for her because it would be publically convenient to recognize something completely out of the way that is already a City Park, but not at all convenient to have a wahi pana in the same area as a major shopping center, major railway station and major highway, so that it gets recognition for where it really exists and where Karst caves and underground water still flows with live native shrimp. Because the Leina a ka 'uhane is such a huge problem, the plan has been to obfuscate it and make sure no one locally really knows where it is. Clearly, it is in Kanehili, an area where even DHHL has named their home subdivision development, and where in the chants of Hi'iaka and other stories of Ewa, Kanehili and Kaupe'a are named and described in geographic ways that you know where approximately where these areas are. Other previous major archeological surveys, such as those done for the Navy in 1998-2003, have placed Kanehili in the former NAS Barbers Point – MCAS Ewa area, as well as the 1825 Malden Trails, which are clearly still there. Why hasn't the HART AIS even recognized this?

The 1825 Malden Trails – Another big problem HART land developers want to go away

"In the early 1790s Captain George Vancouver visited the Hawaiian Islands. As a part of the Vancouver expedition, cartographer, Lt. C.R. Malden, prepared a map of a portion of O'ahu, which also covered the Honouliuli – Pu'u'oloa region. Malden's map was published in 1825 (Register Map No's 437 & 640), and provides the earliest cartographic record of the Honouliuli region. The map depicts several clusters of houses, fish weirs, and fishponds in the Honouliuli/Pu'u'oloa area. Being recorded during the early period of western contact, the map is believed to represent the basic pre-contact coastal settlement pattern for of Honouliuli and vicinity. Even though the map and visit is of an early date, given the rapid decline of the native population just after western contact, it is likely that the pre-contact population would have been higher and settlement more dense than indicated by the Malden." – Kepa Maly

The SHPD-Kaleikini Supreme Court case shows the far-reaching impacts of a Hawaii Supreme Court decision in August for the Honolulu rail project. That ruling concluded the State Historic Preservation Division failed to follow its own rules in allowing an archaeological inventory survey to be completed in four phases — construction was allowed to begin on each rail segment following survey work. Reading the letters exchanged between various City, State and Federal agencies (FTA, etc.) show how incredibly rushed and sloppy this AIS work was and how it was being tailored to fit expedited rail contracts and rail construction. It is clear to anyone familiar with the culture and history of Honouliuli-Ewa that the AIS was a sham and shallow exercise.

The rail AIS is very premature because it is surveying according to maps developed in 2009. Much of the survey work is very outdated or poorly done according to modern professional archeological standards. The city's engineers still need to finish the Final Design of the project in segments #3 and #4. They have specific authority to make changes to the 2009 maps. Their work will result in bid documents that will clearly describe the rail footprint. Will the city do a supplemental AIS to review all the changes made to the 2009 maps? Next year we will see for the first time the support structures required for each of the over 100 columns in segment #4. The largest support structures will require huge construction sites for each column. These large construction sites will be up to 5 times larger than the trenches used in the AIS. We know for a fact that locations for certain stations in Honouliuli-Ewa aren't even accurately located according to GIS GPS data. The station designs are still largely fuzzy conceptual designs and are basically Post-It notes on maps. How can even this latest AIS and the ground surveys accurately define what is really going to happen when the final structural drawings are made and a myriad of utility, power, parking infrastructure aren't clearly known and detailed? Clearly, there will have to be another Supplemental AIS done.

We believe after studying the archeological report made for the Section 1 of the HTRP that this Ewa West Oahu segment has been very inadequately documented as to what cultural and historic structures and features are out in this area.

It was in fact only very recently revealed in a HART meeting that ALL CULTURES in Hawaii have a right to Traditional Cultural Properties. Yet the entire Rail AIS was conducted entirely as a "Hawaiians Only" exercise and virtually no one else was included in the TCP identification process. We doubt that very few in the local communities, especially out in Honouliuli-Ewa even know that their villages and cultural histories are National register eligible. The outreach has been extremely poor and the SHPD administration has consistently worked to exclude public awareness on all these efforts.

In fact, the notice that the public had a right to comment on the entire AIS was put up for just one day on the SHPD website, and then taken down the next day. Only the efforts of concerned community organizations got the word out and eventually forced the SHPD administration to put the notice back up again. We worked to make sure the news media got the word out- but most people in the community only had a few weeks notice. This is exactly how the SHPD-HART "process" has been conducted- to be as exclusionary and "under the radar" as possible to prevent public comment on key requirements- such as an accurate AIS.

Public input on TCP's are supposed to be on-going, consultation process, according to the Federal Section 106 Process. There isn't any "Once and for all" – "Going, going GONE" process- but that is exactly how the HTRP SHPD AIS and TCP program has been run. The idea has been to exclude as many people and sites as possible. How can new or available information be legally excluded from a large Federally funded project like this? There has been a huge amount of historic and cultural site documentation that has been intentionally excluded which directly affects nearby or below ground community cultural resources.

TCPs are "places of religious and cultural significance" (NHPA Section 101 and NHPA regulations, Section 106). NHPA guidance (Parker and King 1990:1) defines a TCP as a property "... that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community." TCPs derive their importance from the practices or beliefs of a community because they are integral to the community's history and identity. The people who are best able to identify these places and

their importance are the members of the community that understand their value. We have spoken directly with Tom King about this and know that the SHPD-HART rail "process" doesn't allow THEM to tell the community what and where their important historic and cultural sites and resources are. SHPD and HART are supposed to listen to the community, but they haven't been doing it.

The Hawaii public is fighting against a "paradigm shift" which is taking over the thinking of more and more government officials. We are following a pattern which has been established with third world countries. Governments of these countries are squeezed by the World Bank and IMF to adopt "austerity" measures, slashing government services on the one hand, while yielding control over public assets to private corporations. The idea is to take advantage of the budget shortfall in order to wring from the government valuable public assets. This has got to stop in Hawaii before it gets started and the Hawaii public is becoming increasingly outraged by these tactics.

Ewa Cultural Historic Corridor District – Protecting the Historic Ewa Cultural Integrity

This needs to be a recognized area and part of any HART rail line in Ewa- the Ewa Cultural Historic Corridor District. We know that there will likely be another rail station at the DeBartolo DHHL "shopping center" site next to Ewa Village and the historic Hawaiian Railway – O.R.&L. Attempts are already being made to make the railway move its historic rail yard. Land next to historic Verona Village has already been taken away and traded to DHHL as part of a HART Rail development deal. Obviously there are MAJOR IMPACTS already underway because of the HART fixed guideway and stations. The HART plan has always been to make it appear that the rail line stops "short" of having any actual historic impacts- yet that is clearly another "under the radar" method of development without revealing the true intentions of the overall project which is being Federally funded.

We cannot stress enough the special native Hawaiian cultural importance of the Ewa area and the ahupua'a of Honouliuli. This very important scared area, in Western terms, is equivalent to Plymouth Rock, The Oregon Trail and Arlington National Cemetery. This is because the very first major landfall from ancient Tahiti was the Ewa shoreline where the very first breadfruit tree from the homeland was planted. The 1825 Malden surveyed trails were major conduits for communication, defense, trade and very important religious and cultural ceremonies. And the Leina a ka Uhane in Kanehili was a sacred burial area for iwi kupuna in the tens of thousands. Burials in the Kanehili, Kaupe'a areas were conducted using the native Hawaiian Trails documented by Malden in 1825 and which HART Rail guideway and stations go directly over. There is still archeological evidence of this and the underground Karst caves and water flow system that still exists there.

This area of Honouliuli-Ewa has some of the most important cultural and historic features of any place on Oahu which have been entirely overlooked and/or inadequately documented. We know this because the 1999 closure of Naval Air Station Barbers Point required an extensive number of historic, cultural and archeological studies be done. These extensive and detailed studies mapped ancient sites, trails and historic features throughout the Honouliuli-Ewa area, because they were all contiguous and related to the Ewa Plain and Ewa coastal areas. This has been well documented but HART AIS has somehow ignored all of this and the still existing evidence.

The HTRP AIS failed to adequately document these features, despite having also come up with other separate cultural documentation on the Leina a ka Uhane and Kualaka'i area. Kepa Maly at City Council Ewa Development Plan meeting held at Kapolei Hale in 2012 testified that "hundreds if not thousands of iwi kupuna were buried in the Kanehili area."

The Ewa Historic Corridor: The entire length of Renton Road to Railway Museum, to entrance to MCAS Ewa Field front gate. This area is a hugely important Ewa History Corridor. This links up with the Hawaiian Railway – O. R. & L, Ewa Mooring Mast, Ewa Field, MCAS Ewa, Cold War Era buildings, etc. which have been identified and determined as National Register eligible areas. In addition, this entire area is part of the Ewa Battlefield- still being defined by a survey project currently underway.

The Honouliuli-Ewa Cultural Corridor: From Waipahu to Honouliuli to Ewa to shoreline. One'ula Beach, Kualaka'i, Old Fort Weaver Road, these are all linked historically and culturally. Ewa Plantation Cultural Landscape- Mango Tree Road, Waimanalo Road, Palehua Road, Rail Stops: Sisal, Brown's Camp and more. We have documented many Ewa Villagers and recorded their oral histories about this.

It would seem obvious that ancient populations in Honouliuli-Ewa needed ways to get around and Hawaiians were well known for their extensive trail systems connecting villages, food resources and adjacent ahupua'a's. In the early 1800's a British Royal Navy ship arrived to map out Oahu and took special note of three main features- the Honolulu (Kou) area, the area now called Pearl Harbor, and the major trail system connecting the major village of Honouliuli with the Waianae area and with the important coastal areas of Kualaka'i and One'ula on the Ewa shoreline.

This major ancient Hawaiian trail system documented by Malden in 1825 completely defined and influenced the early settlement of the area of the Ewa Plains for later ranches, the plantations (Sisal and sugar), the Oahu railway, the construction of the Ewa Mooring Mast and the Ewa Marine and Navy Barbers Point airfields. Sections of these ancient Hawaiian trails still exist today and they are hugely important cultural and archeological features that the HTRP HART AIS studies completely neglected to include, and which are in some cases directly under the fixed guideway, rail stations with infrastructure and TOD's.

Ewa Plantation built Pipeline Village in 1906 for Portuguese and Japanese workers. Although the houses had detached cooking facilities, each of the dwellings was built on a separate lot and was "enclosed by a fence and supplied with water. Waimanalo Camp, another village that has not been adequately documented. There is more out there that needs an accurate and modern standard archeological survey done before major land development takes place.

There are archeological sites where American planes crashed during the December 7th attack, locations of Army AA field positions, Command Posts, small army camps, an air strip, Ewa plantation water lines, railway lines, flumes, railway trestles, Ewa Plantation pesticide mixing facility. There is much more out there that was entirely missed in the HART AIS.

Honouliuli was the site of a very important ancient Hawaiian community with vast kalo ponds feeding many thousands of people. Nearby was the original historic capital of the Hawaiian Kingdom- Waipio, and the entire area was known as a breadbasket of kalo, fish, shellfish, etc. This was linked in by these major ancient Hawaiian trails to these related Ewa areas.

Ancient Hawaiian tenants paid labor taxes and annual taxes to the Konohiki, or local overseer, who collected goods to support the chief and his court. The konohiki supervised communal labor within the ahupua`a and also regulated land, water and ocean use. The ancient trail system identified by Malden in 1825 was a major part of this Konohiki system of land and resource management.

Hawaiian Trails were hugely important in ancient times because they were not only key to trade, communication, defense, etc- they were also a showcase for the local Hawaiian community that maintained these important trails. Bad trail maintenance could see the regional chiefs raising the taxes paid as punishment for not keeping a section up to the same quality as other ahupua`a sections. These trails were also of huge importance during the annual Makahiki Ceremonies with Lono processions traveling throughout the ahupua`a of Honouliuli. In addition, it is said that these same trails are still used, even when destroyed, by the Night Marchers of Honouliuli, meaning that future rail stations, offices and homes will be directly on ancient spirit pathways. A large number of Hawaiian soldiers died in fierce combat in these areas and their troops are still heard and seen at certain times of the year moving through the Honouliuli area on these Ancient trails.

The major Kalo'i Waterway was never adequately checked for archeological sites, yet considering that the major 1825 Malden identified trail system ran directly through this area that likely many thousands of native Hawaiians and later ranchers used, there is likely still cultural sites and data to be recovered.

We have interviewed dozens of Ewa Villagers over the past several years and have a large amount of documentation from many sources. Other very good cultural and historic surveys were also done that the H RTP AIS seems to have completely ignored.

We believe there should be established an Ewa TCP, Ewa Historic Corridor and recognition by HART and the City of an Ewa TCL (Traditional Cultural Landscape). These are all National Park Service recognized historic preservation concepts.

1. The initial major historic settlement from Tahiti - Puuloa
2. The Leina a ka Uhane – Very sacred spiritual leap to Tahiti homeland
3. 1825 Malden Trails – Trade, Communication, Defense
4. The most successful Sugar Plantation on Oahu
5. The major extension of the King Kalakaua charted O.R.&L. in 1890
6. The very important below ground Karst water transport system
7. Major importance during the December 7, 1941 attack on Pearl Harbor
8. Major WW-II and Cold War Era Historic Districts
9. Historic Hawaiian Railway train yard under threat of removal.

Federal law concerning major projects like this multi-billion dollar publically funded railway explicitly requires that in the identification of historic cultural sites, a "reasonable and good faith effort" be made. We don't see this as having been the case and certainly Federal Judge Wallace Tashima stated in his ruling that he was greatly concerned about the identification of Traditional Cultural Properties (TCP) along the rail route.

TCP's do not follow any exact linear or simple place box format like a TMK. They can cover a large area and are nevertheless linked together by trails, trade, etc. There are numerous sources that were apparently not consulted or reviewed in determining nothing of cultural or

historic significance in the Honouliuli-Ewa Section. Many large and detailed reports were done by the International Archeological Research Institute and many noted archeologists.

We are especially concerned that Parsons Brinckerhoff wrote in the 2003 Final EIS:

"...extreme disruption of existing underground utilities and constant dewatering made necessary by a high water table and poor soils would drive construction costs to unacceptable levels." -2003 FEIS.

These historic and cultural sites deserve the same attention as the downtown historic and cultural sites. There should be recorded oral histories done with Ewa Village residents for their TCP.

Sincerely,

Michael Lee

Glenn Oamilda

John Bond

Kanehili Cultural Hui
P.O. Box 75578
Kapolei, Hi. 96707

Record Date : 7/22/2013
First Name : Mrs.
Last Name : Lowe
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : It is appalling when the city continues to move this project forward when the community rejects it. You may say most of the people voted on it, but it was because the cost was a lie. As soon as the project voted in by most of the people, then we saw the price tag went up; how absurd. I do not want my taxes go up to support this stupid project. Some of our well to do friends want this project so that everyone else rides it while they enjoy driving their cars; they said it so themselves. This is so selfish, prideful, and full of ignorance. Whoever wants this project should be tax as they support it; leave me and everyone else alone who do not want this project. Do not tax us. Go tax the supporters of this unnecessary project. I know unions want jobs, but at whose expense? I absolutely am not supporting this rail.

Low-1

Low-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project and acknowledge the objection to the Project.

Reply Requested :

Record Date : 7/13/2013
First Name : Tom
Last Name : McLaughlin
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : It seems absurd to spend so much money for a transportation system that does not connect the locations where people need to go. The University-Manoa, Waikiki, Kapolei, Ewa Beach and Salt Lake areas are high density locations but are not served by rail stations. The route needs to be practical and that means taking folks out of cars and off the roads by going where they need to go.

MCL-1

MCL-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Response 2 about the cost of extending the Project to UH Mānoa.

Reply Requested :

From: Pat Meyers |

TO: CITY COUNCIL MEMBERS. HONOLULU MAYOR

COULD YOU PLEASE EXPLAIN TO ME WHAT YOU ARE DOING ABOUT THE DOT-FTA-HUD APPROVING THE FOLLOWING ARTICLE?
THANK YOU,

PAT MEYERS
KAILUA

Aloha.
DOT-FTA-HUD Approves Wasting Billions On Six Sea Level HART Rail Stations

Kakaako is a development district in Honolulu that was created in the past century by filling in tidal ponds and lagoons with loose coral, sand and garbage land fill material. The attached PDF shows the areas history and a dozen test trenches already show permanent ground water below the land surface.

Kakaako is well known for regular sewer and water line breaks and street flooding, as are adjacent coastal areas of Honolulu which are Karst plains fed by fresh water springs. Hawaiians turned these areas into fish ponds and taro patches. Later Asian immigrants turned these areas into rice paddies. Eventually all of these low sea level lands were filled in using dredging sludge, sand and loose coral.

The mitigation to fix the huge number of problems for this badly chosen rail route will cost Hawaii taxpayers many billions of dollars and likely delay use of the rail system for many more years to come. HART engineers know all about the well documented problems but this has been hidden from the public so that they will have decades of future rail construction contracts.

DOT-FTA agree with this intentional bad planning scam and Congress just approved \$250 million to be thrown down this construction rat hole. The HART rail project will ultimately be proven to be the worst construction scam since the Boston "Big Dig," and may likely surpass it in massive waste, bad planning and intentional public deception.

During civil defense emergencies the rail system will be completely shut down and unusable, especially after a major FEMA predicted Hurricane storm surge rolls through these very low coastal areas of Honolulu destroying streets and ground level infrastructure.

Mey-1

Mey-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Environmental Protection Agency comments and response in Appendix A to the Final EIS/4(f) regarding sea level rise.

Mey-2

Mey-2

Please see Common Response 11 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding comments outside of the scope of the Supplemental EIS/ 4(f).

7/3/2013

A higher elevation, logical commuter rail route was originally suggested for the HART system which could have avoided all of these problems, but the reason for building the FTA funded HART system is for real estate development of these low coastal lands and selling the properties off to foreign investors.

Many in Hawaii already recognize the project was hijacked by big banks and big developers and isn't the commuter rail system originally promised and voted for. But the political establishment in Hawaii feeds off of all of the developer contributions and union PAC monies and is more than happy to let this massive public deception take place.

Oahu tax-payers will also have to pay for all of these decaying sea coast infrastructure projects in soaring water and sewer bills, as well as increasing HART rail taxes for the very badly planned sea level project which is increasingly well documented as very vulnerable to ground water, sea level rise and storm surge.

The featured site in this Environmental Assessment is adjacent to Mother Waldron Park...And the HART rail line runs right through this same area. Ground access to six HART stations will be significantly affected by Ground Water Rise, Sea Level Rise and Hurricane Storm Surge in the coming years.

Many test trenches show ground water just 1- 2 meters below the surface. Soil is mostly coral, sand, silt and junk land fill and in pre-western times was tidal ponds and lagoons fed by freshwater Karst springs.

Many burials from many eras area in this same area. The EA has lots of maps and photos.

Mey-3

Mey-3 Please see Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding impacts to Mother Waldron Park.

Mey-4

Mey-4 Please see Common Response 10 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding karst formations.

Mey-5

Mey-5 The Archaeological Inventory Surveys are now complete and the City has determined that the Project will avoid impact to any burials.

7/3/2013

Record Date : 7/22/2013
First Name : Edith
Last Name : Mock
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :

Add to Mailing List :

Submission : Lives at Harbor Court and has questions regarding elevated rail on Nimitz Hwy., project schedule, operational noise levels, trees in the median on Nimitz Hwy. MOC-1

: She also mentioned that she does not support the Beretania Street alternative as she has a concern over the underground Karste Caverns if the system is built under Beretania Street. A tunnel to UH under Beretania and King streets present problems in Moili'iili with underground water caverns. An underground tunnel in that area would be "underwater" as she stated. MOC-2

Reply Requested :

Moc-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Comments on noise and landscaping were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.

Moc-2 Please see Common Response 10 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Record Date : 7/11/2013
First Name : Margaret
Last Name : Murchie
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Total waste of taxpayers money. If we must live mufi's boondoggle at least do it well. Build it to the uh & along the east/west corridor through communities originally planned to serve not to the shopping center! ensure there are public bathrooms in stations, make sure there's adequate parking & seating for commuters. Get out of expensive office space & reconsider this whole ridiculous proposition. Shades of convention center only much worse. Why not have toll roads, double deck existing roadways, stop subsidizing public employee parking, get unlicensed cars & drivers off roads. This poorly proposed project was voted in by ignorance & false promise. It makes no economic sense. I sincerely hope that this project will go away sooner rather than later. Do not throw our good money after bad. Let common sense prevail. Everyday brings more legitimate red flags.

Mur-1

Mur-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.

Reply Requested :

Record Date : 7/12/2013
First Name : Marsha
Last Name : Ninomiya
Business/Organization : University of Hawaii Manoa
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : The rail should initially go to University of Hawaii Manoa. Traffic is definitely lighter when Manoa is not in session. We want rail to reduce traffic congestion during rush hour and other times also. | Nin-1

Reply Requested :

Nin-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Response 2 about the cost of extending the Project to UH Mānoa.



PACIFIC GUARDIAN LIFE

H. BRIAN MOORE
Senior Vice President
Real Estate Investment

July 19, 2013

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Subject: Honolulu Rail Transit Project
Draft Supplemental Environmental Impact Statement

Dear Messrs. Matley and Grabauskas:

I am writing on behalf of Pacific Guardian Center (PGC) to comment on the Draft Supplemental Environmental Impact Statement/Section 4f Evaluation [EIS/4(f)] dated May 2013.

We have reviewed the Draft Supplemental EIS/4(f) and wish to express our wholehearted support for the Beretania Street Tunnel Alternative. Unlike the current proposed Project, the Tunnel Alternative would offer the following significant benefits to transit riders and the public alike:

- A more convenient transit route closer to the central corridor of Honolulu
A direct connection between the UH West Oahu and UH Manoa campuses
Preservation of the views and character of Honolulu's most historic waterfront, Chinatown and Hawaii Capital Special Districts

Should the transit route remain along the Nimitz corridor, we would like to remind HART of our previous concerns expressed in an August 12, 2010 letter to the FTA and the City and County of Honolulu, where we voiced PGC's concerns of the Project's adverse impact to the historic Dillingham Transportation Building (DTB) and the adjoining PGC plaza. We also offered suggestions and alternatives for mitigating these detrimental effects. I have enclosed a copy of our letter for your reference. Please note that we have not received any response to date.

Our stated concerns remain, and we further urge HART to more seriously consider the alternative of implementing a Fort Street Mall station instead of the proposed Downtown station. Fort Street Mall already serves as the primary public Mauka/Makai pedestrian thoroughfare from the Aloha Tower to Beretania Street. As such, it presents a natural and logical station location for a transit system intended to serve pedestrians. Compared with the PGC plaza, Fort Street is also more appropriately configured to accept the expected magnitude of foot traffic during peak periods.

PGC-1

Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding the feasibility and prudence of the Beretania Street Tunnel Alternative.

PGC-1

As discussed in Section 3.5.1 of the Draft Supplemental EIS/4(f), both the Project and the Beretania Street Tunnel Alternative would provide very similar benefits to transit riders, including similar service to downtown and a trade-off between direct service to UH Manoa with a bus transfer to Ala Moana Center and direct service to Ala Moana Center with a bus transfer to UH Manoa. See Common Response 2 regarding extension to UH Manoa.

PGC-2

Only the Beretania Street Tunnel Alternative would obstruct protected view corridors in the Capital Special District as shown in Figure 23 of the Draft Supplemental EIS/4(f). View impacts of the Project to the waterfront and Chinatown were discussed in Section 4.8.3 of the Final EIS/4(f).

PGC-2

Comments on the Honolulu High-Capacity Transit Corridor Project Draft EIS/4(f) were addressed in Appendix A to the Final EIS/4(f) issued in June 2010. Any comments made on the Final EIS/4(f) that had not been previously addressed were summarized and addressed in the Record of Decision issued by FTA on January 18, 2011. HART will continue to coordinate and work with the Pacific Guardian Center as the Project is implemented. The Fort Street Mall station location was evaluated (Figure 5-31) and rejected in the Final EIS/4(f).

737 BISHOP STREET (MALUKA TOWER) #1600, HONOLULU, HAWAII 96813
MAILING ADDRESS: PACIFIC GUARDIAN TOWER • 1440 KAPOLANI BOULEVARD, HONOLULU, HAWAII 96814
TEL (808) 942-1350 • FAX (808) 942-6589 • EMAIL hmoore@pacificguardian.com

Pacific Guardian Center looks forward to further dialogue with the City and County of Honolulu, and we thank you for this opportunity to offer our comments and recommendations.

Sincerely Yours,



H. Brian Moore
Asset Manager for Pacific Guardian Center

Encl.: August 12, 2010 letter



PACIFIC GUARDIAN LIFE

H. BRIAN MOORE
Senior Vice President
Real Estate Investment

Hand delivered

August 12, 2010

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Wayne Yoshioka
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

**Subject: Honolulu High-Capacity Transit Corridor Project
Final Environmental Impact Statement/ Additional Comments**

Dear Messrs. Matley and Yoshioka:

I am writing to comment on the letter sent to the Pacific Guardian Center (PGC) from the Department of Transportation Services (DTS), City and County of Honolulu, on June 11, 2010. PGC continues to support the concept of steel-on-steel rail transit for the City and County of Honolulu. We respectfully disagree with a number of the assertions of the letter regarding the project's impacts to the Dillingham Transportation Building and the Plaza within the PGC complex. Based on a review of the FEIS, we remain concerned that the location, size, and bulk of the proposed elevated guideway and Downtown Station as well as the high foot traffic to and from the station will have significant and detrimental impacts to the PGC and its tenants as described below.

Impacts to Dillingham Transportation Building

The Dillingham Transportation Building (DTB) is a National Historic Site. Any project receiving federal funding which impacts the DTB must comply with Federal Standards for Historic Buildings as administered by the Secretary of the Interior. The FEIS does not contain the signed Programmatic Agreement between the City and local consulting parties to resolve negative impacts to the DTB and other historic sites. For this reason we would urge the FTA to not accept the FEIS at this time.

The DTB is a 4-floor structure with window openings at 25, 35 and 45 feet above grade. According to the Plan and Profile drawings included in the FEIS (Appendix B, Drawing RP023), the underside of the elevated guideway would begin approximately 35 feet above grade and the parapet walls on each side of the guideway would extend to approximately 55 feet above grade, blocking a 20-foot high strip of the makai view from the building. The Downtown Station would have a roof structure extending to approximately 70 feet above grade, a mezzanine structure across Nimitz Highway 25 feet above grade and associated structures for elevators, escalators and stairways on both sides of Nimitz highway. We are concerned that the close proximity (40 feet) of the elevated guideway structure to the makai façade of the building and the equally close proximity (30-40 feet) of the Downtown Station entrance structure to the makai-Diamond Head

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corner of the building will block DTB tenants' makai views and significantly diminish the economic value of these spaces. We also remain concerned that noise impacts, particularly on the upper floors of the building, have not been adequately addressed by either the DEIS or the FEIS. Low parapet walls along the edges of the guideway proposed for noise mitigation will direct noise upward and away from ground level but we are concerned that the redirected noise will disturb and interrupt upper floor businesses and make it further difficult to attract and retain tenants in the affected spaces.

The June 11 letter indicated that the latest station entry design has been changed to direct "pedestrians approaching the entrance primarily through the Dillingham Transportation Building arcade". This represents a change from the scheme detailed in the DEIS (pedestrians walking the length of the plaza) and in our opinion creates a significant impact on the DTB. According to the FEIS (Figure 3-9), 4,690 riders are projected to enter and exit the Downtown station during the 2-hour peak period weekday mornings. We are very concerned about the impact of foot traffic of this magnitude on the arcade. Many of the ground floor tenants cater to Downtown workers for breakfast and lunch and utilize portions of the arcade for customer to sit and talk in a relatively secluded area. We are concerned that the increased foot traffic through the arcade created by the transit project will lead to a loss of tenants and rental income.

Impacts to Plaza

We have described the urban amenities and features of the plaza between the DTB and the PGC towers in a previous letter (January 30, 2009). According to the FEIS, the area of the plaza which would be appropriated for the mauka Downtown Station entrance has been increased from 2,400 sf to 3,000 sf. We have continuing concern with the DTS's assertion that the Downtown Station entrance "would not eliminate the open space or alter its use." The projected foot traffic to and from the Downtown station has been revised from 2,500 (DEIS Figure 3-10) in the 2-hour morning peak periods to 4,690 (FEIS Figure 3-9). As noted in the January 2009 letter, the vast majority of transit riders will use the mauka station entrance due to its direct access to the Central Business District. With the transit system operating daily from 4 a.m. to midnight (trains arriving every 3 – 10 minutes) we are concerned that PGC will require a significant increase in security personnel as well as maintenance staff to keep the plaza area safe and attractive for the use of our tenants. We are also concerned that with limited conveniences within the station (only one restroom, for example) transit riders will turn to PGC facilities (restrooms, drinking fountains and benches) for their needs, particularly during the afternoon rush hour when foot traffic will "bottleneck" on the plaza due to the limited capacity of the station entrance.

We are concerned that the open space of the plaza will be significantly reduced by the 3,000 sf station entrance and support buildings and that the use of the plaza will be changed from a private tenant amenity to a public thoroughfare. The water feature at the makai end of the plaza currently houses the DTB's only common trash enclosure. There is no available alternative location for a trash enclosure that is convenient to both the DTB and the 2 office towers. The water feature also screens off views of the roadway and masks traffic noise. Removal of this water feature and the landscaping behind it will open the plaza to the street noise of Nimitz Highway and significantly degrade the quality of the plaza.

Recommendations

We would not have the concerns mentioned above if the project was changed to light rail transit. We strongly urge the City to consider changing the project technology from "hot" third rail to overhead or underground power wire technology. This would enable a light rail transit system similar to those in use in Portland, Seattle and Phoenix with train operation either at grade or elevated as required by local conditions. This would give the City much greater flexibility in locating stations and routes, minimizing negative impacts associated with transit in urban areas. While an at-grade route on Nimitz Highway may not be advisable, locating an at-grade light rail

- 2 -

system closer to the center of the Downtown on either King or Hotel streets, offers greater convenience to riders and avoids the negative impacts to the PGC detailed above.

If the mauka entrance to an elevated Downtown Station must be located within the PGC property, we strongly urge the City to shift the entrance from the makai-Diamond Head corner of the plaza (as shown in FEIS Appendix B, Drawing RP023) to the Ewa side of Alakea Street. The accessory structures needed to bring transit riders from station level to the street could be incorporated into the lower floors of the makai office tower which are used mainly for parking. Concealing these accessory facilities within the makai tower would result in significantly less visual impact to the area and allow more flexibility in the capacity of stairways and escalators. The Ewa lane of Alakea Street (used for parking) could be used for a widened pedestrian walkway and the PGC parking entrance could be reconfigured to minimize pedestrian-vehicular conflicts.

Pacific Guardian Center sincerely thanks the City and County of Honolulu for this opportunity to offer our comments and recommendations.

Sincerely Yours,



H/Brian Moore
Asset Manager for Pacific Guardian Center

- 3 -

Record Date : 7/11/2013
First Name : asti
Last Name : piilika
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : The rail needs to go to UH Manoa. UH traffic is what causes rush hour congestion. To relieve it, the rail needs to go to UH. Otherwise it makes no sense to build it. Ala Moana shoppers are not going to use the rail. | Pil-1

Reply Requested :

Pil-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Response 2 about the cost of extending the Project to UH Mānoa.

UNIVERSITY OF HAWAII AT MĀNOA

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HART
July 17, 2013

*13 JUL 19 P2 :09

Mr. Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu, 1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Dear Sirs,

The DSEIS is a continuation of the environmental process *shibai* that has been going on in Honolulu since mid-2005 with the High Capacity Project. My comments are summarized starting on page 2. My qualifications, in brief, are provided below.

Dr. Panos Prevedouros, author of this submission, is professor of transportation engineering at the University of Hawaii at Manoa. Dr. Prevedouros earned his PhD in 1990 and his M.S. in 1987, both in Civil Engineering from Northwestern University, Evanston, IL (1987), and his Diploma in Engineering from Aristotle University, Greece (1986.) He is a registered Professional Engineer in the European Union.

Dr. Prevedouros is subcommittee chair of TRB in the area of traffic simulation (freeway operations) since 2006. Dr. Prevedouros was member of Oahu MPO Technical Advisory Committee in the late-1990s and is the principal investigator of several transportation research projects funded by Hawaii DOT, US DOT, OMPO and DOI.

Dr. Prevedouros has expertise in urban planning, traffic flow analysis and optimization, ITS, demand forecasting and evaluation of transportation alternatives, and sustainable infrastructure with emphasis on energy and impacts.

Dr. Prevedouros has published over 100 technical articles and reports, and co-authored the 2nd and 3rd editions of internationally adopted textbook Transportation Engineering and Planning (Prentice Hall, 1993 and 2001.)

Dr. Prevedouros has received several awards including Best Paper award on transportation noise, TRB, 1995 • Outstanding Faculty award, ASCE-Hawaii, 1996 • Van Wagoner award, ITE, 2005 • Freeway Operations Service award, TRB in 2009. • Honolulu Star Bulletin's one of the "10 People Who Made a Difference in Hawaii in 2008" • 2011 Sustainability Paper award, World Road Association • 2012 Honor Certificate for Public Service, Council of the City and County of Honolulu.

Renowned professor Bent Flyvbjerg of Oxford University has revealed fatal flaws in the planning process and the ethics of *The American Planning Association*. Here are five passages from his assessment.

- When Planners Lie with Numbers: Based on a sample of 258 transportation infrastructure projects worth US\$90 billion and representing different project types, geographical regions, and historical periods, it is found with overwhelming statistical significance that the cost estimates used to decide whether such projects should be built are highly and systematically misleading.
- Dr. Flyvbjerg's study documents a cost overrun of 45 percent for rail projects, 34 percent for bridges and tunnels, and 20 percent for roads.
- The implications of these findings are that (1) planners are doing an exceptionally poor job at costing major public works projects, sometimes perhaps intentionally, (2) this results in large scale waste of public money and violations of basic principles of democracy, and, (3) APA, as the main professional body for planners, has a responsibility to help rectify this situation.
- Several planners have written to support Dr. Flyvbjerg: "After having been involved with APA for several decades he cannot recall a single example of a planner being expelled from APA for ethical violations" was said to Dr. Flyvbjerg by a former APA president. This is not because planners are uniformly well-behaved, but because APA is in denial about the possibility of bad planning and malpractice.
- The APA is found to employ two well-known strategies for dealing with uncomfortable knowledge such as the revelation by Dr. Flyvbjerg: Denial and Diversion.

To recap: When it comes to very large infrastructure projects, rail projects in particular, planners tend to lie or use subpar methodology to estimate project costs and forecasts. They are not accountable to anyone for their errors, and the public is hurt by having to support poor projects. In some cases, planners help the client to deny opposition and divert the public's attention from the facts and primary objectives. All of the above are in abundance in Honolulu.

For example, the Alternatives Analysis of the Honolulu High Capacity Project was substantially deficient. I was one of the seven appointed members of the Honolulu City Council Transit Advisory Task Force. The task force voted 6-1 to approve the rail as the Locally Preferred Alternative which the Council approved and concluded the Alternatives Analysis. The descending vote was mine, as summarized in the attachment.

Denial and diversion is what current elected officials and their predecessors have been practicing since 2006. Denial of pure, direct and unbiased facts presented primarily by Cliff Slater of HonoluluTraffic.com and myself. Diversion by avoiding the painful deficiencies of rail in ridership, congestion relief and cost (all of these were sugar coated by the project's planners) and focusing on jobs, TODs and "the future of the island." There are dozens of better ways than elevated rail to invest five billion dollars on Oahu to create more jobs, better housing and set Oahu on the path to long term prosperity.

The Honolulu rail project's top-down, deceitful planning and environmental analysis in support of the project will be the laughingstock of the nation. Here is a brief record of accomplishments as of mid-2013:

- The project is about three years late.
- It has incurred tens of millions of dollars in extra charges due to rushed contracts.
- There was a costly (about \$150 Million mistake at the airport alignment) for which no one was held accountable.
- The Hawaii State Supreme Court unanimously determined that the project violated state law and was stopped in order to complete a proper archeological survey.
- Ansaldo's parent, Finmeccanica is in financial trouble and for years it's been trying to jettison Ansaldo. For years Ansaldo has been the most unreliable of all major rail manufacturers. But Ansaldo was Honolulu's choice and recipient of a \$1.5 Billion contract.
- HART erected 18 columns in the middle of (agricultural) land which it does not own.
- The project's financial plan uses *TheBus* capital funds and city Sewer Fund guarantees. This is ruinous to the financial well-being of the city.
- Hundreds of tons of steel rails were purchased by HART over a year ago and are rusting at Barbers Point Harbor.
- A federal judge found several deficiencies with the project and forced HART to prepare a Supplementary EIS.
- A 20 mile elevated linear project will be subject to a large number of eminent domain disputes resulting in long delays and large cost overruns.
- Hawaii federal court judges believe that the project violates its fundamental scope of connecting Kapolei to the UH-Manoa and Waikiki. The chosen route connects the TOD of Hoopili to Ala Moana Shopping Center.
- In the Draft SEIS the Beretania St. tunnel is deemed to be expensive although it offers a direct and far cheaper route to the UH-Manoa than the route HART prefers.

Pre-1

Pre-2

Pre-3

I am dismayed that the political, governmental and procurement system is so broken that the infliction of a transportation dinosaur at a stratospheric cost is pursued as a traffic congestion solution and an economic development tool for our city. After reading Dr. Flyvbjerg's analysis, I am less surprised that the people involved in this effort still call themselves "professional."

Sincerely,



Panos Prevedouros, Ph.D.
Professor of Transportation Engineering

Pre-1

As noted in Section 1.1 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)], the Supplemental EIS/4(f) was prepared to address the Judgment and Partial Injunction Order of the United States District Court for the District of Hawai'i in HonoluluTraffic.com et al. vs. Federal Transit Administration et al. The scope of the analysis was limited to whether the Beretania Street Tunnel Alternative was feasible and prudent and whether the Project would "use" Mother Waldron Neighborhood Park under Section 4(f).

Pre-2

Please see Judge Mollway's comments and responses to Mol-3 and Mol-4.

Pre-3

The statement that the Beretania Tunnel Alternative is a "far cheaper route" than constructing the Project to the Ala Moana Center on the approved alignment is addressed on Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

UNIVERSITY OF HAWAII AT MĀNOA

Department of Civil and Environmental Engineering
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March 9, 2007



Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
Attn: Honolulu High-Capacity Transit Corridor Project
VIA email: mkaku@honolulu.gov

Dear Mr. Kaku:

As my comments on the Scoping Information Package of March 15, 2007, I attach my Report to the Honolulu City Council Transit Advisory Task Force dated December 1, 2006.

In my opinion, the most egregious violation of FTA's rules on alternative specification and analysis was the deliberate under-engineering of the Managed Lanes (ML) Alternative to a degree that brings ridicule to prevailing planning and engineering principles. For example, FTA guideline 2.4 item 2 states that "*Each alternative should be defined to optimize its performance.*"
[Source: http://www.fta.dot.gov/documents/Definitions_of_Alternatives.pdf]

The exact opposite was done. The Honolulu City Council did not reject a HOT expressway with express buses; the City Council rejected an alternative that was engineered to fail, and, it did fail by design. Therefore, the ML alternative must be correctly specified and fully assessed in the upcoming environmental assessment process.

Sincerely,

A handwritten signature in black ink, appearing to read "Panos Prevedouros".

Panos Prevedouros, Ph.D.
Professor of Transportation Engineering

cc: Ms. Donna Turchie
Federal Transit Administration, Region IX
201 Mission Street, Room 1650
San Francisco, CA 94105
VIA email: Donna.Turchie@fta.dot.gov

Record Date : 7/12/2013
First Name : Ben
Last Name : Robinson
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission : Aloha!

I am writing in comment regarding the current planned rail route through Kakaako and a note of appreciation for the additional design work done for a Beretania Street tunnel alternative.

While in the future I would like to see an extension to the UH Manoa campus, I understand the need to work within fiscal constraints and the plan for transit-oriented development; to which Kakaako is a prime component.

I support the current rail route through Kakaako.

Reply Requested :

Rob-1

Rob-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f). Please see Common Response 2 about the cost of extending the Project to UH Mānoa.

Record Date : 7/22/2013
First Name : robert
Last Name : rodman
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

COMMENT ON THE PROPOSED HONOLULU BERETANIA STREET TUNNEL EIS - July 22,2013

Submitted by: Robert Rodman - 55 S Kukui St D-2509, Honolulu HI 96813

At the beginning of this Mass Transit Project started, many professional traffic studies commissioned by the City showed that the only mass transit route which was found to reduce the gridlock on Hawai'i State's H-1 freeway was the rail route that went through Waikiki and ended up at the UH.

That's why Honolulu City Council approved the 30 mile 'Preferred Guideway Alignment' which included Waikiki and the UH in its routing. The City commissioned studies showed that mass transit routes which ended at the Ala Moana Shopping Center did NOT reduce H-1 gridlock. This is why so many Honolulu Citizens are protesting the present Rail System Routing. They rightly think that spending \$5+ Billion on a transit system that goes only to the Ala Moana Shopping Center and does NOT reduce H-1 grid-lock at all is sheer lunacy.

Publishing article after article and getting many letters written to the local newspapers for publication all repeatedly asserting the falsehood that the Rail Project ending at the Ala Moana Shopping Center will free up H-1 traffic jams and reduce traffic on there is a disservice to our community. There is a term for this type of activity - 'Brainwashing.' Perhaps now the time is ripe for a serious consideration of the greatly advanced technology of transit tunneling as being proposed under Beretania and how it can solve the visual and noise problems facing neighborhoods all along the Transit Route.

How is it that New York City can presently afford boring two new transit tunnels under Manhattan thru some of the hardest Granite stone on earth? The answer is that present tunneling is not like the tunneling of old.

Cutting a rail tunnel under urban Honolulu through sand, coral and lava would seem to be like cutting through jello compared to NYC's cutting a subway tunnel through Granite. Therefore, the project would take substantially less time and Honolulu's tunnel boring costs would be substantially lessened. To date no independent cost analysis of such a project has been undertaken by a reputable tunneling engineering company and certainly none has been published for an Editorial to base its assertions on. I personally have asked how much the tunneling would cost to one of the chief planners of this Honolulu project at Parsons Brinckerhoff and he indicated that they have never tried to determine the real cost of building a tunnel under Beretania over through Waikiki to the UH through sand and coral here in Honolulu.

It is a very attractive proposal to consider - the routing of a transit tunnel through Honolulu's dense neighborhood areas under Beretania, curving (under Thomas Square and the High School) over to a Ala Moana Shopping Center / Convention Center Station, continuing on under the Ala Wai Canal to a mid Waikiki Station and then on up to UH all without the daily incessant visual impacts and noise radiating out from the above ground "heavy rail line in the sky".

The LOUD noise that this train is going to produce will be directed upward by the 5 foot sound barrier that is proposed to be built of each side of the track support structure just as the sound enhancing 'box' of a guitar's body amplifies and projects the string's small vibration produced sound. As a result at ground level the rail train's wheel's noise will be muffled at ground level, but VERY LOUD in the upper floors of the near-by tower residences. This makes the system very unfriendly to live near.

To pay for the additional expense of building City Council's entire 'Preferred Guideway Alignment' now and solve the State Transportation headache of daily H-1 Traffic Jams, the Transit Authority should ask the Honolulu City Council to immediately ask the State Legislature to extend

Rod-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. The effects of the Project and alternatives on traffic congestion were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] issued in June 2010. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Rod-2 Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Rod-3 The engineering issues related to the Beretania Street Tunnel Alternative are presented in Section 3.4 of the Final Supplemental EIS/4(f). The cost estimate for the Alternative is included in Section 3.5.4 of the Final Supplemental EIS/4(f). The cost of the proposed longer tunnel would be substantially greater than the cost for the Beretania Street Tunnel Alternative.

Rod-4 Noise impacts were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding available funding.

Rod-1

Rod-2

Rod-3

Rod-4

the 1/2% Oahu sales tax for 2 or 3 or 5 years, and also ask that the Transit Project be given the 10% the State is raking off the top of these Mass Transit dedicated funds - some \$350 to \$500 million - supposedly to pay for the State's collection costs, which have proven to be nil. The combined moneys collected via these methods will pay for the building of the entire line with the last 6 miles underground in a tunnel.

Rod-4
(cont

Oahu needs a Mass Transit System that is "worth the cost". Routing a technologically advanced transit tunnel under Urban Beretania Boulevard, curving over to the Shopping and Convention Center, extending under Waikiki and on to the UH just might be the win-win System we've all been looking for to really solve a major part of Oahu's existing and future Traffic Mess.

Reply Requested :

I sent in comments (via you email address) to the **Rail Tunnel EIS** on July 22, 2013 and have not received a confirmation that those comments were received and are being considered.

You have too many stations on this rail line. Your current plan for all the 21 stations on this line is like getting on an elevator and a kid has pressed all the buttons causing the elevator to stop at every floor to the top floor and then on the way down repeat the process by stopping at every floor down to the lobby - on every trip. Who likes that?? Are you providing for a couple EXPRESS trains an hour? Twenty miles should not take more than 25 - 27 minutes.

Rod1-1

Rod1-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Comments on the number and location of stations and operating plans were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.

Please respond.

Robert Rodman

From: John Russel
Sent: Monday, July 22, 2013 1:46 PM
To: info@HonoluluTransit.org
Subject: Questions Re: Draft Supplemental Environmental Impact Statement Section 4(f) Evaluation

July 22, 2013

Re: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

To whom it may concern,

My main concern is the rail project's effect on traffic congestion.

I have heard rail's effect on traffic congestion described in percentages based on change in vehicle hours of delay but am unable to adequately grasp what the project's impact on drivers will be like. With that in mind I ask that rail's effect on travel by car be described in minutes required to drive from one place to another on weekday mornings

1

I would first like to establish a baseline for comparison. The rail EIS projected travel speeds and travel times for trips made by city bus if rail is built. I request that the same or similar methods used in the EIS be used to provide travel time in minutes for travel by car in the future. I have not detailed exact starting points in my questions below because I do not know how much specificity can be accommodated. Information I've seen in the EIS used general locations, for example Waianae to Downtown.

My questions are as follows:

- 1) What are the current travel times for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to Downtown Honolulu? If it is unclear, I am requesting separate travel times by car for each start point.
- 2) What are the current travel times for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the Ala Moana Shopping Center?
- 3) What are the current travel times for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the University of Hawaii at Manoa?
- 4) In the year, 2030, if no rail project is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to Downtown Honolulu.?
- 5) In the year, 2030, if no rail project is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the Ala Moana Shopping Center?
- 6) In the year, 2030, if no rail project is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the University of Hawaii at Manoa?
- 7) In the year, 2030, if the rail project ending at Ala Moana Shopping Center as presently proposed is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to Downtown Honolulu.?
- 8) In the year, 2030, if the rail project ending at Ala Moana Shopping Center as presently proposed is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to Ala Moana Shopping Center?
- 9) In the year, 2030, if the rail project ending at Ala Moana Shopping Center as presently proposed is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the University of Hawaii at Manoa?
- 10) In the year, 2030, if the Beretania St. tunnel alternative rail route is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to Downtown Honolulu?
- 11) In the year, 2030, if the Beretania St. tunnel alternative rail route is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the Ala Moana Shopping Center?

Rus-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. The impacts of the Project and alternatives on traffic congestion were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) [EIS/4(f)] Evaluation issued in June 2010. As noted in Section 1.1 of the Final Supplemental EIS/4(f), the scope of the analysis was limited to whether the Beretania Street Tunnel Alternative was feasible and prudent and whether the Project would "use" Mother Waldron Neighborhood Park under Section 4(f).

Rus-1

12) In the year, 2030, if the Beretania St. tunnel alternative rail route is built, what would travel times be for cars leaving Ewa Beach, Kapolei, Waianae, Mililani, Waipahu, Pearl City and Aiea between 6 a.m. and 7 a.m. that are traveling to the the University of Hawaii at Manoa?

I now have some questions related to the number of cars rail will take off the road by converting former drivers into rail transit users.

13) Regardless of the total number of trips each person makes and counting each person no more than once, how many individual people, who would otherwise drive, are projected to instead choose to switch to rail one or more times on an average weekday in the year 2030?

14) If the Ala Moana Shopping Center route is completed, in the year 2030, how many cars will rail remove from the road, not in the course of the entire day, but in the weekday hours between 6 a.m. and 8 a.m. only.

15) For the Ala Moana Shopping Center route, for each station on the route, please provide the number of former drivers that will be boarding rail instead of driving their cars in the weekday hours between 6 a.m. and 8 a.m. in the year 2030. And please specify whether they are boarding eastbound trains or westbound trains. For example, the answer I am looking for would look something like, "the Pearlridge station would have x number of converted drivers board eastbound trains between 6 a.m. and 8 a.m. and y number of converted drivers board westbound trains between 6 a.m. and 8 a.m.

16) Relating to the request for information immediately above, how many former drivers will disembark from eastbound trains at each station between 6 a.m. and 8 a.m.? And how many will disembark from westbound trains during those same hours?

17) If the Beretania St. tunnel alternative rail route is completed, in the year 2030, how many cars will rail remove from the road, not in the course of the entire day, but in the weekday hours between 6 a.m. and 8 a.m. only.

18) For the Beretania St. tunnel alternative route, for each station on the route, please provide the number of former drivers that will be boarding rail instead of driving their cars in the weekday hours between 6 a.m. and 8 a.m. in the year 2030. And please specify whether they are boarding eastbound trains or westbound trains. For example, the answer I am looking for would look something like, "the Pearlridge station would have x number of converted drivers board eastbound trains between 6 a.m. and 8 a.m. and y number of converted drivers board westbound trains between 6 a.m. and 8 a.m.

19) Relating to the request for information immediately above, how many former drivers will disembark from eastbound trains at each station between 6 a.m. and 8 a.m.? And how many will disembark from westbound trains during those same hours?

20) With the Ala Moana Shopping Center route, in the year 2030, on weekdays between the hours of 6 a.m. and 8 a.m., how many converted drivers will board eastbound trains from the five west most stations of the route and travel to the downtown station or beyond?

21) With the Beretania St. tunnel alternate route, in the year 2030, on weekdays between the hours of 6 a.m. and 8 a.m., how many converted drivers will board eastbound trains from the five west most stations of the route and travel to the Fort Street station or beyond?

I also have a question regarding the effect of transit-oriented development on traffic.

Rus-2

Table 3 of the Draft Supplemental EIS/4(f) includes general travel information related to the Beretania Street Tunnel Alternative. As stated in section 3.5.1, the Beretania Street Tunnel Alternative would serve the same corridor and generate similar transit ridership and benefits to the Project (see Table 3). The Beretania Street Tunnel Alternative would include additional stations and directly serve UH Mānoa, while requiring a bus transfer to Ala Moana Center. The approved Project would directly serve Ala Moana Center and requires a bus transfer to UH Mānoa. These transfers are reflected in the transit travel times presented in Table 3.

Rus-2

22) Has future transit-oriented development around rail stations been accounted for in the traffic congestion projections from the rail project EIS?

Rus - 3

Rus-3

The indirect and cumulative effects of the Project on transportation were addressed in Section 3.6 of the Final EIS/4(f).

23) If transit-oriented development around rail stations has not been accounted for in traffic congestion projections, is it possible that such development could increase traffic in the year 2030 beyond what has been projected for either or both the Ala Moana Shopping Center Route and the Beretania St. tunnel alternative route?

Final question.

24) Is there a difference in the way questions are handled as part of the EIS process and how they are handled outside of the process? By this I mean, are there questions that you are required to answer as part of the EIS process that you would be able to ignore or answer less completely if asked a month from now? Or is the only difference that questions asked as part of the EIS process become attached to the EIS while questions asked outside of the EIS process, while receiving the same answers, are not published with the EIS?

Rus - 4

Rus-4

As discussed in section 1.1 of the Draft Supplemental EIS/4(f), the scope of the current NEPA review is limited to the analysis of whether the Beretania Street Tunnel Alternative is feasible and prudent and the analysis of whether the Project will "use" Mother Waldron Neighborhood Park under Section 4(f) of the Department of Transportation Act. Comments on these issues require written responses in this Final Supplemental EIS/4(f). The deadline for submitting comments on the Draft Supplemental EIS/4(f) was July 22, 2013, although comments submitted after this deadline are also addressed in the Final Supplemental EIS/4(f). Although they will not receive written responses in this Final Supplemental EIS/4(f), additional comments and questions on the Project may be submitted to HART at any time.

My aim is to determine if a window for getting information on the project will be partially closing after this period in which questions and comments for the supplemental EIS are accepted is ended.

Thank you

John
Oahu resident concerned about traffic

Record Date : 7/11/2013
First Name : Ken
Last Name : Settsu
Business/Organization : Retired Nuclear Engineer
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

Now that I see the proposed Beretania Street Tunnel, it appears that the tunnel cannot physically be built for the paltry sum of \$960M. In the late 1970's or early 1980's, when trying to build a RAIL tunnel under Chinatown, the flow of water from Kapalama Canal could be stopped but the flow of water from the underground stream parallel to Kapalama Canal could not and the cofferdams would keep filling up with water. Building the Beretania Street Tunnel requires damming/diverting/reducing the flow in the Kapalama Canal in order to dig and insert a stabilized tunnel section. However, the parallel underground stream cannot be dammed/diverted/reduced unless we dig up from Honolulu Harbor to Nuuanu until we find the source of the underground stream and then dam/divert/reduce the flow of the underground stream in order to dig up and insert a stabilized tunnel section. That was one consideration to install the RAIL above grade. The \$960M cost estimate to build the Beretania/King St. Tunnel appears to be very small considering the eminent domain requirements to possibly remove multi-million dollar condominiums/historical buildings such as Park Place, Chinese Cultural Plaza, Wo Fat's, St. Andrew's Cathedral, etc. to find the underground stream. If the Beretania/King Street Tunnel is built, won't this adversely affect traffic flow along the Beretania/King St. major east-west arterials in/near the CBD and Chinatown for a long time? Won't the State Capitol underground parking, possibly Kawaihao Church Iwi, etc. also be adversely affected? It appears that the majority of transit trips from the Ewa plain are now to Pearl Harbor. Smart buses would run past Pearl Harbor requiring people to backtrack to work! An elevated monorail to UH Manoa or Waikiki from Ala Moana is a future TOD possibility.

Set - 1

Set - 2

Set - 3

- Set-1 The cost estimate for the Beretania Street Tunnel Alternative, as detailed in Section 3.5.4 of the Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)], these cost estimates include consideration of groundwater conditions. The tunnel would generally travel below Beretania Street and require limited right-of-way acquisition.
- Set-2 Tunnel construction would affect traffic during the construction phase, as discussed in the construction sub-section of Section 3.5.3 of the Draft Supplemental EIS/4(f). After completion, the alternative would not have a substantially different effect on traffic from the Project.
- Set-3 Section 3.4 of the Final Supplemental EIS/4(f) has been updated to clarify that the depth of the tunnel would increase in the vicinity of the Hawai'i State Capitol to avoid conflicts with existing vehicle access to the Capitol Building's parking garage.

Reply Requested :

Cliff Slater
3105 Pacific Hts Rd
Honolulu Hawaii 96813

July 22, 2013.

Mr. Ted Matley,
FTA Region IX,
201 Mission Street, Suite 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu,
1099 Alakea Street, Suite 1700
Honolulu, HI 96813

Dear Mr. Matley:

Our comments on the 2013 Draft Supplemental EIS for the Honolulu rail project

The following are our comments on the 2013 Draft Supplemental Environmental Impact Statement (DSEIS) for the rail project:

A. Issuance of the DSEIS was improper

Your 2013 Draft Supplemental Environmental Impact Statement (DSEIS), p. 1, states:

A separate evaluation is underway related to the identification of previously unidentified potential TCPs, as required in the Project's Section 106 Programmatic Agreement. Any identified TCPs would be evaluated in accordance with 36 CFR 800 and any use would be documented in a supplement to the Project's Record of Decision. DSEIS p. 1.

The evaluation of potential TCPs requires a 4(f) analysis and should be so described in the 4(f) section of the DSEIS. Further, the issuance of the DSEIS prior to completion of identification of TCPs is premature and also improper.

B. Failure to "rigorously explore" alternatives

Typical of the City and HART's handling of alternatives in the entire environmental process since its inception, is the lack of any effort in the DSEIS to examine alternatives in dealing with both the avoidance of Mother Waldron Park, and modifications of the Beretania Street Tunnel route.

1. Mother Waldron park could be avoided by using one of two alternate routes:

- a. Changing the current route to continue along Ala Moana Boulevard, instead of turning along Halekauwila Street, and turning up Ward Avenue to unite with the current Project route at approximately *Ross Dress for Less*.

Sla-1

Please see Common Response 4 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding the Traditional Cultural Properties analysis.

Sla-1

Sla-2

The Draft Supplemental EIS/4(f) documents the reconsideration of the determination that the Project will not constructively use Mother Waldron Park, taking full account of the evidence of the Project impacts on the park. The November 1, 2012 District Court Order states that "If Defendants conclude that the Project will, in fact, constructively use Mother Waldron Park, they must seek prudent and feasible alternatives to such use, or otherwise mitigate any adverse impact from constructive use of the park." District Court Order on Cross Motions for Summary Judgment at 20-21. Please see Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding impacts to Mother Waldron Park.

Sla-2

Under 23 CFR 774.3(a)(1), an evaluation of avoidance or feasible and prudent avoidance alternatives is required if the alternative results in a use of any Section 4(f) resource. FTA has determined the Project does not use or constructively use Mother Waldron Neighborhood Park and Playground. Therefore, no avoidance alternative is required. Even so, Section 4.3 the Final Supplemental EIS/4(f) also includes an evaluation of alternatives that would avoid any impact on Mother Waldron Park and concludes that the Queen Street Shift Alternative would use Section 4(f) properties.

<p>b. Changing the current route to continue along Ala Moana Boulevard, instead of turning along Halekauwila Street, and turning up Kamakee Street (a large parking lot is at the makai/Ewa corner) and joining the current Project route at Queen and Kamakee Streets, the makai/Koko Head corner of which is a landscaped area. Both ends of Kamakee Street thus allow relatively shallow turns onto Kamakee and Queen Streets.</p>	<p>Sla-2 (cont.)</p>	<p>Sla-3</p>	<p>Please see Common Response 3 in Section 5.2.4 of the Final Supplemental EIS/4(f)</p>
<p>2. The Beretania Street Tunnel Alternative could be modified by shortening the current route to begin at the junction of Farrington Highway and Fort Weaver Road, the Mauka/Ewa corner of which consists of empty fields suitable for a large parking area.</p> <p>This would reduce the Beretania Tunnel Alternative cost by approximately \$600 million. The reduced cost added to the advantage of avoiding the Downtown historic waterfront area would make this alternative preferable to the present Project route.</p>		<p>Sla-3</p>	<p>Sla-4</p>
<p>C. <u>References to “planned extensions” should not be considered in the DSEIS</u></p>			
<p>The DSEIS, Table 3, compares the effectiveness of the Project, the Beretania Street Tunnel Alternative, and the Project with Planned Extensions.</p>			<p>The Final EIS/4(f) was not required to include future extension of the Project in the Project Description. See, November 1, 2012 Order on Cross Motions for Summary Judgment at 41-43. The District Court stated: “The rail project as defined in the FEIS, running from Kapolei to the Ala Moana Center, satisfies the independent utility test. While it is true that future extensions to Waikiki and UH may not have independent utility, Plaintiffs’ challenge is not to an EIS dealing with those extensions and so the court need not address the independent utility of speculative future developments. The record amply supports the conclusion that the route in the FEIS will serve a purpose even if the proposed extensions are never built. AR 247at 791 (FEIS explaining that planned extensions were not included because no funding had been identified for them, but that the rail project had logical termini and independent utility from any extensions that may be constructed in the future); AR 9556 at 9568 (Ala Moana Center is served by more than 2,000 weekday bus trips and visited by more than fifty-six million shoppers annually).” Order on Cross-Motions for Summary Judgment at 42-43.</p>
<p>HART forecasts more riders for The Beretania Tunnel Alternative than it does for the Project. It is unreasonable to even mention the Extensions since they are highly unlikely to ever be built as Hawaii’s Chief Federal District Court Judge Mollway opined on behalf of the entire Court in her comments on the DSEIS.</p>	<p>Sla-4</p>		
<p>HART tells us that the Extensions would cost an additional \$4 billion and Senator Daniel Inouye is no longer with us. Further, the 80 percent increase in costs would only result in a 28 percent increase in riders. (FEIS, p. 3-75.)</p>			
<p>The “planned extensions” referenced in the Final EIS were not subject to environmental analysis in that document. They should have been analyzed in the Final EIS because there have been many instances of the City/HART alluding to constructing these extensions in the future. Had these extensions been examined for their environmental impacts from rail, the City would have been faced with significantly damaging two major karst systems, the Ewa and the Moili’ili systems (see endnotes). As it is, there are no mentions of karsts either in the Final EIS or the DSEIS.</p>	<p>Sla-5</p>	<p>Sla-5</p>	<p>Please see the response to Judge Mollway’s comments (Mol-3 and Mol-4).</p>
<p>D. <u>The Beretania Tunnel Alternative offers the “least overall harm”</u></p>			
<p><i>A least overall harm analysis balances these factors to eliminate the alternative(s) that, on balance, present the greatest harm in light of the Section 4(f) statute’s preservationist perspective.</i> DSEIS, p. 11.</p>	<p>Sla-6</p>	<p>Sla-6</p>	<p>Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f)</p>

HART's analysis fails in its attempt to portray the Project as being the least harmful to our environment. To put it in perspective, the 100 year-old Outdoor Circle, Hawaii's oldest environmental organization, described the Project as being "the biggest threat to Oahu's landscape in the past 100 years."

HART skews its analysis of the threat that the Project poses by merely using quantitative analysis rather qualitative. By just using quantities it includes virtually irrelevant 50-year old tear-downs as being historic sites comparable to the Dillingham Transportation Building, the Chinatown Historic District, and other significant buildings in our historic waterfront area. This is nonsensical.

Further, in the DSEIS it states:

Overall, the Beretania Street Tunnel Alternative is located in an area with a lower potential to encounter archaeological resources and burials than the Project; however, the alignment, station locations, and portal locations for a tunnel are much less flexible than the column locations for an elevated guideway. As a result, the potential impact at the portals and stations is higher for the Beretania Street Tunnel Alternative than for the Project, which would disturb a limited area at column footings and stations. The Project would disturb 8 acres of land for column foundations, utility relocations, repaving, and elevated stations, which is 5 acres less than the Beretania Street Tunnel Alternative.
DSEIS, p. 58.

This totally ignores that the whole waterfront segment would have supporting pillars almost twice the square area of the Tunnel Alternative and, in addition, those pillars will sit upon pile caps of an approximate size of 42' x 12' x 5', which in turn will be capping three to five pillars underneath it.

In short, any harm to the historic properties and burial sites along the Beretania Tunnel Alternative cannot begin to compare to the harm that the present Project would do to our historic waterfront area.

Table 3 compares effectiveness of the Project, the Beretania Street Tunnel Alternative, and the Project with Planned Extensions. The tunnel option forecasts more riders than does the Project. It is unreasonable to even mention the Extensions since they are highly unlikely to ever be built as the Hawaii Federal Judges' letter mentioned earlier attests to. Further, the 80 percent increase in costs to build the extensions would only result in a 28 percent increase in riders. (FEIS, p. 3-75.)

Sincerely,



Sla-6
(cont.)

Sla-7

As discussed under the Archaeology sub-heading in Section 3.5.3 of the Final Supplemental EIS/4(f), archaeological studies have been completed for the Project as required by the programmatic agreement among FTA, the City, the U.S. Navy, the SHPO, and the Advisory Council on Historic Preservation. The design of the Project has been modified to avoid all previously identified human remains.

Sla-7

The Archaeological Inventory Surveys are now complete and accepted by the SHPO. The City has determined that the Project will avoid impact to any burials. The Final Supplemental EIS/4(f) has been updated to reflect the completion of these studies. Because the Project will have no impacts on burials, the Beretania Tunnel Alternative would not reduce any impacts on burials. In fact, the alignment, station locations, and portal locations for a tunnel are much less flexible than the column locations for an elevated guideway. As a result, the potential impact at the portals and stations is higher for the Beretania Street Tunnel Alternative than for the Project. As stated in Section 3.5.3, the Beretania Street Tunnel Alternative would disturb 13 acres compared to the Project's 8 acres. There would be no pile caps because the Project will use drilled-shaft foundations.

Sla-8

Sla-8

As discussed above, Table 3 and the expanded analysis in Table 9 of the Final Supplemental EIS/4(f) include data on potential future extension of the Project from Ala Moana Center to UH Mānoa as a point of reference and in response to comments received on the Draft Supplemental EIS/4(f). The extension from Ala Moana Center to UH Mānoa would result in a 10-percent increase in rail boardings and 12-percent increase in user benefits compared to the Project (Table 3) for a 16-percent increase in cost (Table 9). This compares to the Beretania Street Tunnel Alternative which would provide a 1-percent increase in rail boardings and 2-percent decrease in user benefits compared to the Project with a 19-percent increase in cost. See response Sla-3, which addresses cost issues.

Endnotes:

A. Moiliili Karst

1. http://www.honolulutraffic.com/Technical_reports/archaeological_resources.pdf
2. http://www.honolulutraffic.com/Admin_Record/Administrative_Record_rev_2.28.12/Administrative_Record_Volumes_1-11/Vol002_AR00028614/AR00037676.pdf p. 4-72 (AR00037785)
3. <http://www.caves.org/pub/journal/PDF/V60/V60N3-Halliday.pdf>
4. <http://www.caves.org/section/ccms/wrh/>
5. <http://totakeresponsibility.blogspot.com/2012/12/moiliili-karst-moiliili-water-cave.html> Peter T. Young, former head of DLNR.

B. Ewa Karst

PROPOSED AMENDMENT	RESPONSE
10. (B) Ewa Plains Karst Water System. Recognize in the EDP that the Ewa Plain's water system is an important hydrological, geological and cultural feature with possible hazards that may need mitigation.	<ul style="list-style-type: none">• The proposed 'Ewa DP adds a policy protecting endangered fish and invertebrates present in sinkholes such as Ordy Pond.• It is not clear what specific policies or guidelines are desired beyond the existing and proposed policies protecting natural, cultural, and historic resources in 'Ewa and guarding and conserving the 'Ewa nonpotable aquifer.

1. http://dev.honoluluudpp.org/Portals/0/pdfs/planning/ewa/ewa5yr/130328_DPPT_oZPC.pdf page 7 of 9.
2. <http://www.honolulustransit.org/media/50597/20111206-aisp-wofh-sec3.pdf> p. 35.
3. http://ewaplainsprograms.weebly.com/uploads/1/5/0/6/15066970/rare_native_plant_stalls_land_plans_for_kalaeloa.pdf
4. https://gsa.confex.com/gsa/2003SC/finalprogram/abstract_48485.htm
5. <http://www.koolina.com/storytellers/unearting-the-past>
6. Aila letter: <http://www.honolulustransit.org/media/81727/20120420-letters-traditional-cultural-properties-analysis.pdf>

Record Date : 7/17/2013
First Name : norm
Last Name : takahashi
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : Why not have dedicated vans that loop between Ala Moana and U.H. for free transportation for student/teachers, etc. that have a rapid transit pass or transfer? Thus, no need for any further rails to get to U.H. Tak-1

Reply Requested :

Tak-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. As discussed in Common Response 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation, funding is not available either to extend the Project to UH Mānoa or to construct the Beretania Tunnel Alternative to terminate at UH Mānoa.

Record Date : 7/12/2013
First Name : Toshi
Last Name : Takata
Business/Organization : Attny-at-Law
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : The rail route, as planned, will not address the traffic problem it is supposed to help alleviate. It will instead best serve those powerful interests who stand to benefit greatly on rail related development along its present ill-conceived Kakaako alignment. Unless the more effective Beretania alternative, that goes all the way to UH is adopted; it cannot even begin to justify the huge costs involved that ultimately only benefit such a relatively small, select group. If the voices of reason do not prevail, I pray that the hard punch of reality will stop this gravy train dead in its tracks before it costs us anymore - in \$s as well as just plain common sense faith & credibility in our public officials for us non-rail affiliated taxpayers.

TakT-1

TakT-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. As discussed in Common Response 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation, funding is not available either to extend the Project to UH Mānoa or to construct the Beretania Tunnel Alternative to terminate at UH Mānoa. See Common Response 6 regarding least overall harm.

Reply Requested :
Attachments :

Record Date : 7/14/2013
First Name : Robert
Last Name : Tellander
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List : -----

Submission :

A SHIFT IN THE HART TO A NEEDED TRANSPORTATION SYSTEM

From the very inception of HART, the goal was a development scheme, not a transportation system. Consequently, the large landholders hoped to turn fallow plantation land into a viable "second city" until it became impossible to move from West Oahu to downtown in less than two hours one-way.

The problem was Pearl Harbor--a military enclave--that for security reasons was impenetrable by civilian traffic. Squeezed by the bulge of the harbor and the developed mauka settlements, an urban problem emerged that forced HART to create an alternative that would carry larger numbers of residents at a faster rate into the First City. The solution became a "high speed" elevated rail system that would carry one from Kapolei to Ala Moana Center in 90 minutes--not exactly high speed, but at least a commuter did not have to waste costly gasoline and undergo a daily stress test.

After being opposed and its strongest supporters politically deposed, sheer desperation has brought closure, and HART is now a reality. However, it is not the solution it was promoted to be but the start that triggers another set of problems. You cannot dump that many persons by rail in a space that cannot accommodate them, just because they arrived there. Vision demands that we create a viable and useful transportation system, not an heroic solution to one problem that frustrates developers.

Such transportation development projects put the vehicle solution before the common good.

Consequently, we need a dispersion and delivery system that makes life better in Honolulu rather than one that shifts the expectations of developers upon the ordinary citizens who must pay to satisfy their needs in a zero-sum game. Therefore, the end-game needs to be developed and explored and made part of the total complex of rail transit on Oahu.

In this light, it becomes apparent what is needed is three loop lines of light rail: (1) In Waikiki, the economic "cash cow" of the local economy; (2) To UH, Manoa, the human development center of our future, and (3) In Downtown, the administrative center of our state. These light rail lines, along the left-hand curb lane, raised six inches above the existing road bed are loop rail lines and double as bike paths that flow in the reverse direction so bicyclists may yield when they encounter on-coming trains.

The light rail terminals will have two locations: (1) At Kalakaua and the Ala Wai Canal opposite the Convention Center in the space currently occupied by a Recycling Depot and a homeless camp, and (2) At Aala Park where King and Beretania intersect.

THE WAIKIKI LIGHT RAIL LOOP

The Waikiki Loop line would run down the makai side of the Ala Wai Canal to Ala Moana Blvd. mauka to Kalakaua then Diamond Head to Kapahulu then mauka to Ala Wai Blvd and Ewa back to the terminal at Kalakaua bridge. With stops at all major hotels with on-board mounted iPads to inform hotel staff which guests and how many would be arriving, hotels then greet and collect their guests with their luggage and deliver them to their respective hotel rooms. Hospitality now becomes a uniquely personal Aloha service. (Triple parking buses will no longer block the traffic flow on Kalakaua Avenue, and destroy the Spirit of

Tel-1

Tel-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Alternatives to the Project were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.

Aloha.) Since the Waikiki Loop Rail operates in a counter-clockwise direction, multiple trains follow each other in ten minute intervals. (Local residents may purchase year long transit passes so they do not need an automobile and a parking space to move about their community.)

THE UH, MANOA LIGHT RAIL LOOP

The UH, Manoa light rail loops clockwise from the terminal at the Convention Center and moves Diamond Head and then mauka crosses Kapiolani into Hauoli to Citron and then Ewa to Kuikahi with a mauka curve into Punahou. At Wilder it turns Diamond Head to Metcalf where it moves mauka up the grade to University Avenue. At the University it turns makai down University Avenue to the Ala Wai Canal and turns Ewa to return to the terminal.

Like the other loops, every ten minutes another train follows behind the other and the raised glide path is used by on-coming bicyclists who pull aside in the face of on-coming trains. This loop serves most of the major private schools in addition to the UH, Manoa.

THE DOWNTOWN LIGHT RAIL LOOP

To resolve the "security risk" concerns of those in the Federal Building where the elevated rail was scheduled to run down Halekauwela, we terminate the elevated rail at Aala Park and transfer passengers onto awaiting light rail trains who want to go downtown or to UH, Manoa, and the HART slopes down to ground level line and travels along the curb mauka lane along the Nimitz Hwy and forks onto Ala Moana and terminates at the Convention Center at the ground level carriage entrance at Atherton and Kapiolani. Tourists headed for Waikiki Hotels transfer through an underground passage with moveable sidewalks to reach their awaiting tram at the light rail terminal on the Diamond Head side of Kalakaua. (With this configuration, a rail bridge parallel to Kalakaua would need to span the Ala Wai Canal and connect with the loop heading Ewa down the other side of the Canal to Ala Moana that would curve Diamond Head over the existing Kalakaua bridge onto the Ala Wai Blvd. Similarly students and tourists could catch the tram mauka to the university. Downtown workers and West Oahu students, however, would disembark at Aala Park terminal and catch the Beretania-Punahou-King Street Downtown Light Rail Loop. (Students would transfer to the UH, Manoa Light Rail Loop at Punahou and Beretania. Since the light rail loops would be extensions of HART, passes and tickets would apply as transfers everywhere, as well.

To return the HART train to the elevated skyway could be accomplished by sending it back to Aala Park terminal by way of the left hand curb lane Ewa down Kapiolani to Ward and down Queen to Nimitz Hwy where it begins its elevated incline at Fort St. and curves up to attain the elevated level of the HART to Kapolei, (Note: The elevated level of the HART station will require a pedestrian bridge over King Street and an escalator down to Beretania at Aala Park to reach the downtown light rail loop terminal.) This use of the HART train on street level has the virtue of serving Kakaako and not leaving it in a transportation donut hole. However, it will have the negative effect for owners and investors who were counting on HART to give their projected high rises viable life--including the state's own highest tower project--by directly passing by their door step. On the other hand, this approach has the added virtue of resolving the security issues, and by going to ground level avoids many downtown iwi discoveries, and resolves the issue of safe bicycle routes downtown.

I hope this helps you with your plans. If not, I am certain the opposition

will use it as a rational alternative to the "My way only" view that serves to offend those who must and will pay for the project.

Keep smiling,

Robert Tellander

Reply Requested :

First Name : Leroy
Last Name : Uyehara
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

More propaganda...in all the cities in which there is rail, traffic congestion is high...the difference with Honolulu is that we will have rail that goes from here to there...20 miles with 20 stops. So our traffic congestion will continue to be high, at its worst when TheRail is under construction. When all is said and done, TheRail and TheBus and Handyvan will have the same ridership as now, no where near the counts Hart projects, the common fare between rail and bus will cause both systems to bleed money and the taxpayers will be left with huge operating deficits.

The city is already bankrupt as other cities in the nation...Honolulu has the sewer liability in addition to the pension and healthcare liabilities. The city is trying to raise new forms of taxes or at least "fine tune" existing sources. It is really time to reduce operating costs...as well quit TheRail...it is not affordable to design, it is not affordable to gain approvals, it is not affordable to build, and not affordable to operate. In addition, the train builder and operator (is this not a conflict?) is in financial trouble, no matter what they say/said to the city.

It really is time to take stock, take a deep breath, and cancel this project...it is too costly, will provide very little benefit, and will bankrupt the city to operate.

Uye-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. The Project's impacts on traffic and financing were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation regarding costs and available funding.

Uye-1

Reply Requested :

Record Date : 6/25/2013
First Name : Ed
Last Name : Wagner
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

The 19th century steel wheel on steel rail CHOO CHOO train system being shoved down our throats by rich and powerful people with an insatiable lust for money, power, and control will be the biggest government boondoggle since Solyndra went belly up.

The people of Honolulu were lied to time and time again just to get votes to move forward. Only 51% voted for rail. If residents were to vote for it today, after seeing the truth come to light, I suspect that 75% or more votes would be against rail.

The only reason for rail is for the sole benefit of the rich and powerful who just want to increase commercial real estate density along the route. They don't even care how many residents actually ride on the CHOO CHOO.

Like Martin Luther King, I have a dream - that social justice (and now economic and environmental responsibility) will prevail over the insatiable greed that has taken control of human society like a dark cloud hanging over humanity, for it is social justice that is the true measure of human progress.

In other words, the needs of the many (Hawaii's people) outweighs the needs of the few (HART, FTA, Honolulu City Council, ETC.) or the one (Honolulu Mayor, Hawaii Governor, ETC.). (Star Trek Mr. Spock's famous words)

In a recent speech to diplomats accredited to the Holy See, Pope Francis also spoke of the need for more ethics in finance.

"The financial crisis which we are experiencing makes us forget that its ultimate origin is to be found in a profound human crisis," he said, adding: "We have created new idols [HART & FTA]. The worship of the golden calf of old has found a new and heartless image [HART & FTA] in the cult of money and the dictatorship [by HART & FTA & Other Rich & Powerful] of an economy which is faceless and lacking any truly humane goal"

However, the winds of change are upon us - a beacon of hope for humanity.

The B Team Launches: Nonprofit Group Aims To Build Better Version Of Capitalism, one which puts Spaceship Earth and people first and profits second.

http://www.huffingtonpost.com/2013/06/13/the-b-team-launches_n_3433538.html

<http://www.guardian.co.uk/sustainable-business/blog/richard-branson-jochen-zeitz-b-team>

<http://bteam.org/>

Plan B will never happen in Hawaii until we eliminate the influence of greedy people like HART & FTA as well as our shipping and electric monopolies. Only then will our economy move forward on a fast track to recovery.

Reply Requested :

Wag-
1

Wag-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 11 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] regarding comments outside of the scope of the Supplemental EIS/ 4(f).

Record Date : 6/6/2013
First Name : Daniel
Last Name : Walker
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :

Add to Mailing List :

Submission :

Our family supports building the full Light Rail project ASAP to reduce car traffic, air pollution, and provide improved mobility options for many students, workers, and seniors in Honolulu. This EIR update should be certified and full construction should commence as soon as possible. There is no rational reason to delay construction further to study BRT or other less desirable options again. While not perfect for everyone on the island, this is a good transportation option, which voters have approved. Adequate funding is now in place to build a good Light Rail system to many key Honolulu destinations. Further redundant studies will likely only drive up cost and potentially jeopardize federal funding. In this recession, the local Honolulu economy will benefit if hundreds of good LRT construction and engineering jobs can continue and move forward ASAP.

Wal-1

Wal-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project and acknowledge the support for the Project.

Reply Requested :

Record Date : 7/12/2013
First Name : Allan
Last Name : Wang
Business/Organization : Allan Wang, MD, PhD
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission : I think it necessary and optimal that any Oahu rapid transit system run to the University, Waikiki and by the Convention Center, in that order. In this way I believe the taxpayers would see the best return on our investment. Why it would run to Ala Moana Center instead of the others is incomprehensible. | Wan-1

Reply Requested :

Wan-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Comments on the extension to UH Mānoa were addressed in Section 8.6.2 of the Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)]. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Record Date : 7/11/2013
First Name : Chris
Last Name : Yannella
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :

Submission :

There are tons of students that ride the A or 6 to Ala Moana. Myself included. Living in the area, it would be a much faster commute from UH Maona with the train. Having to wait forever for the bus on Sunday or Holidays really makes times from point A to B much longer. During daily rush hour, waiting for the A or ridding the A in traffic takes a really long time. Try it and see for yourself. Please extend the rail to UH Manoa at all costs!

Yan-1

Yan-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation.

Reply Requested :

Record Date : 7/16/2013

First Name : George

Last Name :

Business/Organization :

Address :

Apt./Suite No. :

City :

State :

Zip Code :

Email :

Telephone :

Add to Mailing List :

Submission : He is supportive of the rail project and wanted clarification on the article he read this morning regarding Susan Mollway. | Geo-1

Reply Requested :

Geo-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see the responses to the comments on Judge Mollway's letter.

Record Date : 7/22/2013
First Name :
Last Name :
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email : rosalie.
Telephone :
Add to Mailing List :
Submission :

please reconsider the rail as it currently is. it will take away from the beauty of the islands, and it will not serve the majority of people on the island. It will only go from a vacant piece of land to the Ala Moana shopping center, not to the University of Hawaii. The University of Hawaii causes the most traffic, as we see that during the summer (UH is out) traffic is light. 100% of people I talked to that live in Ewa Beach, Mililani, Mililani Mauka, Waiaane, Kapolei and Kunia will NOT ride the rail. Have there been any studies on ridership?
 Also, the rail route as it stands (which makes no sense unless you're a developer with plans on TOD) goes through dense portions of town, how many buildings will rail have to destroy in order to be built? How many views have to be blocked? I don't think that rail will serve it's purpose of transporting people in an efficient manner. You will NOT get people to give up their cars. Rail will turn this city into a ghetto with the concrete pillars, noise and black soot. Please please go back to the drawing board!

Ano-1

Ano-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Ridership was addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)] issued in June 2010. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Ano-2

Ano-2 Visual impacts and displacements were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010.

Reply Requested :

Record Date : 7/11/2013

First Name :

Last Name :

Business/Organization :

Address :

Apt./Suite No. :

City :

State :

Zip Code :

Email :

Telephone :

Add to Mailing List :

Submission :

I totally support the rail to UH-Manoa. Anyone who lives from Central to West Oahu knows that when there is no UH in session, the traffic drops dramatically! Who goes to the Ala Moana Center between 6:30-8:30, when traffic is the heaviest out west side??? I'm not saying that the rail shouldn't go to ala moana. I'm saying that whatever the route, it should go to UH Manoa.

Ano1-1

Ano1-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Please see Common Response 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation.

Reply Requested :

Record Date : 7/15/2013
First Name :
Last Name :
Business/Organization :
Address :
Apt./Suite No. :
City :
State :
Zip Code :
Email :
Telephone :
Add to Mailing List :
Submission :

First let me start by saying that I live in Ewa and drive to town M- F by myself. I need my car because before, during and after work I travel away from my office for business and or personal appointments. I have noticed through the years that when UH Manoa is on break, traffic flow from the west side is lighter.

Now, about the "project" or the alternative route via Beretania under ground tunnel. In my opinion this entire rail project was ill conceived so its not surprising that execution of the plan has hit numerous roadblocks. A full environmental impact study of the entire route should have been performed before the project started. If we can't build a rail that meets the needs of the communities affected and has the capability of going from the west side of Honolulu to UH Manoa without harming or otherwise impacting the environment or historical sites, or creating risk to public safety - - then don't do it at all. Find another way to solve the problem. The problem is heavy traffic from the west side - right? So adding an extension from the H1 with toll bridge over Ford Island to west lock, more express busses from the west side to/from UH Manoa and west UH campus, adding a second level freeway over H1 (toll way) or for use with with smart cars, reverse zipper on H1 going west etc. etc. have all been thoroughly vetted? If so, please publish results of those studies. I think the latter initiative is already underway.

Ano2-1

Ano2-1

The entire Project was evaluated in the Honolulu High-Capacity Transit Corridor Project Final EIS/4(f) issued in June 2010.

Ano2-1

Ano2-2

Project alternatives were addressed in the Final EIS/4(f). Please see Common Response 2 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding extension to UH Mānoa.

Record Date : 7/20/2013

First Name :

Last Name :

Business/Organization :

Address :

Apt./Suite No. :

City :

State :

Zip Code :

Email :

Telephone :

Add to Mailing List :

Submission :

I see a big failure in this project, waste of money, people still will use cars, it is more convenient to ride the car and go around than go to the station and ride a rail and get to wherever they go, besides as most project in Hawaii it will drag for years (there is not enough money for that) and it is a big burden for us living in state of Hawaii... please stop the rail project and repair roads instead and also make bus system better.

Ano3-1

Ano3-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.

Reply Requested :

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Honolulu Authority for Rapid Transportation
Public Hearing for the
Draft Supplemental EIS/Section 4(f) Evaluation
July 9, 2013
Neal S. Blaisdell Center

Transcribed by: Jessica R. Perry, CSR, RPR

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Honolulu, HI (808) 524-2090

1 MR. MORIOKA: Good evening, and thank you
 2 very much for coming tonight. My name is Brennon
 3 Morioka, and I'm the deputy executive director for the
 4 Honolulu Authority for Rapid Transportation or HART.
 5 I will be serving as the hearings officer for
 6 tonight's public meeting or public hearing for the
 7 Draft Supplemental Environmental Impact
 8 Statement/Section 4(f) Evaluation for the Honolulu
 9 Rail Transit Project. Just to make things a little
 10 simpler for me, I will refer to this document as the
 11 draft SEIS.

12 The purpose for this public meeting
 13 tonight is to provide all of you, the public, an
 14 opportunity to comment on the draft SEIS. This
 15 document was completed to comply with an order of the
 16 Federal District Court for the Federal Transit
 17 Administration, or FTA, and the City and County of
 18 Honolulu to conduct additional analysis on three
 19 specific issues regarding the FTA's compliance with a
 20 federal law known as Section 4(f) of the Department of
 21 Transportation Act.

22 Section 4(f) applies to approvals of
 23 federally funded transportation projects that use park
 24 and recreation sites or that use historic sites listed
 25 on or eligible for listing on the National Register of

1 Historic Places.

2 Specifically, the district court's order
 3 requires FTA and the city to do three specific things:
 4 One, supplement the final EIS regarding whether the
 5 Beretania Street Tunnel Alternative is a prudent and
 6 feasible budget alternative under Section 4(f),
 7 conduct additional analysis of whether the project
 8 would use Mother Waldron Neighborhood Park under
 9 Section 4(f), and, three, complete the identification
 10 of traditional cultural properties and complete a
 11 Section 4(f) analysis for any TCPs identified as
 12 eligible for inclusion on the National Register of
 13 Historic Places.

14 It's important to note that the district
 15 court did not invalidate the final EIS or the FTA's
 16 approval of the project and that the district court
 17 rejected the plaintiff's claims brought under the
 18 National Environmental Policy Act, or NEPA, and the
 19 National Historic Preservation Act. The draft SEIS
 20 addresses the first two actions that the district
 21 court required, which are the Beretania Tunnel
 22 Alternative and the Mother Waldron Park. We are here
 23 this evening to record your comments on the draft
 24 SEIS.

25 In addition to the draft SEIS, the FTA

1 and the city are completing an identification of
 2 previously unidentified above ground traditional
 3 cultural properties, or TCPs. These studies were
 4 distributed previously and made available to the
 5 public for review and comment and held public
 6 meetings. These reports are available on the project
 7 website at www.honolulutransit.org for those of you
 8 who are interested. The FTA and HART are coordinating
 9 with the State Historic Preservation Division on the
 10 final reports to document the findings. The
 11 investigation identified no additional eligible TCPs
 12 that would be adversely affected by the project.

13 So just to summarize the SEIS issues in
 14 terms of some of the findings for the two things that
 15 we were supposed to look at, evaluation of the
 16 Beretania Street Tunnel Alternative, the Beretania
 17 Street Tunnel Alternative would connect to the
 18 Dillingham Boulevard alignment Ewa of Kaaahi Street,
 19 where it would transition from an aerial alignment to
 20 a 5,980-foot tunnel. The tunnel would cross under the
 21 OR&L property, A`ala Park and Nu`uanu Stream before
 22 continuing under Beretania Street past Punchbowl
 23 Street.

24 It would then transition to an aerial
 25 section in the vicinity of the Fasi Municipal Building

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1 Parking structure, and the aerial structure would
 2 cross Alapai Street and transition to King Street
 3 through the Alapai Transit Center. It would then
 4 follow King Street to University Avenue and turn
 5 mauka, crossing over the H-1 to the lower campus of
 6 the University of Hawaii at Manoa.

7 The draft analysis of the Beretania
 8 Street Tunnel Alternative found that it's not a
 9 prudent alternative because of its extraordinary cost,
 10 Section 4(f) impacts, and other factors such as
 11 long-term construction impacts. It is not considered
 12 an avoidance alternative because it uses historic
 13 sites subject to Section 4(f).

14 Mother Waldron Neighborhood Park is a
 15 3.4-acre urban park bounded by Coral, Halekauwila,
 16 Cooke and Pohukaina Streets. Mother Waldron
 17 Playground is a remnant of a playground that was built
 18 by the Works Progress Administration in 1937 and the
 19 park has undergone several modifications over the
 20 years, including substantial modifications to the
 21 mauka portion of the park for the realignment of
 22 Halekauwila Street and the expansion of the park in
 23 the Ewa and Koko Head directions.

24 Mother Waldron Neighborhood Park was
 25 evaluated for constructive use of the project impact

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1 on park activities, features and attributes that
 2 qualify the park for Section 4(f) protection. No
 3 direct use of the park property is proposed, and the
 4 park's activities, features and attributes that
 5 qualify for protection pursuant to Section 4(f)
 6 include both its recreational use and the park's
 7 historic attributes that include the Art Deco
 8 restrooms, remaining portions of the Ewa boundary wall
 9 and benches, and the layout of the makai portion of
 10 the playground. The draft analysis found that the
 11 project does not substantially impair any of the
 12 park's activities, features or attributes.

13 So I'm sure many of you are here to
 14 provide testimony tonight and provide comment, which
 15 is our purpose here, to collect your comments.
 16 Today's testimony can be made in multiple ways. You
 17 can give oral testimony here in the public hearing
 18 room up here at the microphone. If you do not wish to
 19 speak in public, you may provide your testimony
 20 directly to the court reporter after the hearing.
 21 Written testimony may be left today at the comment
 22 table in the project information room next door. And
 23 after the hearing, written comments can also be
 24 provided directly to HART or the FTA at the addresses
 25 provided or on the project website at

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1 www.honolulutransit.org. Please remember that all
 2 comments must be emailed and/or postmarked to HART or
 3 FTA by July 22nd, 2013.

4 Just as a reminder for tonight's topic,
 5 it is the Draft Supplemental EIS Section 4(f)
 6 Evaluation. If you do have comments related to other
 7 topics other than those, please feel free to talk
 8 directly to one of our individuals -- one of our HART
 9 staff or contact us through the website and we will
 10 follow up with you directly and separately.

11 For tonight's hearing, if you wish to
 12 comment verbally, please fill out a registration card
 13 at the registration table just outside the table.
 14 Some of you have already done so. Any individual may
 15 appear and speak for him- or herself, or, if duly
 16 authorized, for any local civic group or organization,
 17 club or association.

18 Speakers should give their name and
 19 addresses. If representing a group, this information
 20 should also be provided for that group. Speakers must
 21 limit their statements to three minutes and we will
 22 have a timer up here so that you can see how much time
 23 you have left. All statements should be directed to
 24 me as the hearing officer and must be related to the
 25 Draft Supplemental EIS Section 4(f) Evaluation.

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1 Each testifier must speak at the floor
 2 microphone and we will call the testifiers up in order
 3 of registration. Please ensure that you are in this
 4 public hearing room at the time your name is called.
 5 A court reporter will be transcribing these
 6 proceedings and the hearing is specifically to record
 7 your comments. If you have questions, please feel
 8 free. Our HART staff is available in the public
 9 information room next door to help you with your
 10 questions.

11 It is now 4:39, so at this time I'd like
 12 to begin with the public testimony, and the first
 13 testifier is T.K. Chun of Honolulu.

14 MR. CHUN: My name is T.K. Chun. I'm a
 15 retired engineer. I live in Pacific Heights area. I
 16 support the rail transit system. I vote for it.

17 Now, about this draft EIS, I have -- I
 18 want to submit my writing on this, but before that, I
 19 want to point this out. On this draft EIS, you have
 20 this project to Ala Moana Shopping Center and you have
 21 it to UH Manoa. You compare the two costs. You look
 22 like you comparing apples with oranges. One is to Ala
 23 Moana Shopping Center and one is to UH Manoa, which in
 24 your table 9 it says that the project is 5.12 billion
 25 dollars and the other one is 6.06. I think this is

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Chu-1

Chu-2

Chu-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.

Chu-2 Please see Common Responses 1 and 2 in Section 5.2.4 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)].

Chu-3 1 faulty. You cannot compare the two project like that.
 2 Anyway, I'm going to read my statement.
 3 As you noted in your new draft report that you
 4 concluded that tunneling under Beretania Street would
 5 be feasible, but far too costly as an alternate. I
 6 disagree. The purpose of our transit project was
 7 clearly stated in the latest Draft Supplemental EIS is
 8 to connect Kapolei to UH Manoa campus. Why would you
 9 want to choose that route through our beautiful
 10 waterfront with ugly elevated structure and much less
 11 transit ridership to Ala Moana Shopping Center. This
 12 defeat the original purpose.

Chu-4 13 I previously testified and urged that our
 14 authority to adopt a transit route tunneling through
 15 downtown Honolulu in 2009. You dismiss it because it
 16 will cost much more. A good viable transit system
 17 should not be determined on cost alone. I believe the
 18 alternative tunneling under Beretania Street should be
 19 chosen now, even though the better alternative is
 20 tunnel through Hotel or King Street. Seattle is
 21 currently using the world's biggest tunneling machine,
 22 Bertha, 57-foot diameter tunneling through Seattle
 23 waterfront. Their tunnel will create three traffic
 24 lanes, top and bottom in the tunnel, replacing the
 25 ugly waterfront's elevated structure. State --

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Chu-3 Please see Common Response 5 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Chu-4 The 19-percent (\$960 million) increase in project costs (YOE) for the Beretania Street Tunnel Alternative compared to the Project, as detailed in Section 3.5.4 of the Final Supplemental EIS/4(f), would be greater than all available funding sources and would exceed contingencies. Selection of the Beretania Street Tunnel Alternative would prevent the Honolulu Rail Transit Project from advancing. Additional information has also been added in Section 3.5.1 and Section 3.5.4 of the Final Supplemental EIS/4(f) to consider a shortened Beretania Street Tunnel Alternative, but the data added in Table 3 also shows that the shortened alternative would perform poorly in meeting the Purpose and Need and the cost would still exceed available funds (Table 9). Please see Common Response 6 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding Least Overall Harm.

1 (Timer sounds.)

2 MR. CHUN: That's it.

3 MR. MORIOKA: If you want to make some

4 wrap-up comments.

5 MR. CHUN: Well, okay. I'll read the

6 last statement. The rail transit is the most

7 expensive infrastructure project for our state. It is

8 imperative that we do a sustainable project for our

9 city and do it right. I strongly believe a good and

10 efficient rail system is the way to go. If we are

11 going to build a viable rail transit system, it has to

12 connect our population center, not through our

13 waterfront. Going underground through downtown will

14 minimize disruption to our street service business and

15 a contractor can work day and night. Building a good

16 mass transit system will enhance -- it will enhance

17 our quality of life here in our island state. Let's

18 build a viable transit system for Honolulu.

19 My name is T.K. Chun. I live at 2646 B

20 Haili Road, Honolulu.

21 MR. MORIOKA: Next to testify is Mike Lee

22 from Ewa Beach.

23 MR. LEE: Aloha. My name is Michael

24 Kumukauoha Lee. I'm a native Hawaiian cultural

25 practitioner. And talking specifically about this

Chu-5

Lee-1

Chu-5 As discussed in Section 3.5.3 of the Draft Supplemental EIS/4(f), the construction period for the Beretania Tunnel Alternative would last approximately two years longer, and would affect a larger area, than construction of the project.

Lee-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.

1 project, there is HRS, Hawaii Revised Statutes,
 2 Chapter 6D, 1 through 13, protecting karsts, caves and
 3 underwater ground features. Also that's the Article
 4 11, Section 7 of the state constitution protecting
 5 groundwater. And also Article 12 of the state
 6 constitution, Section 7, Hawaii cultural rights.

7 One of the things we have to put on the
 8 table is our fishery. In our Hawaiian cultural
 9 practice, a basic food source is the limu or algae
 10 that is created by these underwater caves that bring
 11 in freshwater like aqueduct. Pahukaina or Pohukaina,
 12 like Pohukaina Street next to Mother Waldron, is named
 13 because there is Pahukaina underneath. These features
 14 subsurface need to be identified. They need to be
 15 protected because of the big pylons if you choose the
 16 feature of having the above-ground stations with the
 17 hundred-foot pylons. Multiple levels of these
 18 underground aqueduct feed the food foundation for our
 19 fisheries, which is a Hawaiian cultural resource and a
 20 public trust resource, all mandated and protected
 21 under the law.

22 Also, the Clean Water Act is the big dog
 23 running here. They have to be identified. They have
 24 to be tested, whether it's freshwater, moving water.
 25 We know for a fact that the Kawaihau stream -- spring

Lee-2 Please see Common Response 10 in Section 5.2.4 of the Final Supplemental EIS/4(f).

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Lee-2

1 was actually where the Advertiser building was in
2 historical documents. We know it crossed from where
3 the Iolani Palace was the traditional burial ground at
4 Pahukaina of our iwi kupuna.

5 So in finding of fact with what the
6 historical documents say subsurface, you also have to
7 take it as a TCP as well, because that was our
8 traditional cultural practices beneath there and
9 putting iwi kupuna or shells above the water. So
10 we're going to put in testimony before the 22nd
11 highlighting the specifics areas found in documents,
12 the newspapers and also sites of Hawaii and the
13 catalogue of placements in Hawaii.

14 But we need to put that on the table,
15 whether it's the alternative site in Beretania going
16 exclusively underground 25 feet to 40 feet or using
17 the big pylons. All of those things need to be
18 tested. The geotech reports need to be made public,
19 and all the testimonies that we put in also should be
20 on your website for public access and transparency.

21 Thank you.

22 MR. MORIOKA: Thank you, Mr. Lee.

23 Next will be Mr. Glenn Omelda from Ewa
24 Beach.

25 MR. OMElda: Aloha. Thank you,

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1 Mr. Chair. I want to -- if you don't mind, my name is
2 Glenn Omelda. I'm currently the president of the Ewa
3 Beach Community Association, plus I'm a board member
4 of the Kanehili Cultural Hui in Ewa.

5 I wish to talk on two issues tonight.

Ome-1

6 One is what's happening in the Ewa moku, and the other
7 one is the present EIS which has been laid on the
8 table. I agree with you, the tunnel should never be
9 built. Number one, because the near shore and the
10 flora and the fauna depends on the mauka -- on the
11 mauka waters that feed into the near shore to have a
12 balanced ecosystem. If you disrupt the estuaries,
13 underground estuaries, then you block the water, the
14 nutrients that come from the mauka side, you disrupt
15 it from going into the ocean. So with that in mind, I
16 agree that the tunnel should never have been built.

Ome-1 Please see Common Response 10 in Section 5.2.4 of the Final Supplemental EIS/4(f).

Ome-2

17 The other one is the Mother Waldron Park.
18 That too is a recreational site, and I think that the
19 same conditions that applies to the tunnel should also
20 apply to the park. So with that, I think the
21 underground and the near -- the nearness of the
22 pillars that would disrupt the water from -- and of
23 course the karsts that are underground, so I feel that
24 that should be taken into consideration.

Ome-2 Please see Common Response 7 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding Mother Waldron Neighborhood Park. The Project also would not affect groundwater flow near the park.

25 Let me talk briefly about the Ewa, the

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1 first leg of the rail. Ewa is known -- you talk to
2 federal agency, you talk about state, you talk about
3 county, when Barbers Point moved out, the military
4 moved out, that Kalaeloa area, Ewa moku area was
5 considered, among others, culturally sensitive. And
6 the TCPs, the resources and the assets should be
7 protected.

8 Now, we're talking about trails, we're
9 talking about the wahi pana, you know, sacred stories
10 and sacred places. We're talking about all these
11 things. We're talking about the karsts underground.
12 We're talking about the water that flowed mauka into
13 the ocean, and the near shore, the flora and the
14 fauna. Right now Ewa Beach, the reefs are dying. Ewa
15 Beach used to be the limu capital of the world. It's
16 not anymore. We used to have 200 different species of
17 limu. Now we've got less than ten.

18 So something has got to be done, and I
19 think that the rail is in a good position where they
20 should be consulted to the people, especially to the
21 groups in the Ewa region so that we can come to an
22 agreement that all of these things, the TCPs, the
23 resources and the assets should be protected.

24 Thank you.

25 MR. MORIOKA: Thank you, Mr. Omelda.

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1 Next up is Khistina Dejean, sorry if I'm
2 not pronouncing it correctly, from Honolulu. Could
3 you spell your name, please.

4 MS. DEJEAN: K-H-I-S-T-I-N-A, last name
5 D-E-J-E-A-N, Khistina Dejean.

6 MR. MORIOKA: I'm sorry.

7 MS. DEJEAN: I wish to give my testimony
8 today.

9 MR. MORIOKA: Yes.

10 MS. DEJEAN: I just finished running for
11 mayor of Honolulu, Hawaii, and then they kept it on
12 the down play that I wouldn't be heard, but I'm going
13 to be heard now, as I was heard in 2010 running for
14 mayor and governor in the special election.

DeJ-1 15 As I approach running for governor in
16 2014, I am against the rails because you have Hawaiian
17 heritage, you have Ewa Beach testifying and there's a
18 problem. I've been here as a missionary for eight
19 years, 18 years total as a missionary, and I still
20 focus on people first.

21 There's issues that I'm still seeing
22 that's not addressed. When you say that you're doing
23 these studies to provide the energy and what you're
24 going to do once the rails are placed, that's not
25 adequate. You have to have studies placed first

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DeJ-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project. Comments on general topics about the Project were addressed in the Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation issued in June 2010 addressed issues relating to water quality and displacement of people and businesses. Please see Common Response 4 in Section 5.2.4 of the Final Supplemental EIS/4(f) regarding Traditional Cultural Properties.

1 before finishing your project, which means that when
 2 I'm walking Dillingham and I'm seeing wires wrapped
 3 around the poles, you're not fully doing your homework
 4 and in which I am still saying no rails.

5 The Women of League Voters, my project
 6 is -- let me backtrack. My project is missionaries of
 7 color, and we are not going to just sit back and let
 8 the Hawaiian heritage have to suffer because you want
 9 a new toy. That is going to stop life. This is an
 10 island which is surrounded by water and we should make
 11 sure human life is addressed first. As I walked here,
 12 Beretania issues, the people are still living there on
 13 the street, which means you just don't bypass human
 14 life. This money that's supposedly already in place
 15 for the rails, as I win the race 2014, all plans can
 16 come to halt.

17 Things must be addressed appropriately on
 18 paper, played out for everyone, not just in certain
 19 areas that you're having this committee meeting. This
 20 should be a big, large meeting for everybody. Cameras
 21 should have been here, just like they were for the
 22 debate, to make sure everybody is a part of this
 23 so-called testimony, because I will give my testimony
 24 as we're doing on Olelo. You're not addressing
 25 everybody. Everyone is not saying what they truly

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1 feel. I didn't vote for the rails, as like I told
 2 Carlisle, lied on me, when I ran for 2012 race, I
 3 didn't vote for the rails. I'm against it. I'm
 4 against it now, I'll be against it 2014 when I will
 5 win the governor's race against Mr. Abercrombie, I'm
 6 against it, and we must do something and have a bigger
 7 committee meeting and not just this, quote/unquote,
 8 good old boy, closed in committee meeting of one
 9 section. Because I assure you, had everyone known
 10 about it, the Blaisdell building should have been
 11 filled up like the debate.

12 This is not going to work. I am opposed
 13 to it. I am doing my part when the league of voters
 14 said in 2010 -- I hear the clock.

15 MR. MORIOKA: Could you make some wrap-up
 16 comments.

17 MS. DEJEAN: I will wrap up.

18 But the women league of voters placed
 19 this issue in court and when the first vote came for
 20 the rail, because many of us, like I said, I didn't
 21 vote for it, there is supposed to be a tally. There's
 22 supposed to be a recount for really who wanted the
 23 rails, and surely you could have this one section, but
 24 I guarantee when you I get in 2014 you won't have
 25 everything that you ask for because it's not approved

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1 by Khistina and it's not approved by a lot of
2 Hawaiians, Ewa Beach, and it will be something
3 different.

4 MR. MORIOKA: Thank you very much.

5 Next up is Cindy McMillan from Honolulu.

6 MS. McMILLAN: My name is Cindy McMillan.

7 I'm here representing the Pacific Resource
8 Partnership, which I'll just refer to as PRP. We're
9 located in downtown Honolulu.

10 Pacific Resource Partnership is a
11 consortium of labor and management. We have the
12 Hawaii Regional Council of Carpenters on the labor
13 side and over 200 general contractors who are
14 signatory to the union.

15 We strongly support the rail project. We
16 believe that the draft SEIS shows that the Beretania
17 Street alternative is not a prudent alternative. It
18 will be too costly. It will have additional impacts
19 to historic sites, and it will have additional impacts
20 on the neighborhood and to traffic. We believe that
21 the draft SEIS has shown that there will not be a
22 significant impact on Mother Waldron in terms of a
23 negative impact. We do believe that the planned
24 development in that area will in fact bring more
25 people to that park to enjoy it in a place of

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McM-1

McM-1

The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project and acknowledge the support for the Project.

1 recreation, as it is meant to be.

2 We are again fully in support of the
3 project and we can't wait to see it happen. I speak
4 both as a PRP representative, as a downtown resident,
5 bus rider and future transit passenger.

6 MR. MORIOKA: Thank you very much.

7 Next to testify is Dr. Jim Anthony from
8 Ka'a`awa.

9 DR. ANTHONY: You got a chair that I can
10 sit down? I feel uncomfortable standing up. I mean,
11 you're sitting down, so you don't mind if I sit down
12 and address you.

13 MR. MORIOKA: Absolutely, go ahead.

14 DR. ANTHONY: I'm -- for the record, I'm
15 Jim Anthony.

16 MR. MORIOKA: Maybe hold --

17 DR. ANTHONY: You want me to speak into
18 this?

19 MR. MORIOKA: Yes, thank you.

20 DR. ANTHONY: Oh, my God. For the
21 record, I'm Jim Anthony, and I'm kind to this project.
22 A year ago I had some very serious doubts, and I asked
23 HART's administrative staff a lot of tough questions.
24 I didn't get answers to all of them that completely
25 satisfied me, but I thought that there were good

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1 grounds for coming around to the idea that this was a
2 good project. So I'm a supporter of rail and I think
3 it's important for me to disclose that.

4 We're here this afternoon not to talk
5 about whether we support rail or not. If you take
6 that position, you're a bit late. What we're here to
7 discuss this evening, this afternoon, is the
8 supplemental EIS that grew out of the decision of
9 Judge Tashima, who was from the Ninth Circuit Court to
10 hear this case because local judges at the local
11 section of the federal courts were forced to recuse
12 themselves. And so we're here to discuss what it is
13 in the supplemental EIS, it's a NEPA EIS, and I'm in
14 the fortunate position of having reviewed, in my
15 relatively active lifetime, about 30 or 40 of these
16 EISs.

17 This one, I think, on balance ought to be
18 supported by an intelligent and caring community.
19 We're here to talk about the supplemental EIS.
20 There's going to be a court hearing next month, and,
21 you know, the lawyers will get there and they'll do
22 their thing and they'll argue this before Ninth
23 Circuit and then the chips will fall where they may.

24 So the substantive point that I want to
25 Ant-1 emphasize is that I think on balance this is a good

Ant-1 The FTA and HART appreciate the commenter's interest in the Honolulu Rail Transit Project.

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1 supplemental EIS. I don't think it's perfect, but I
2 think it's a good -- it's a well-written document.
3 It's not going to be a classic in its field, but it's
4 going to be okay.

5 Lastly, but kind of importantly, I'd like
6 to commend HART. I have lots of stringent criticisms
7 about HART, but this is not the afternoon to voice
8 stringent criticisms. I want to commend them on the
9 range of languages in which this public notification
10 of this afternoon's proceedings have been announced.

11 That sounded like the train coming.

12 MR. MORIOKA: Yes. If you could make
13 some closing comments.

14 DR. ANTHONY: I'll conclude in 30
15 seconds.

16 I think it's to the credit of HART that
17 you have the announcement made in Tagalog and Ilocano
18 and Spanish and Vietnamese and Samoan and Chuukese and
19 Japanese and Chinese and in Korean. I think that's a
20 good thing. We are a multiracial community. It is
21 only the accidental colonial history that I'm talking
22 to you in English this evening. I could be talking to
23 you in Belgian or in French or in German if we had
24 been colonized by people from those countries. So
25 this is a good thing and I commend them for it.

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1 The last point I want to make is that
 2 throughout this enormously complex and politically
 3 contentious issue that has divided people across many
 4 sectors of our society, HART has been very, very
 5 conscientious of its cultural sensitivity, of its
 6 responsibility to respect local Hawaiian culture, and
 7 I want to underscore that. I think it's a good thing,
 8 and I think particular note should be made of it.

9 Thank you, Mr. Chairman, for your
 10 patience.

11 MR. MORIOKA: Thank you very much,
 12 Mr. Anthony.

13 DR. ANTHONY: You're not going to ask me
 14 any questions?

15 MR. MORIOKA: Absolutely not.

16 So is there anyone else present to --
 17 willing to or wanting to provide testimony on the
 18 Draft Supplemental EIS and the Section 4(f)
 19 Evaluation?

20 If you haven't registered, please state
 21 your full name and address for the record.

22 MR. SLATER: Cliff Slater, chair of the
 23 Honolulu Traffic.com. I just wanted to bring to
 24 everyone's attention the recent filing of an amicus
 25 brief, a brief on behalf of Honolulu Traffic, et al.

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Sla-1

As noted in Section 1.1 of the Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation [EIS/4(f)], the Supplemental EIS/4(f) was prepared to address the Judgment and Partial Injunction Order of the United States District Court for the District of Hawai'i in Honolulu-Traffic.com et al. vs. Federal Transit Administration et al.

Sla-1

1 in the federal lawsuit by the National Trust for
2 Historic Preservation.

3 For those who are not familiar with it,
4 it is the organization created by Congress to further
5 historic preservation policies of the United States,
6 and one of whose board members is the, by
7 congressional requirement, is the attorney general.
8 And they say: The failure of the Federal Transit
9 Administration to comply with Section 4(f) of the
10 Transportation Act with this -- with respect to this
11 massive elevated rail project which will cut through
12 the historic core of Honolulu and will adversely
13 effect numerous historic properties and districts
14 along its 20-mile length.

15 The document itself, and it's up on
16 Honolulu Traffic.com, and you can read it, it's quite
17 a lengthy document, but it goes into all the details
18 of the environmental harm that this project will do,
19 and that, of course, will be for consideration by the
20 appellate court.

21 Thank you.

22 MR. MORIOKA: Thank you, Mr. Slater.

23 Is there anyone else present who would
24 like to provide testimony?

25 Okay. For those of you who do want to

1 share some of your thoughts but do not wish to speak
2 in public, you may provide verbal testimony for the
3 record directly to our court reporter after we close.
4 Written statements or literature related to the Draft
5 Supplemental EIS Section 4(f) Evaluation may still be
6 submitted at the table, at the comment table next door
7 or mailed and postmarked by July 22nd, 2013 to HART or
8 FTA or submitted online at our web page at
9 www.honolulutransit.org by 11:59 p.m., Hawaii Standard
10 Time, on July 22nd, 2013. These statements will be
11 made part of the official record and responded to in
12 the Final Supplemental EIS Section 4(f) Evaluation.
13 Please ensure that a legible name and address is
14 available for the record. This will enable the
15 project to provide you with a CD copy of the Final
16 Supplemental EIS.

17 So with nobody else interested in
18 providing testimony, I will conclude this hearing at
19 5:03 p.m. Thank you very much. Aloha.

20 (The proceedings adjourned at 5:03 p.m.)

C E R T I F I C A T E

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and right transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 19th day of July, 2013, in Honolulu, Hawaii.

Jessica R. Perry, RPR, CSR No. 404

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***Appendix B—Judgment and Partial Injunction of
the United States District Court in HONOLULU-
TRAFFIC.COM, et al., vs. FEDERAL TRANSIT
ADMINISTRATION, et al.***

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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

HONOLULUTRAFFIC.COM; CLIFF SLATER; BENJAMIN CAYETANO; WALTER HEEN; HAWAII'S THOUSAND FRIENDS; THE SMALL BUSINESS HAWAII ENTREPRENEURIAL EDUCATION FOUNDATION; RANDALL W. ROTH; and DR. MICHAEL UECHI,

Plaintiffs,

vs.

FEDERAL TRANSIT ADMINISTRATION; LESLIE ROGERS, in his official capacity as Federal Transit Administration Regional Administrator; PETER M. ROGOFF, in his official capacity as Federal Transit Administration Administrator; UNITED STATES DEPARTMENT OF TRANSPORTATION; RAY LAHOOD, in his official capacity as Secretary of Transportation; THE CITY AND COUNTY OF HONOLULU; and WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu Department of Transportation,

Defendants,

CV No. 11-0307 AWT

**JUDGMENT AND
PARTIAL INJUNCTION**

1 FAITH ACTION FOR COMMUNITY
2 EQUITY; PACIFIC RESOURCE
3 PARTNERSHIP; and MELVIN UESATO,

Intervenors - Defendants.

4
5 After briefing, hearing, and disposition of this case on the merits, *see*
6 *HonoluluTraffic.com v. Fed. Transit Admin.*, 2012 WL 1805484 (D. Hawaii 2012)
7 (partial grant of summary judgment); Order on Cross-Motions for Summary Judgment,
8 filed Nov. 1, 2012 (“Summary Judgment Order”), the parties and the court addressed the
9 appropriate remedy. The parties submitted additional briefing on the scope of any
10 remedies, including any equitable relief. The remedy phase was fully argued and heard
11 on December 12, 2012. After due consideration of those arguments, briefs, and the
12 record, the court now enters its final Judgment, which shall include partial injunctive
13 relief, as set forth below.

14 As reflected in its prior orders, the court granted summary judgment to Plaintiffs
15 on three of their § 4(f) claims – claims arising under § 4(f) of the Department of
16 Transportation Act, 49 U.S.C. § 303. The court granted summary judgment to
17 Defendants on all other claims raised by Plaintiffs, which include Plaintiffs’ remaining §
18 4(f) claims, all claim arising under the National Environmental Policy Act, 42 U.S.C. §
19 4321 *et seq.*, and all claims arising under § 106 of the National Historic Preservation Act,
20 16 U.S.C. § 470f. In entering its partial permanent injunction, the court has considered
21 the well-recognized equitable factors that apply, *see, e.g., Monsanto Co. v. Geertson Seed*
22 *Farms*, 130 S. Ct. 2743, 2756 (2010), and finds that, to the extent Defendants actions are
23 enjoined, the four-factor test, on balance favors Plaintiffs, including: (1) irreparable
24 injury; (2) the inadequacy of monetary relief; (3) the balance of hardships; and (4) the
25 public interest.

26 **IT IS, THEREFORE, ADJUDGED** that this matter is remanded to the Federal
27 Transit Administration, but without vacatur of the Record of Decision, to comply with the
28 court’s Summary Judgment Order.

***Appendix C— Order on Cross-motions for
Summary Judgment of the United States District
Court in HONOLULUTRAFFIC.COM, et al., vs.
FEDERAL TRANSIT ADMINISTRATION, et al.***

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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

HONOLULUTRAFFIC.COM; CLIFF SLATER; BENJAMIN CAYETANO; WALTER HEEN; HAWAII'S THOUSAND FRIENDS; THE SMALL BUSINESS HAWAII ENTREPRENEURIAL EDUCATION FOUNDATION; RANDALL W. ROTH; and DR. MICHAEL UECHI,

Plaintiffs,

vs.

FEDERAL TRANSIT ADMINISTRATION; LESLIE ROGERS, in his official capacity as Federal Transit Administration Regional Administrator; PETER M. ROGOFF, in his official capacity as Federal Transit Administration Administrator; UNITED STATES DEPARTMENT OF TRANSPORTATION; RAY LAHOOD, in his official capacity as Secretary of Transportation; THE CITY AND COUNTY OF HONOLULU; and WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu Department of Transportation,

Defendants,

FAITH ACTION FOR COMMUNITY EQUITY; PACIFIC RESOURCE PARTNERSHIP; and MELVIN UESATO,

Intervenors - Defendants.

Civ. No. 11-00307 AWT

**ORDER ON CROSS-MOTIONS
FOR SUMMARY JUDGMENT**

1 _____

2 HonoluluTraffic.com, et. al (“Plaintiffs”), claim that the City and County of
3 Honolulu (the “City”) and the Federal Transit Administration (“FTA”) (collectively,
4 “Defendants”) have violated three federal statutes in the process of approving a twenty-
5 mile elevated guideway rail transit project (the “Project”): (1) Section 4(f) of the
6 Department of Transportation Act (“Section 4(f)”), 49 U.S.C. § 303; (2) the National
7 Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321-4370h; and (3) Section 106 of
8 the National Historic Preservation Act (“NHPA”), 16 U.S.C. § 470f. Now pending before
9 the court are the parties’ cross-motions for summary judgment, which have been fully
10 briefed and argued. For the reasons set forth below, Plaintiffs’ motion is **granted in part**,
11 with respect to three claims arising under Section 4(f). Defendants’ motion is **granted in**
12 **part**, with respect to all other claims.

13 **I. Background**

14 On December 27, 2005, the FTA published a Notice of Intent (“2005 NOI”) to
15 prepare an Alternatives Analysis (“AA”) and an Environmental Impact Statement (“EIS”)
16 for a transit project in Honolulu. AR 9700. The stated purpose of the Project was to
17 provide improved mobility through the busy twenty-five-mile west-east transportation
18 corridor between Kapolei and the University of Hawaii at Manoa (“UH”) and Waikiki.
19 *Id.* The City undertook a scoping process and prepared an AA reviewing four
20 alternatives: a no build alternative; improvements to the existing bus system (“the
21 transportation system management alternative”); an elevated express bus/carpool lane
22 alternative (the “managed lanes alternative”); and a railway alternative (the “fixed
23 guideway alternative”). AR 247 at 322. The AA concluded that the fixed guideway
24 alternative was the only one that satisfied the Project’s purpose and need. *Id.* at 329. The
25 Honolulu City Council subsequently selected the fixed guideway transit system as the
26 locally preferred alternative. *Id.* at 296, 323.

1 The FTA then published a second Notice of Intent to prepare an EIS on March 15,
2 2007 (“2007 NOI”). AR 9696. The 2007 NOI requested public comment on five
3 possible transit technologies: light-rail; rapid-rail (steel wheel on steel rail); rubber-tire
4 guided; magnetic levitation; and monorail. *See id.* A five-member panel of experts
5 appointed by the City Council reviewed responses to that request, as well as twelve
6 responses from transit vehicle manufacturers and, in February 2008, on a vote of four-to-
7 one, selected steel-wheel-on-steel as the technology for the Project. AR 247 at 331.
8 Honolulu voters subsequently approved a City Charter amendment to establish a steel-on-
9 steel rail system. *Id.*

10 Defendants then prepared a Draft EIS (“DEIS”) and a Final EIS (“FEIS”). *See* AR
11 247; 7223. The DEIS and FEIS analyzed only four alternatives: the no build alternative
12 and three elevated, fixed guideway, steel-on-steel railway routings. AR 247 at 331-37.
13 All three fixed guideway options ran down the twenty-mile corridor between Kapolei and
14 Ala Moana Center, but via slightly different routes. *Id.* One fixed guideway option ran
15 via Salt Lake Boulevard, a second via the airport, and the third via both Salt Lake
16 Boulevard and the airport. *Id.* The FEIS selected the airport route as the preferred
17 alternative. *Id.* at 337-38. The FEIS also included an evaluation of the Project’s potential
18 use of land from historic resources and public parks, pursuant to Section 4(f). *Id.* at 680.
19 The FEIS concluded that the Project would use some historic resources in downtown
20 Honolulu, including the Chinatown Historic District, but found that there was no feasible
21 and prudent alternative to such use. *Id.* at 718-27.

22 The FTA’s Record of Decision (“ROD”) approving the Project was issued on
23 January 18, 2011. AR 30. The FTA, the City, the Advisory Council on Historic
24 Preservation, the Hawaii State Historic Preservation Officer (“SHPO”), and the United
25 States Navy also entered into a Programmatic Agreement (“PA”) pursuant to § 106 of the
26 NHPA, which was incorporated into the ROD. AR 30 at 30-42, 83-228. The Project is to
27 be funded using local tax revenues and federal funding from the New Starts program, *see*

1 49 U.S.C. § 5309, and is to be constructed in four phases. AR 247 at 362, 777.

2 On May 12, 2011, Plaintiffs filed this action, alleging that the FEIS and ROD
3 approving the Project did not comply with the requirements of NEPA, Section 4(f),
4 NHPA, and the regulations implementing those statutes. (Compl., Doc. 1).

5 **II. The Legal Standard**

6 Summary judgment is proper where there is no genuine issue of material fact and
7 the moving party is entitled to judgment as a matter of law. Fed R. Civ. P. 56(c); *Celotex*
8 *Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). The court must draw all reasonable
9 inferences in favor of the nonmoving party. *Matsushita Elec. Indus. Co. v. Zenith Radio*,
10 475 U.S. 574, 587 (1986).

11 “The Administrative Procedure Act (‘APA’) provides authority for the court’s
12 review of decisions under NEPA and Section 4(f)” *N. Idaho Cmty. Action Network*
13 *v. U.S. Dep’t of Transp.*, 545 F.3d 1147, 1152 (9th Cir. 2008). “Under the APA, the
14 district court may only set aside agency actions that are ‘arbitrary, capricious, an abuse of
15 discretion, or otherwise not in accordance with law.’” *Id.* (quoting 5 U.S.C. § 706(2)(A)).

16 A decision is arbitrary and capricious

17 only if the agency relied on factors Congress did not intend it to consider, entirely
18 failed to consider an important aspect of the problem, or offered an explanation
19 that runs counter to the evidence before the agency or is so implausible that it
20 could not be ascribed to a difference in view or the product of agency expertise.

21 *Id.* at 1152-53 (quoting *Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008) (en
22 banc)). An agency has discretion to rely on the reasonable opinions of its own qualified
23 experts even if, as an original matter, a court might find contrary views more persuasive.
24 *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 378 (1989).

25 **III. Merits**

26 **A. Section 4(f) Claims**

27 Section 4(f) provides that the Secretary of Transportation (the “Secretary”) may
28 approve a transportation project requiring the “use” of a public park or historic site of

1 national, state, or local significance only if: (1) “there is no prudent and feasible
2 alternative” to using the site; and (2) the project includes “all possible planning” to
3 minimize harm to the site resulting from the use. 49 U.S.C. § 303. Section 4(f) therefore
4 imposes a substantive mandate on agencies implementing transportation improvements.
5 *N. Idaho Cmty. Action Network*, 545 F.3d at 1158.

6 When a court reviews a Section 4(f) determination, it must ask three questions:

7 First, the reviewing court must determine whether the Secretary acted
8 within the scope of his authority and whether his decision was reasonably
9 based on the facts contained in the administrative record. Second, the
10 reviewing court must determine whether the Secretary’s decision was
11 arbitrary, capricious or an abuse of discretion because he failed to consider
12 all relevant factors or made a clear error of judgment. Third, the reviewing
13 court should decide whether the Secretary complied with the applicable
14 procedural requirements.

11 *Ariz. Past & Future Found., Inc. v. Lewis*, 722 F.2d 1423, 1425 (9th Cir. 1983) (citing
12 *Citizens to Pres. Overton Park v. Volpe*, 401 U.S. 402, 416 (1971)); *see also Adler v.*
13 *Lewis*, 675 F.2d 1085, 1091 (9th Cir. 1982).

14 Plaintiffs’ Section 4(f) claims fall into three categories. First, Plaintiffs claim that
15 Defendants failed to identify Native Hawaiian burial sites and other traditional cultural
16 properties (“TCPs”) prior to the issuance of the ROD. Second, Plaintiffs assert that
17 Defendants erroneously concluded that the Project would not constructively use Aloha
18 Tower, Irwin Park, Walker Park, and Mother Waldron Park.¹ Third, Plaintiffs claim that
19 Defendants failed to meet Section 4(f)’s substantive mandate, because Defendants
20 erroneously determined that there were no feasible and prudent alternatives to the Project
21 and because Defendants did not engage in all possible planning to minimize harm to
22 Section 4(f) sites. Each of these claims is addressed in turn below.

23 **1. Failure to Identify Native Hawaiian Burial Sites and Traditional**
24

25 ¹ Plaintiffs’ claimed that the Project “used” a number of other sites protected
26 under Section 4(f), other than those discussed in this Order. Plaintiffs’ attack on those other
27 sites has been disposed of in an earlier summary judgment ruling. *See HonoluluTraffic.com*
28 *v. Fed. Transit Admin.*, 2012 WL 1805484 (D. Hawaii 2012).

1 **Cultural Properties**

2 **a. Burial Sites**

3 The first step in a Section 4(f) analysis is the identification of possible Section 4(f)
4 sites that could be “used” by the project. Federal regulations provide that “[t]he potential
5 use of land from a Section 4(f) property shall be evaluated as early as practicable in the
6 development of the action when alternatives to the proposed action are under study.” 23
7 C.F.R. § 774.9(a). Section 4(f) approval of a project must be made either in the FEIS or
8 the ROD. § 774.9(b). Plaintiffs claim that Defendants have violated Section 4(f) by
9 taking a “phased approach” to the identification of underground Native Hawaiian burial
10 sites that could be disturbed along the route of the elevated guideway. Native Hawaiian
11 burial sites, including those discovered during construction, qualify as historic sites
12 protected under Section 4(f), as long as they are included in, or eligible for inclusion in,
13 the National Register of Historic Places. *See* 23 C.F.R. §§ 774.11(f), 774.17.

14 Defendants admit that they have not yet carried out Archaeological Inventory
15 Surveys (“AISs”) to identify undiscovered burial sites across the entire twenty-mile
16 length of the Project, even though Defendants concede that it is possible, and even likely
17 in some areas, that the construction of the stations and columns of the elevated guideway
18 may disturb such sites. Defendants explain that they made the decision to wait because
19 completion of an AIS requires excavation to a depth of five feet, AR 111849 at 111853,
20 and the exact positioning of the Project’s stations and columns had yet to be determined
21 at the time the ROD was approved. Consequently, to complete an AIS at that time,
22 Defendants would have had to excavate far more areas, and could potentially have
23 disturbed far more archaeological sites, than would be necessary once project plans were
24 complete. *See* 23 C.F.R. § 771.113(a)(1)(iii) (prohibiting final design activities on a
25 transportation project until after the FEIS and ROD are complete).

26 Instead, Defendants produced an Archaeological Resources Technical Report in
27 August 2008. *See* AR 37676. The Report used a number of resources, including soil

1 survey data, archaeological records, land survey maps, and field observations, in order to
2 identify all known burial sites and to predict the likelihood of finding burials in each
3 phase of the project. *See id.* at 37686, 37710-11. The Report also suggested that there
4 were many reasons not to carry out a full archaeological survey of the fixed guideway
5 route prior to issuance of the ROD, including that the identification of resources beneath
6 sidewalks, streets, and highways would significantly disrupt traffic, that the cost of the
7 project would greatly increase if a full survey was undertaken, and that the survey would
8 need to take place over a larger area than would actually be affected by the guideway
9 because the footprint of the guideway was not yet known. *Id.* at 37704. The Report
10 concluded that a reasonable, good faith effort had been made to identify resources located
11 within the Project alignments. *Id.*

12 In addition, prior to the issuance of the ROD, Defendants performed an AIS for
13 Phase I of the Project; the document ran nearly five hundred pages. AR 59459. The FTA
14 explains in its briefing that it was possible to complete the first AIS at an early stage
15 because the western portion of the Project is less developed than downtown Honolulu and
16 less likely to contain burial sites from traditional Hawaiian times. *See* Doc. 157 at 15. In
17 the PA, Defendants also provided for the protection and avoidance of later-discovered
18 burials, specifying that subsurface testing will be conducted at each column location prior
19 to construction and that efforts will be made to alter the construction plan to avoid newly-
20 discovered burial sites with in-place significance. *See* AR 30 at 92-93; *see also* 23 C.F.R.
21 § 774.9(f) (“Section 4(f) may apply to archaeological sites discovered during construction
22 In such cases, the Section 4(f) process will be expedited and any required evaluation
23 of feasible and prudent avoidance alternatives will take account of the level of investment
24 already made.”).

25 Plaintiffs argue that these efforts amount to just the sort of “phased approach” to
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27
28

1 the identification of Section 4(f) sites that has been rejected in Ninth Circuit precedent.²
2 In *North Idaho Community Action Network*, the plaintiffs challenged a proposed highway
3 project under Section 4(f). 545 F.3d at 1151. The Department of Transportation
4 (“DOT”) conceded that it had decided to take a phased approach to the identification of
5 Section 4(f) and NHPA Section 106 historic sites, and so had not yet conducted any
6 analysis of three of the four project phases, even though the ROD had already issued. *Id.*
7 at 1158. The Ninth Circuit concluded that the DOT’s action was in violation of Section
8 4(f), because the Section 4(f) evaluation must be completed prior to the issuance of the
9 ROD. *Id.* at 1158-59.

10 Two D.C. Circuit cases have also discussed the timing of Section 4(f) evaluations.
11 In *Corridor H Alts., Inc. v. Slater*, the Federal Highway Administration (“FHWA”)
12 approved a ROD for a highway, but made that approval conditional on the future
13 identification of Section 4(f) properties in fourteen sections of the project. 166 F.3d 368,
14 371-72 (D.C. Cir. 1999). The court held that this action was in violation of Section 4(f)
15 because the agency failed to make any preliminary Section 4(f) determinations prior to
16 the issuance of the ROD. *Id.* at 373.

17 In contrast, in *City of Alexandria v. Slater*, the court upheld the FHWA’s Section
18 4(f) analysis for plans to replace a bridge. 198 F.3d 862, 863-73 (D.C. Cir. 1999). The
19 FHWA identified a number of historic sites along the project corridor and published a
20 Section 4(f) evaluation prior to the approval of the ROD, but postponed the identification
21 of Section 4(f) sites in areas where construction-related activities would occur, because
22 the FHWA had yet to identify the locations that would be used for those activities. *Id.* at
23 865, 872. The court concluded that, given that the identification of the construction

24
25 ² In particular, Plaintiffs point to concerns voiced by the Oahu Island Burial
26 Council (“OIBC”), National Trust for Historic Preservation, and a DOT official, all of whom
27 suggested that it was important not to defer detailed identification of burial sites, especially
28 in the downtown area, which is known to have a high concentration of undiscovered burials.
See AR 125000 at 125005; 125208 at 125210; 124858 at 124858-59; 124645.

1 locations would require substantial engineering work that could not be conducted until
2 after the ROD issued and that the sites postponed were merely “ancillary” to the project,
3 Section 4(f) did not forbid the “rational planning process” adhered to by the FHWA. *Id.*
4 at 873. It was not enough for the plaintiffs to argue that it would have been “feasible” to
5 identify all Section 4(f) sites prior to the issuance of the ROD; “the standard of
6 ‘feasibility,’ while relevant to whether an agency may use 4(f) properties, has no
7 application in determining when the agency must identify them.” *Id.*

8 This case differs from those prior cases. Unlike in *City of Alexandria*, the sites
9 that Defendants have left unidentified until further engineering planning takes place are
10 not “ancillary,” but are those unidentified burial sites running directly down the fixed
11 guideway route. On the other hand, in contrast to *North Idaho Community Action*
12 *Network* and *Corridor H*, Defendants here have not deferred *all* Section 4(f) site
13 identification to a later date; in fact, Defendants have made a significant effort to identify
14 all known burials and predict the location of unknown burials.

15 The key question is whether Defendants have made a satisfactory effort to identify
16 Section 4(f) sites. Plaintiffs contend that Defendants should have made *all* possible
17 efforts to identify undiscovered burial sites down the main project corridor, while
18 Defendants argue that only *reasonable* efforts were necessary, not full excavation of the
19 guideway route.

20 Determining the necessary level of effort requires reference to NHPA § 106. All
21 of the cases discussed above agreed that, because Section 4(f) historic sites are defined as
22 properties on or eligible for listing on the National Register, the agency must first
23 complete the Section 106 process for identification of historic properties in order to
24 satisfy its Section 4(f) obligation to identify protected historic sites. *N. Idaho Cmty.*
25 *Action Network*, 545 F.3d at 1159 (“[B]ecause the § 4(f) evaluation cannot occur until
26 after the § 106 identification process has been completed, the § 106 process necessarily
27 must be complete by the time the ROD is issued.”); *City of Alexandria*, 198 F.3d at 871;

1 *Corridor H*, 166 F.3d at 370-71.

2 Federal regulations implementing § 106 provide that “the agency shall take the
3 steps necessary to identify historic properties within the area of potential effects.” 36
4 C.F.R. § 800.4(b). In describing the level of effort required to meet this mandate, the
5 regulations provide:

6 The agency official shall make a reasonable and good faith effort to carry
7 out appropriate identification efforts, which may include background
8 research, consultation, oral history interviews, sample field investigation,
9 and field survey. The agency official shall take into account past planning,
10 research and studies, the magnitude and nature of the undertaking and the
11 degree of Federal involvement, the nature and extent of potential effects on
12 historic properties, and the likely nature and location of historic properties
13 within the area of potential effects.

14 36 C.F.R. § 800.4(b)(1). Consequently, Because Section 4(f) compliance is predicated on
15 identification of historic sites via the § 106 process, if an agency makes a “reasonable and
16 good faith effort” to identify historic sites, the agency’s Section 4(f) responsibility should
17 also be satisfied.

18 Defendants have made a significant effort to pinpoint all known archaeological
19 sites along the project route, and crafted a plan for dealing with any sites that may be later
20 discovered as construction progresses. *See Valley Cmty. Pres. Comm. v. Mineta*, 373
21 F.3d 1078, 1089 (10th Cir. 2004) (holding that the FHWA had met its Section 4(f)
22 obligations where a PA was adopted to deal with any impacts to previously unidentified
23 cultural resources discovered during construction). Because Defendants have made this
24 “reasonable and good faith effort” to identify § 106 sites, they have satisfied their
25 obligation to identify Section 4(f) sites prior to the issuance of the ROD. Accordingly,
26 Plaintiffs’ Section 4(f) challenge to the identification of burial sites is rejected.

27 **b. Traditional Cultural Properties**

28 Section 4(f) also protects properties of traditional religious and cultural importance
to Native Hawaiian organizations if they are included in or eligible for inclusion in the
National Register. 23 C.F.R. § 774.17. *National Register Bulletin 38* “provides the

1 recognized criteria for the . . . identification and assessment of places of cultural
2 significance.” *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800 at 807 (9th
3 Cir. 1999). *Bulletin 38* defines a TCP as a property that is eligible for inclusion on the
4 National Register because of its association with cultural practices or beliefs of a living
5 community that are (a) rooted in the community’s history, and (b) important in
6 maintaining the continuing cultural identity of the community. *Bulletin 38* at 1. Plaintiffs
7 claim that Defendants have failed to make sufficient effort to identify TCPs that could be
8 used by the Project. Because TCPs are not necessarily subterranean, Plaintiffs argue,
9 Defendants cannot assert that they did not identify TCPs because they are hidden
10 underground or difficult to identify.

11 Although Defendants prepared a Cultural Resources Technical Report, it did not
12 decide the § 106 or Section 4(f) eligibility of the cultural resources identified, but instead
13 jumped ahead to focus on possible adverse effects to those resources. *See* AR 38098. In
14 the FEIS, Defendants identified only one TCP, Chinatown, and stated that the City would
15 conduct a study to evaluate the project area for the presence of other TCPs. AR 247 at
16 623, 632, 718. If the FTA determined that any of later-identified TCPs were eligible for
17 inclusion on the National Register, then the City would meet with the § 106 consulting
18 parties to identify measures to avoid, minimize, and mitigate adverse effects to those
19 properties. *Id.* at 623. The PA also stated that preliminary cultural resources research had
20 identified one TCP, Chinatown, and that, within 30 days of the ROD, the City would
21 undertake a study to determine the presence of unidentified TCPs. AR 30 at 91. Neither
22 the FEIS nor the PA explained why Defendants did not undertake a comprehensive study
23 to identify TCPs at an earlier time.

24 There is no discussion in the record of the Section 4(f) eligibility of any identified
25 TCPs other than Chinatown, and the FEIS and PA suggest that only “preliminary” efforts
26 have been made to investigate whether meaningful cultural properties are situated within
27 the Project corridor. Because Defendants have presented no reason why it would have

1 been unreasonably difficult to identify such above-ground TCPs prior to issuance of the
2 ROD, this decision to delay full study of above-ground TCPs was arbitrary and
3 capricious.

4 Before continuing with the Project in any way that may use unidentified TCPs,
5 Defendants must complete their identification of above-ground TCPs within the corridor.
6 *See N. Idaho Cmty. Action Network*, 545 F.3d at 1160-61 (construction need be delayed
7 during completion of Section 4(f) evaluation only for those phases of the project for
8 which such evaluation had not yet been completed). For any TCPs identified, Defendants
9 must conduct a complete Section 4(f) analysis. The ROD must be supplemented to
10 include any newly identified TCPs. The FEIS must also be supplemented to the extent
11 that this process requires changes that “may result in significant environmental impacts
12 ‘in a manner not previously evaluated and considered.’” *Id.* at 1157 (quoting *Westlands*
13 *Water Dist. v. Dep’t of Interior*, 376 F.3d 853, 873 (9th Cir. 2004)).

14 **2. Constructive Use Determinations**

15 Plaintiffs also challenge Defendants’ determination that the rail project would not
16 constructively use four specific sites. A Section 4(f) site is “used” when land is
17 permanently incorporated into a transportation facility, when there is a temporary
18 occupancy of land that is adverse in terms of the statute’s preservation purpose, or when
19 there is a constructive use of land. 23 C.F.R. § 774.17; *see also Adler*, 675 F.2d at 1092
20 (noting that the term “use” is to be construed broadly to include areas that are
21 significantly, adversely affected by a project but are not physically taken).

22 The regulations provide:

23 A constructive use occurs when . . . the project’s proximity impacts are so
24 severe that the protected activities, features, or attributes that qualify the
25 property for protection under Section 4(f) are substantially impaired.
Substantial impairment occurs only when the protected activities, features,
or attributes of the property are substantially diminished.

26 23 C.F.R. §774.15(a); *see also Adler*, 675 F.2d at 1092 (observing that off-site activities
27 are governed by Section 4(f) if they could create “sufficiently serious impacts that would

1 substantially impair the value of the site in terms of its prior significance and
2 enjoyment”). To make a constructive use determination, the agency must first identify
3 the current activities, features, or attributes of the property which qualify for protection
4 under Section 4(f), then must analyze the proximity impacts of the Project on the property
5 and, finally, must consult with officials with jurisdiction over the property. 23 C.F.R. §
6 774.15(d).

7 The regulations provide some examples of constructive use, including: (1) when
8 the projected noise level increase substantially interferes with the use and enjoyment of
9 an urban park where serenity and quiet are significant attributes, § 774.15(e)(1)(iv); (2)
10 when the proximity of the project obstructs or eliminates the primary views of an
11 architecturally significant historical building or substantially detracts from the setting of a
12 property which derives its value in substantial part due to its setting, § 774.15(e)(2); and
13 (3) when vibration impacts substantially impair the use of a property, § 774.15(e)(4).
14 Conversely, there is no constructive use where the impact of project noise levels does not
15 exceed the FTA noise impact criteria or where the increase in projected noise levels is
16 barely perceptible. § 774.15(f)(2)-(3).

17 The Ninth Circuit has addressed issues of proper constructive use determination in
18 a handful of cases. *See, e.g., Laguna Greenbelt, Inc. v. U.S. Dep’t of Transp.*, 42 F.3d
19 517, 533 (9th Cir. 1994) (agreeing with the FHWA’s conclusion that parks were not
20 constructively used where construction occurred over bike trails and the highway corridor
21 ran adjacent to a park); *Ariz. Past & Future Found.*, 722 F.2d at 1429-30 (determining
22 that there was no abuse of discretion when the agency determined that no historic sites
23 would be adversely affected by a project); *Adler*, 675 F.2d at 1093 (agreeing that the
24 agency did not err when it determined that fifty sites were not constructively used); *Stop*
25 *H-3 Ass’n v. Coleman*, 533 F.2d 434, 445 (9th Cir. 1976) (concluding, without detailed
26 explanation, that a petroglyph rock would be used by a highway that would pass near the
27 rock); *Brooks v. Volpe*, 460 F.2d 1193, 1194 (9th Cir. 1972) (determining that

1 encirclement of a campground by a freeway is a constructive use).³

2 These principles and precedents inform the analysis of the four sites that remain at
3 issue here, Aloha Tower, Walker Park, Irwin Park, and Mother Waldron Park.

4 **a. Aloha Tower**

5 Plaintiffs contend that Defendants erred in determining that the Project would not
6 constructively use Aloha Tower because the Project will alter views of the tower from
7 inland. The National Register of Historic Places nomination form for Aloha Tower
8 explains that the tower is a modernist interpretation of a Gothic tower and that it
9 traditionally served as a symbol of warm welcome for visitors who arrived by sea and
10 who could see the white tower from fifteen miles away. AR 152826 at 152827-28. The
11 tower remains a symbol of Hawaii's investment in tourism at a time when sea travel was
12 the island's main link with the rest of the world. *Id.* at 152828. The tower was also a
13 center of planning for military operations in World War II. *Id.*

14 The Project will sit 420 feet inland of the tower, in the median of the six-lane
15 Nimitz Highway. AR 247 at 746. Defendants' Historic Effects Report, published in
16 April 2009, concluded that views from the ocean to the tower and views from the tower's
17 observation deck to the ocean and island are a historic visual feature of Aloha Tower and
18 would not be impaired by the project. AR 39555 at 39872. The Report also noted that
19 Aloha Tower is often not visible from points inland, because of vegetation and the many
20 high-rise buildings in downtown Honolulu. *Id.* at 39872-73. Consequently, even if views

21 ³ Cases from other circuits provide further guidance. *See, e.g., Coal. Against a*
22 *Raised Expressway (CARE) v. Dole*, 835 F.2d 803, 811 (11th Cir. 1988) (determining that
23 there was a constructive use of historic buildings and a park that were immediately adjacent
24 to a highway based on the cumulative effects of air pollution, noise impacts, and view
25 impacts); *Citizen Advocates for Responsible Expansion, Inc. (I-CARE) v. Dole*, 770 F.2d 423,
26 441-42 (5th Cir. 1985) (concluding that a Section 4(f) report was deficient where it gave no
27 consideration to the effects that a highway would have on a garden nine feet away and
28 because it would border on the ridiculous to suggest that a highway would have minimal
effects on a historic building with exterior features that would be greatly impacted by the
highway).

1 of the tower from inland were obstructed by the project, no historically significant visual
2 features would be altered. *Id.*

3 In its Section 4(f) analysis, the FEIS noted that Aloha Tower qualifies for
4 protection as a historic property because of its Art Deco design elements and its historic
5 associations with the harbor. AR 247 at 745-46. The FEIS concluded that Aloha Tower
6 will still be visible from many vantage points inland and that, while some views of the
7 tower from inland would be altered, the project would not block any views. *Id.* at 746.
8 Consequently, the Project would not substantially impair views of the tower's design
9 elements nor alter its historic setting; therefore, Aloha Tower would not be constructively
10 used. *Id.*; *see also* AR 30 at 183 (ROD concluded that there was no direct impact on the
11 tower). However, the FEIS also indicated that the guideway structure would partially
12 block a view of the Aloha Tower from the Fort Street Mall. AR 247 at 512; *see also id.* at
13 540 (noting that the guideway and columns will block portions of views towards the
14 water along a number of downtown streets), 528 (visual simulation of the change to the
15 view from Fort Street Mall).

16 Plaintiffs point to the AA, which stated that, if the railway project was routed
17 along Nimitz Highway, there would be "severe visual impacts" for Aloha Tower. *See* AR
18 9556 at 9623. This evidence, however, is not enough to show that Defendants' Section
19 4(f) use determination as to Aloha Tower was arbitrary and capricious. The ROD shows
20 that Defendants thoroughly considered the impacts to views from and of Aloha Tower
21 and reasonably concluded that the historically significant views of the tower were those
22 from the sea. Accordingly, Plaintiffs' claim that Defendants' no-use determination for
23 Aloha Tower was erroneous is rejected.

24 **b. Walker Park**

25 Plaintiffs claim that Defendants' determination that the Project would not use
26 Walker Park was erroneous because the Project would impair Walker Park's historic
27 associations and because Defendants failed to analyze noise and visual impacts on the
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1 park. Walker Park is a small triangular urban park in downtown Honolulu, about 150 feet
2 inland of Nimitz Highway. AR 247 at 731; *see also* AR 62527 at 62527-37, 62682 at
3 62682-85 (photographs of the park and surrounding area). It is surrounded by high-rise
4 buildings and the at-grade Nimitz Highway. AR 247 at 731. The park provides shade in
5 the busy downtown area and is primarily used by pedestrians walking through the area.
6 *Id.* It contains a fountain and a seating area, and is bordered by mature palm trees. *Id.*;
7 *see also id.* at 690 (noting that Walker Park provides shade, but has no benches, picnic
8 tables, or other amenities). The park is eligible for the National Register for its
9 associations with the development of the waterfront and central business district and as an
10 early example of created greenspace in that area. *Id.* at 744. Accordingly, Walker Park is
11 eligible for Section 4(f) protection both as a public park and a historic site.

12 A number of supporting documents in the record discuss Walker Park. The
13 Historic Effects Report noted that the inland edge of the rail project guideway would be
14 about twenty feet from the seaward edge of the park boundary. AR 39555 at 39861. The
15 Report concluded, however, that there would be no adverse effect on Walker Park's
16 historic features because the Project would not affect the property's integrity of location
17 nor alter its design elements. *Id.* The Report also stated that no historically significant
18 viewsheds to or from the property were identified, that no audible or atmospheric effects
19 to the property were identified, and that the project would not diminish Walker Parker's
20 expression of its historic character. *Id.* at 39862.

21 A number of Noise and Vibration Technical Reports were prepared for the project.
22 *See* AR 33642, 42163, 72897. To create these reports, the FTA conducted noise
23 measurements at representative locations along the project corridor to establish existing
24 environmental noise conditions. AR 33642 at 33651. An October 2009 Report
25 established that a location near Walker Park experienced 67 decibels of existing noise,
26 and that the project noise exposure would be 65 decibels, below the FTA threshold for
27 unacceptable noise impacts. AR 72897 at 72926.

1 The FEIS concluded that there would be no adverse noise and vibration impacts to
2 Walker Park. AR 247 at 729. In addition, Walker Park would not be constructively used
3 because the Project would not change views from within the park of the business district
4 it serves and would not substantially impair the park's historic associations. *Id.* at 731,
5 744; *see also* AR 30 at 181-82 (stating that the project will nominally affect seaward
6 views from the park, but not views of the business district it serves); *but see id.* at 540-41
7 (noting that trains traveling on the guideway will create light and glare and that overall
8 visual effects in the area of the Dillingham Transportation Building will be significant).

9 Defendants considered impacts to Walker Park both as a park and as a historic site,
10 and Plaintiffs have not specified any historically significant views that will be impacted
11 by the railway. Plaintiffs complain that Defendants did not examine historic documents
12 describing the park, but because they nevertheless considered the historic integrity of the
13 park, they were not required to do so. Moreover, the FEIS analyzed the impact to the
14 park's visual qualities and found that the surrounding trees would protect the park.
15 Plaintiffs also complain about the sound impact analysis in the FEIS, but Plaintiffs
16 mistakenly rely on raw, unanalyzed sound data in the record, *see* AR 22575 at 22649-50.
17 In any case, Walker Park is mainly used as a pedestrian thoroughfare and there is no
18 evidence that quiet and serenity are significant features of the park necessitating special
19 protection. Defendants' determination that Walker Park would not be used was neither
20 arbitrary nor capricious.

21 **c. Irwin Park**

22 Plaintiffs challenge Defendants' no-use determination as to Irwin Park, claiming
23 that Defendants never analyzed noise impacts on Irwin Park and that Defendants did not
24 analyze the project's impact on protected landscape features of the park. Irwin Park
25 consists primarily of parking lots with grass medians and is adjacent to Aloha Tower and
26 Piers 10/11. AR 39555 at 39865; *see also id.* at 39869-70 (visual simulation of effects).
27 The inland setting of the park contains Nimitz Highway and non-historic high-rise
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1 development. *Id.* at 39866. The park mostly serves as a parking lot for surrounding
2 office buildings, but has high-quality scenic seaward views and provides seating areas
3 heavily used at lunchtime by workers. AR 247 at 690, 731. The park is eligible for
4 listing on the National Register because of its associations with the beautification of the
5 waterfront and with William G. Irwin, and because it represents the work of leading
6 landscape architect, Robert O. Thompson. *Id.* at 746. The Project will be located in the
7 median of the highway, seventy feet inland of the park and 200 hundred feet inland of the
8 main seating area. *Id.* at 732.

9 The Historic Effects Report found that the Project would not alter design elements
10 or features of the park, would have no effect on the property's integrity of design or
11 setting, and would not alter any historically significant views. AR 39555 at 39866.
12 Additionally, there were no audible or atmospheric effects identified. *Id.* The Noise and
13 Vibration Report measured sound at the nearby Aloha Tower Marketplace, one of the
14 locations considered representative of "all noise-sensitive land uses along the corridor,"
15 and found that the Project would have no serious sound impacts on the area. AR 33642 at
16 33695, 33673; *see also* AR 72897 at 72919 (predicting noise impacts for sites near Irwin
17 Park).

18 The FEIS concluded that there would be no constructive use of the park,
19 considered both as a public park and a historic site. AR 247 at 732. There would be no
20 noise impact at the nearby Aloha Marketplace above existing levels.⁴ *Id.* at 561. The
21 project would not cause noise and vibration impacts and would only partially obstruct
22 views towards non-historic office buildings. *Id.* at 732. Views of the water from the park
23 and views of the park from the harbor or Aloha Tower would not be obstructed and the

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25 ⁴ Plaintiffs complain that the FEIS' noise impact conclusions were derived from
26 measurements taken away from Irwin Park at a busy marketplace. However, Irwin Park is
27 an urban park adjacent to a heavily-used highway, and it was not unreasonable for
28 Defendants' experts to rely on sound measurements taken at a representative location only
a block away from Irwin Park.

1 historic attributes of the park would not be impaired. *Id.* at 746-47. Defendants also
2 thoroughly considered the park’s historic attributes, including its landscaping and the
3 “feeling” of the park. Their decision, thus, was not a violation of Section 4(f).

4 **d. Mother Waldron Park**

5 Finally, Plaintiffs argue that Defendants’ no-use determination for Mother
6 Waldron Park is erroneous, because there was no analysis of the noise impacts on the
7 park and because the project will have negative impacts on the park’s historic and artistic
8 features. Mother Waldron Park contains a playground with Art Deco architectural and
9 landscape design elements and is eligible for listing in the National Register because of its
10 association with the nationwide playground movement and as an excellent example of Art
11 Deco design by a well-known architect. AR 39555 at 39909; *see also* AR 153157 at
12 153169 (National Register nomination form for Mother Waldron Park, noting that it is a
13 flat, open, landscaped area containing one of only two playgrounds in Honolulu that
14 retains its historic integrity); AR 62630-35 (photographs of the park). The park is set in a
15 mixed-use commercial and industrial area and is surrounded by vacant lots, warehouses,
16 commercial buildings, and an apartment building. AR 247 at 732. The guideway will be
17 twenty feet away from the park boundary, about seventy feet from the playground and
18 290 feet from the volleyball court. *Id.* The guideway will be thirty-five to forty feet high.
19 *Id.* at 747.

20 Unlike the other Section 4(f) sites discussed above, there is a great deal of
21 evidence in the record that the project’s impacts on Mother Waldron Park will be quite
22 serious. The Historic Effects Report observed that the Project would have an adverse
23 effect on the historic playground, because the playground is primarily an outdoor
24 recreation facility and so the Project would adversely affect the integrity of the park’s
25 setting. AR 39555 at 39909. The guideway would introduce a new element into the
26 setting in close proximity and would therefore affect the park’s feeling and historic
27 character; the park has high integrity of feeling, conveying its origins as a New Deal-era

1 park, and the guideway is out of character with the historic appeal of the playground. *Id.*
2 at 39910. The Visual and Aesthetic Resources Technical Report includes a visual
3 simulation of the project's effects on the park and concludes that the overall visual effect
4 would be high. AR 33496 at 33599-602. The FTA also commented on the FEIS, noting
5 that there would be "devastating" impacts on seaward views of and over the park from the
6 apartment buildings inland of the guideway. AR 72988 at 72998.

7 The FEIS and ROD glossed over these troubling observations. The FEIS
8 concluded that Mother Waldron Park would not be constructively used because there
9 would not be a substantial impairment of any visual or aesthetic features that contribute to
10 the park's use and enjoyment. AR 247 at 732. In addition, the FEIS concluded that,
11 while the visual impacts of the project on the park would be significant and would
12 contrast significantly with the scale and character of the park, *id.* at 512, primary views of
13 the playground would not be eliminated and the project would not substantially impair the
14 park's design elements. *Id.* at 747. Finally, the FEIS provided noise measurements taken
15 at Mother Waldron Park indicating that the noise exposure would be below the FTA's
16 impact criteria. *Id.* at 561; *see also* AR 72897 at 72920. The PA likewise concluded that
17 there would be no impact to the park from the Project and that it would not affect design
18 elements or aesthetic features that contribute to the park's use and enjoyment, although
19 there would be an effect to the setting. AR 30 at 185.

20 Because the FEIS and PA did not adequately address why alterations to Mother
21 Waldron Park's historic setting did not amount to constructive use, the no-use
22 determination was arbitrary and capricious. *Cf. I-CARE*, 770 F.2d at 441-42. Before
23 continuing with any part of the Project that may constructively use Mother Waldron Park,
24 Defendants must reconsider their no-use determination, taking full account of evidence
25 that the Project will significantly affect the park. If Defendants conclude that the Project
26 will, in fact, constructively use Mother Waldron Park, they must seek prudent and
27 feasible alternatives to such use, or otherwise mitigate any adverse impact from

1 constructive use of the park. 49 U.S.C. § 303(c). The ROD must be supplemented
2 accordingly. The FEIS must also be supplemented, to the extent that this process affects
3 its analysis or conclusions. *N. Idaho Cmty. Action Network*, 545 F.3d at 1157.

4 **3. Section 4(f) Alternatives Analysis and Planning**

5 **a. Feasible and Prudent Alternatives**

6 The FTA may only approve a project using a public park or historic site if there is
7 no prudent and feasible alternative to using that land. 49 U.S.C. § 303(c). Accordingly, a
8 Section 4(f) evaluation must include sufficient supporting documentation to demonstrate
9 why there is no feasible and prudent avoidance alternative. 23 C.F.R. § 774.7. A feasible
10 and prudent alternative “avoids using Section 4(f) property and does not cause other
11 severe problems of a magnitude that substantially outweighs the importance of protecting
12 the Section 4(f) property.” 23 C.F.R. § 774.17. An alternative is not feasible if it cannot
13 be built as a matter of sound engineering judgment. *Id.* An alternative is not prudent if,
14 among other things, it “compromises the project to a degree that it is unreasonable to
15 proceed with the project in light of its stated purpose and need” or it “results in additional
16 construction, maintenance, or operational costs of an extraordinary magnitude.” *Id.*

17 **I. Managed Lanes Alternative (“MLA”)**

18 Plaintiffs claim that the MLA was a feasible and prudent alternative to the use of
19 Section 4(f) sites in downtown Honolulu, including Chinatown and the Dillingham
20 Transportation Building, and that Defendants erroneously failed to consider it as such.
21 Defendants respond that the MLA was imprudent because it did not satisfy the purpose
22 and need of the Project.

23 Ninth Circuit case law is clear that alternatives that do not accomplish the stated
24 purpose of a project may be rejected as imprudent. *See Alaska Ctr. for the Env’t v.*
25 *Armbrister*, 131 F.3d 1285, 1288-89 (9th Cir. 1997) (holding that if an alternative does
26 not meet the purpose of a project, then the agency does not need to show that “unique
27 problems” or “truly unusual factors” make the alternative imprudent under Section 4(f));

1 *Ariz. Past & Future Found.*, 722 F.2d at 1428; *see also City of Alexandria*, 198 F.3d at
2 873 (noting that the D.C. Circuit has squarely held that an alternative cannot be prudent if
3 it does not satisfy the transportation needs of the project). The guidance laid out in the
4 FHWA Section 4(f) Policy Paper further supports this conclusion. *See* AR 21938 at
5 21945 (explaining that any alternative that is determined not to meet the need of the
6 project is not feasible and prudent).

7 The stated purpose of the FEIS was to provide high-capacity rapid transit in the
8 highly congested east-west transportation corridor between Kapolei and UH Manoa; to
9 provide faster, more reliable public transportation service than could be achieved by
10 buses in mixed-flow traffic; to provide reliable mobility in areas where people of limited
11 income and an aging population live; to serve rapidly developing areas of the study
12 corridor; and to provide an alternative to private automobile travel. AR 247 at 312.
13 Assuming that this purpose was not overly narrow, a possibility discussed in further detail
14 in Part III.B, *infra*, then the MLA was legitimately rejected as imprudent as long
15 Defendants did not arbitrarily and capriciously conclude that the MLA failed to meet the
16 purpose of the Project.

17 The FEIS explained that the MLA was considered during the AA but was rejected
18 because it would not meet the Project's purpose and need; specifically, the MLA would
19 not moderate congestion, would be less effective at providing faster and more reliable
20 transportation service and alternatives to private automobile travel, and would not support
21 transportation equity. AR 247 at 321-27. The ROD confirmed that the MLA was
22 eliminated because it failed to meet the Project's purpose, because it would not have
23 improved mobility or reliability in the corridor. AR 30 at 36. These conclusions were
24 based on the AA, which found after detailed study of two versions of the MLA that it
25 would result in an increase in vehicle hours of delay and would not encourage smart
26 growth. AR 9434 at 9541-42. Moreover, buses using the MLA would continue to be
27 affected by congestion at entry and exit points from the elevated lanes. *Id.* at 9544.

1 Plaintiffs cite a response letter from HonoluluTraffic.com, dated November 4,
2 2009, subsequent to the close of the FEIS comment period, as evidence that the MLA
3 would serve the purpose of the project, because it would greatly expand transit ridership
4 and reduce traffic congestion. AR 71958 at 71960.⁵ The letter cited a micro-simulation
5 study showing that the MLA would reduce drive times even for people who never used
6 the lanes. *Id.* at 71959. This evidence is not enough to demonstrate that Defendants'
7 determination to the contrary was arbitrary and capricious. The record indicates that
8 Defendants reasonably relied on the opinions of their own experts and decided that the
9 MLA would not meet the purpose and need of the Project, therefore making it an
10 imprudent alternative.

11 Still, Plaintiffs argue that this determination was not sufficient to satisfy Section
12 4(f), because Defendants did not *explicitly* state in the FEIS or the ROD that the MLA
13 was imprudent because it did not meet the purpose of the Project. Plaintiffs point to no
14 statute, regulation, or case requiring that Section 4(f) findings be made explicit in the
15 record, however. "Magic words" are not required in a Section 4(f) analysis and courts
16 may not "fly speck" a determination if it appears that all factors and standards were
17 considered. *Adler*, 675 F.2d at 1095; *see also Hickory Neighborhood Def. League v.*
18 *Skinner*, 910 F.2d 159, 163 (4th Cir. 1990) ("Although the Secretary's section 4(f)
19 evaluation does not expressly indicate a finding of unique problems, the record amply
20 supports the conclusion that the Secretary did determine that there were compelling
21 reasons for rejecting the proposed alternatives as not prudent."); *Coal. on Sensible*
22 *Transp., Inc. v. Dole*, 826 F.2d 60, 66 (D.C. Cir. 1987) (observing that formal findings are
23 not required in a Section 4(f) determination and that the entire record must be reviewed to
24 ensure that there was consideration of the relevant factors and no clear error of judgment).

25 Review of the entire record reveals that there is ample evidence to support

26
27 ⁵ Plaintiffs' argument that the MLA met the purpose and need of the Project is
28 discussed in further detail in Part III.B, *infra*.

1 Defendants' determination that the MLA was not a feasible and prudent alternative for
2 Section 4(f) purposes because it did not serve the project's purpose and need. The FEIS
3 specifically noted in its Section 4(f) analysis that alternatives that would not meet the
4 Project's purpose and need would not be prudent under § 774.17, and referenced the
5 AA's determination that only the fixed guideway met the Project's purpose and need. AR
6 247 at 684. This analysis makes clear that Defendants recognized that the MLA had been
7 found not to meet the purpose of the project in the AA; consequently, Defendants did not
8 need to analyze the MLA's feasibility and prudence in the Section 4(f) analysis, because
9 was already imprudent by implication. Accordingly, Plaintiffs' argument that Defendants
10 failed to consider the prudence of the MLA alternative is rejected.

11 **ii. Tunnel Alternatives**

12 Plaintiffs also argue that Defendants did not consider two feasible and prudent
13 alternate routes for the railway system, the King Street Tunnel alignment and the
14 Beretania Street Tunnel alignment. Both would run underground and avoid using some
15 above-ground Section 4(f) properties, including Chinatown and the Dillingham
16 Transportation Building. The FEIS concluded that the tunnels were not prudent, because
17 they would have increased the cost of the project by \$650 million in 2006 dollars, which
18 would be beyond the funding in the project plan. AR 247 at 705, 719-20; *see Citizens for*
19 *Smart Growth v. Sec'y of the Dep't of Transp.*, 669 F.3d 1203, 1217 (11th Cir. 2012)
20 (holding that extraordinarily high costs are sufficient foundation for finding an alternative
21 imprudent). The rail project alternative actually adopted in the FEIS was estimated to
22 cost \$4.3 billion in 2009 dollars. *Id.* at 756-59.

23 Plaintiffs first argue that the \$650 million estimate is not supported by the record,
24 and that even a \$650 million increase in project costs is not an "extraordinary" increase in
25 cost such that the tunnel alternatives are rendered imprudent. Second, they claim that
26 only the King Street Tunnel will cost \$650 million, while the Beretania Street Tunnel
27 would be cheaper, and that the FEIS therefore failed to adequately consider the Beretania

1 Street route.

2 As to Plaintiffs' first claim, there is good support in the record for the \$650 million
3 figure for the King Street Tunnel alternative. *See* AR 9434 at 9523, 9540 (noting that the
4 King Street Tunnel alignment is the most expensive of the tunnel alignments); 67416
5 (Final Capital Costing Memorandum, 2006). Plaintiffs point to a 2007 cost estimate
6 indicating that the King Street Tunnel would be significantly less expensive, AR 65304,
7 but that report specifically noted that its estimates only covered construction costs and did
8 not include utility relocation costs, underground station costs, track work, or other
9 maintenance costs. *See id.* at 65334. Accordingly, it was not arbitrary and capricious for
10 Defendants to conclude that the King Street Tunnel would cost \$650 million in 2006
11 dollars.

12 Plaintiffs point out that a \$650 million cost increase amounts to less than twenty
13 percent of the total cost of the project without any tunnel. There is little guidance in prior
14 case law discussing when a cost increase becomes excessive enough to make an
15 alternative imprudent. *See Concerned Citizens Alliance, Inc. v. Slater*, 176 F.3d 686, 703
16 (3d Cir. 1999) (holding that costs were of a sufficiently extraordinary magnitude when
17 building an alternative would cost many times the amount that the construction of the
18 preferred alternative would cost). However, whether viewed as a dollar amount or as a
19 percentage of the Project's total cost, giving at least some deference to the agency's
20 financial judgment, the Court cannot conclude that it was arbitrary and capricious for
21 Defendants to conclude that an additional \$650 million would be an extraordinary added
22 cost. Accordingly, Plaintiffs' claim that Defendants' determination that the King Street
23 Tunnel alternative was imprudent for cost reasons is rejected.

24 The record is less clear, however, as to the exact cost estimate for the Beretania
25 Street Tunnel, and Defendants admit that it might have been less costly than the King
26 Street route. *See* AR 9434 at 9523, 9540; Doc. 157 at 29 n.13. The FEIS nevertheless
27 rejected *both* the King Street and Beretania Street alternatives as imprudent based on the

1 \$650 million cost estimate. *See* AR 247 at 705, 719-20.

2 Defendants now offer a number of reasons why the Beretania Street Tunnel did not
3 meet the purpose and need of the Project, which they argue rendered it imprudent, even if
4 the FEIS nowhere explicitly so found. Defendants suggest that the Beretania Tunnel
5 would have posed risks to below-ground cultural resources, might have encountered
6 groundwater during construction, and would have disturbed large areas on the surface
7 downtown. *See* AR 65304 at 65321 (Tunnels and Underground Stations Technical
8 Memorandum, generically describing possible problems with groundwater and the
9 likelihood that hard rock tunneling would be necessary along the Beretania route), 65321
10 (noting the risk of shallow groundwater and ground and structure settlement during tunnel
11 construction), 65328-29 (describing safety, noise, traffic, dust, and other concerns as a
12 result of excavation and construction of tunnels). But other portions of the record
13 indicate that the Beretania Street route could have been excavated using a tunnel boring
14 machine, which would not disturb the surface and would dig at a level below most burial
15 sites. AR 50082 at 50157 (Environmental Consequences Draft); *cf.* AR 51561 at 51595
16 (specifically noting that the *King Street alignment* could cause structural damage on
17 adjacent sensitive buildings and could encounter groundwater issues).

18 As further justification for their decision, Defendants argue that the Beretania
19 alignment would not serve the Project's purpose because it would not go to Ala Moana
20 Center and would consequently serve fewer passengers. There is some indication in the
21 record that this was a concern about the Beretania route. *See* AR 9434 at 9520 (noting
22 that the Beretania Street Tunnel route would serve the fewest residents and jobs), 9540
23 (observing that the Beretania Street Tunnel route would provide poor transit benefits).

24 In other words, while Defendants have pointed to some justifications that could
25 have provided support for a decision to reject the Beretania Tunnel alternative as
26 imprudent, none of these concerns was articulated in the FEIS. In fact, at no point in the
27 record did Defendants explicitly conclude that the Beretania alignment was either

1 inconsistent with the purpose and need of the Project or imprudent for any reason not
2 related to cost concerns. While Section 4(f) review is based on a review of the entire
3 record, *see Overton Park*, 401 U.S. at 420, Defendants' explanations appear to be *post*
4 *hoc* rationalizations for their decision to reject the Beretania route. Defendants' failure to
5 include full analysis of whether the Beretania option was a prudent and feasible
6 alternative during the DEIS, FEIS, and ROD process was arbitrary and capricious.

7 Defendants must fully consider the prudence and feasibility of the Beretania tunnel
8 alternative specifically, and supplement the FEIS and ROD to reflect this reasoned
9 analysis in light of evidence regarding costs, consistency with the Project's purpose, and
10 other pertinent factors. *See Citizens for Smart Growth*, 669 F.3d at 1217. Should
11 Defendants determine, upon further examination of the evidence, that their previous
12 decision to exclude the Beretania alternative because it would be imprudent was
13 incorrect, they must withdraw the FEIS and ROD and reconsider the project in light of the
14 feasibility of the Beretania tunnel alternative. *See Alaska Wilderness Recreation &*
15 *Tourism Ass'n v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995) ("The existence of a viable
16 but unexamined alternative renders an environmental impact statement inadequate.").

17 **iii. Alternative Technologies**

18 Plaintiffs claim that Defendants should have considered two alternative
19 technologies, bus rapid transit and at-grade light-rail, as feasible and prudent alternatives
20 that would avoid Section 4(f) sites. The FEIS and ROD rejected both of these
21 technologies as not meeting the purpose and need of the Project and so, if that
22 determination was proper, then both alternatives were properly found imprudent for the
23 same reasons explained with respect to the MLA above. AR 247 at 324 (FEIS concludes
24 that bus rapid transit would not meet purpose and need of the Project because buses
25 would still operate in mixed traffic, congestion would not be alleviated, and it would not
26 have encouraged growth in the project corridor); AR 30 at 35 (ROD explains that at-grade
27 light-rail would not have met Project's purpose and need because it would not have

1 satisfied the mobility and reliability needs of the Project, as capacity would be too low,
2 traffic lanes would need to be removed, and congestion would have been exacerbated).

3 There is ample support in the record for these determinations. Defendants
4 consistently maintained in the FEIS and the ROD, as well as in their responses to
5 comments, that the bus system would not alleviate congestion because of the problems
6 with a mixed traffic system, and that at-grade rail would not satisfy the Project's
7 objectives because it would have to consist of smaller railcars that would stop cross-
8 traffic as they passed and be forced to halt if traffic accidents occurred. *See* AR 247 at
9 321-324; AR 30 at 35; AR 855 at 974-75. Accordingly, Defendants' decision not to
10 consider these alternatives further was neither arbitrary nor capricious.

11 **b. All Possible Planning**

12 In order to approve a project that uses Section 4(f) sites, an agency must also
13 include all possible planning to minimize harm to section 4(f) property. 23 C.F.R. §
14 774.3(c)(2). "All possible planning means that all reasonable measures identified in the
15 Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must
16 be included in the project." 23 C.F.R. § 774.17. The "all possible planning" clause
17 requires that the federal agency make reasonable efforts to minimize harm to Section 4(f)
18 sites by balancing the harm to the site by the proposed project with the harm to the same
19 site by another alternative or a plan to implement mechanisms that would diminish that
20 particular harm. *Adler*, 675 F.2d at 1094.

21 Plaintiffs argue that Defendants failed to include all possible planning in their
22 Section 4(f) evaluation because they did not evaluate the use of Chinatown, as a TCP, by
23 the Project passing through the district, and because Defendants failed to take into
24 account that the railway would block views of the harbor from Chinatown. Defendants
25 argue in response that they satisfied their planning obligations as to Chinatown, a historic
26 site, when they entered into the PA pursuant to NHPA § 106.

27 In support of their contention that entering into a PA is all that is required to satisfy
28

1 their obligation to include “all possible planning” to minimize harm to Section 4(f) sites,
2 Defendants point to the language of § 774.17:

3 With regard to historic sites, the measures normally serve to protect the
4 historic activities, features, or attributes of the site as agreed by the
5 Administration and the official(s) with jurisdiction over the Section 4(f)
6 resource in accordance with the consultation process under 36 C.F.R. part
7 800.

8 23 C.F.R. § 774.17. The plain meaning of this regulation indicates that engaging in “all
9 possible planning” will *normally* serve to preserve the protected attributes of historic
10 properties; it does not state that satisfying NHPA by entering into a PA will always and
11 automatically satisfy Section 4(f) planning requirements. *See* AR 21948-49 (policy paper
12 noting that mitigation of historic sites *usually* consists of those measures agreed to in
13 accordance with the NHPA). In other words, it is conceivable that further reasonable
14 mitigation possibilities could exist beyond those explored in a PA, and those must be
15 considered to satisfy Section 4(f). In this case, the FEIS notes that the guideway was
16 designed to be as narrow as possible in order to avoid negative impacts to Chinatown, and
17 that community input will be sought on the Chinatown station design. The PA includes
18 further measures to deal with cultural properties discovered during construction. AR 247
19 at 718-20; AR 30 at 61, 105-06. Plaintiffs have not suggested any reasonable mitigation
20 measures that Defendants could have undertaken, but did not, in order to further mitigate
21 impacts on Chinatown. Defendants have satisfied the “all possible planning”
22 requirement, given these mitigating features described in the FEIS and PA.

23 **B. NEPA Claims (Counts 1-4)**

24 **1. Purpose and Need**

25 Plaintiffs claim that the statement of purpose and need in the FEIS was too narrow,
26 thereby dictating that an elevated fixed guideway railway would be the only alternative
27 that could meet the Project’s stated purpose. An EIS is required briefly to specify the
28 underlying purpose and need to which the agency is responding in proposing the
alternatives in the EIS. 40 C.F.R. § 1502.13. The purpose and need statement in the

1 FEIS here was quite lengthy and specific. The following purposes were specified: (1) to
2 provide high-capacity rapid transit in the highly congested corridor between Kapolei and
3 UH Manoa; (2) to provide faster, more reliable public transportation than could be
4 achieved by buses operating in congested mixed-flow traffic; (3) to provide reliable
5 mobility in areas where people of limited income and an aging population live; (4) to
6 serve rapidly developing areas; and (5) to provide additional transit capacity and an
7 alternative to private automobile travel and to improve transit links. AR 247 at 312; *see*
8 *also* AR 9696 at 9697-98 (stating similar goals in the 2007 NOI). Ultimately, only a
9 fixed guideway rail system was determined to meet this purpose and need, and, as a
10 result, the FEIS analyzed three fixed guideway rail systems using the same technology
11 but traveling slightly different routes, as well as a no-build alternative. AR 247 at 319-37.

12 Defendants assert that this statement of purpose and need was developed
13 throughout the AA process to respond to local needs and federal statutory goals.⁶
14 Agencies enjoy “considerable discretion” in defining the purpose and need of a project,
15 but they cannot define the project’s objectives in “unreasonably narrow terms,” such that
16 only one alternative would accomplish the goals of the project and the EIS becomes a
17 foreordained formality. *Nat’l Parks & Conservation Ass’n v. Bureau of Land Mgmt.*, 606
18 F.3d 1058, 1070 (9th Cir. 2010); *see also Davis v. Mineta*, 302 F.3d 1104, 1118-20 (10th
19 Cir. 2002). On the other hand, an agency may not frame its goals in terms so
20 unreasonably broad that an infinite number of alternatives would accomplish those goals.
21 *Citizens Against Burlington v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991). A district
22 court evaluates an agency’s statement of purpose for reasonableness. *Nat’l Parks &*

23
24 ⁶ Federal regulations provide that an agency may use federally-supervised state-
25 developed planning studies in order to produce a purpose and need statement. 23 C.F.R. §
26 450.318(a); *see also* 23 C.F.R. Pt. 450 App’x A at 11 (“With proper documentation and
27 public involvement, a purpose and need derived from the planning process can legitimately
28 narrow the alternatives analyzed in the NEPA process.”). This is the process that Defendants
followed.

1 *Conservation Ass'n*, 606 F.3d at 1070.

2 In assessing the reasonableness of a purpose and need statement in an EIS, the
3 court must consider the statutory context of the federal action at issue. *League of*
4 *Wilderness Defenders v. U.S. Forest Serv.*, 689 F.3d 1060, 1070 (9th Cir. 2012); *see also*
5 *Citizens Against Burlington*, 938 F.2d at 196 (stating that “an agency should always
6 consider the views of Congress, expressed, to the extent that the agency can determine
7 them, in the agency’s statutory authorization to act, as well as in other congressional
8 directives”); *City of New York v. U.S. Dep’t of Transp.*, 715 F.2d 732, 743 (2d Cir. 1983)
9 (“Frequently, a pertinent guide for identifying an appropriate definition of an agency’s
10 objective will be the legislative grant of power underlying the proposed action.”).

11 In this case, the statement of purpose and need, while highly detailed, was broad
12 enough to allow the agency to assess various routing options and technologies for the
13 fixed guideway. In addition, the stated purposes clearly and faithfully reflect the
14 objectives of the statutes under which the FEIS arose. Specifically, 23 U.S.C. § 139(f)(3),
15 one of the provisions of the Safe Accountable Flexible Efficient Transportation Equity
16 Act: A Legacy for Users (“SAFETEA-LU”), provides that a federally-funded
17 transportation project’s purposes may include achieving a transportation objective
18 identified in a local plan, supporting land use and growth objectives established in
19 applicable federal, state, local, or tribal plans, and serving other national objectives, as
20 established in federal law, plans, or policies. *See also* AR 22836 at 22858. The statute
21 authorizing the federal New Starts transportation program states that it is in the interest of
22 the United States to foster transportation systems that maximize safe, secure, and efficient
23 mobility of individuals, minimize environmental impacts, and minimize fuel
24 consumption. 49 U.S.C. § 5301(a). That statute also states that one of the purposes of the
25 New Starts program is to provide financial assistance to state and local governments in
26 order to improve mobility for elderly and economically disadvantaged individuals.
27 § 5301(f)(4).

1 Providing high-capacity rapid transit in a specific congested corridor is an
2 objective meant to achieve a local transportation objective articulated in a local
3 transportation plan, consistent with SAFETEA-LU. § 139(f)(3)(A). Providing faster,
4 more reliable public transit and providing reliable service to the poor and elderly similarly
5 serves the goals of the New Start program. § 5301(a), (f)(4). Serving rapidly developing
6 areas of the study corridor supports a local growth objective. 23 C.F.R. § 139(f)(3)(B).
7 Finally, the provision of an alternative to private automobile travel arguably serves the
8 purpose of minimizing environmental impacts and fuel consumption. § 5301(a). Because
9 the statement of purpose and need did not foreclose all alternatives, and because it was
10 shaped by federal legislative purposes, it was reasonable. Plaintiffs' argument to the
11 contrary is accordingly rejected.

12 **2. Reasonable Alternatives**

13 An EIS must include a detailed statement on alternatives to the proposed action.
14 42 U.S.C. § 4332(2)(C)(iii). The alternatives analysis "is the heart of the environmental
15 impact statement" and must "rigorously explore and objectively evaluate all reasonable
16 alternatives, and for alternatives which were eliminated from detailed study, briefly
17 discuss the reasons for their having been eliminated." 40 C.F.R. § 1502.14.

18 "In reviewing the sufficiency of an EIS, we employ 'a rule of reason' standard of
19 review 'that inquires whether an EIS contains a reasonably thorough discussion of the
20 significant aspects of the probable environmental consequences.'" *Ilio'ulaokaokalani*
21 *Coal. v. Rumsfeld*, 464 F.3d 1083, 1095 (9th Cir. 2006) (quoting *California v. Block*, 690
22 F.2d 753, 761 (9th Cir. 1982)) (additionally noting that this standard "is not materially
23 different than arbitrary and capricious review"). The agency must consider those
24 reasonable alternatives that are within the range dictated by the nature and scope of the
25 proposed action and sufficient to permit a "reasoned choice." *Friends of Yosemite Valley*
26 *v. Kempthorne*, 520 F.3d 1024, 1038 (9th Cir. 2008). The touchstone for this inquiry is
27 whether an EIS' selection and discussion of alternatives fosters informed decision-making

1 by the agency and informed public participation. *Block*, 690 F.2d at 767.

2 There are some limits on an agency's duty to consider alternatives. An agency is
3 under no obligation to consider every possible alternative to a proposed action, nor must
4 it consider alternatives that are unlikely to be implemented or inconsistent with its basic
5 policy objectives. *Seattle Audubon Soc'y v. Moseley*, 80 F.3d 1401, 1404 (9th Cir. 1996).
6 There is no statutorily required minimum number of alternatives that must be considered
7 and alternatives that do not advance the purpose of the project are not reasonable. *Native*
8 *Ecosystems Council v. U.S. Forest Serv.*, 428 F.3d 1233, 1246 (9th Cir. 2005); *Akiak*
9 *Native Cmty. v. U.S. Postal Serv.*, 213 F.3d 1140, 1148 (9th Cir. 2000). There is also no
10 need separately to analyze alternatives that are not significantly distinguishable from
11 those already considered or which have substantially similar consequences. *Headwaters,*
12 *Inc. v. Bureau of Land Mgmt.*, 914 F.2d 1174, 1181 (9th Cir. 1990).

13 Plaintiffs challenge Defendants' assessment of reasonable alternatives under
14 NEPA on a variety of grounds. During the AA process, Defendants considered an
15 improved bus system and the MLA, but rejected them as inconsistent with the purpose
16 and need of the Project; those two options were therefore not carried over to the FEIS.
17 AR 247 at 321-27. As previously discussed, three fixed guideway routes and the no-build
18 alternative were analyzed in the FEIS. *Id.* at 331. Plaintiffs argue that: (1) it was
19 improper to remove alternatives from consideration during the AA process; (2) the MLA
20 was rejected based on bad data and would, in fact, meet the purpose and need of the
21 Project; (3) alternate rail technologies, such as magnetic levitation, were erroneously
22 excluded from consideration as reasonable alternatives in the FEIS; and (4) Defendants
23 erroneously refused to consider a route that would not pass by the federal courthouse.
24 Each of these claims is addressed below in turn.

25 **a. Use of the AA Process to Screen Alternatives**

26 Federal regulations require that federal agencies cooperate with state and local
27 agencies to the fullest extent possible in order to reduce duplication between NEPA and

1 state and local requirements. 40 C.F.R. § 1506.2; *see also Laguna Greenbelt*, 42 F.3d at
2 524 & n.6. A state-prepared AA can be used to comply with NEPA, as long as it meets
3 certain prerequisites, including that: (1) the federal lead agency furnished guidance in the
4 AA's preparation and independently evaluated the document, 23 U.S.C. § 139(c)(3); and
5 (2) the AA was conducted with public review and a reasonable opportunity to comment,
6 23 C.F.R. § 450.318(b)(2)(ii)-(iii); *see also* AR 22836 at 22850 (AA result must be
7 subject to public review and comment during the scoping of the EIS). A satisfactory AA
8 can be used to screen preliminarily and eliminate unreasonable alternatives. 23 C.F.R. §
9 450.318(a), (d); *see also* 23 C.F.R. Pt. 450 App'x A at 12 ("Alternatives passed over
10 during the transportation process because they are infeasible or do not meet the NEPA
11 'purpose and need' can be omitted from the detailed analysis of alternatives in the NEPA
12 document, as long as the rationale for elimination is explained in the NEPA document.").

13 Plaintiffs argue that the AA used to eliminate the MLA from further consideration
14 was inadequate, because it was not supervised by the FTA and because it was not subject
15 to public comment. The record belies both of these assertions. There are a number of
16 documents that indicate that the FTA played an active role in shaping, overseeing, and
17 approving the AA. *See* AR 30 at 33 (ROD approval of AA); AR 150766 (internal FTA
18 discussion about AA logistics); AR 150107 (City representative wrote to FTA to check
19 about MLA's eligibility for federal funding); AR 150091 (FTA indicated that it would
20 review AA prior to publication).

21 There were also many opportunities for public comment on the alternatives
22 discussed in the AA. *See* AR 247 at 296 (City Council considered over 3,000 comments
23 from the public on the AA before selecting the locally preferred alternative); AR 9434 at
24 9435 (AA states that City Council will conduct public hearings to solicit community
25 views on the evaluated alternatives), 9554 (AA notes that over 200 meetings were held
26 with members of the public while developing the AA); AR 16601 (AA Scoping Report
27 published prior to release of AA); AR 68621 (City Council held thirteen public meetings

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1 where public comment was sought on the AA).

2 Although the 2007 NOI may have discouraged public comment on the alternatives
3 that had already been considered and rejected in the AA, there was sufficient opportunity
4 on the whole for public comment both before publication of the AA and during the City
5 Council meetings following publication. AR 9696 at 9699 (“Other reasonable
6 alternatives suggested during the scoping process may be added if they were not
7 previously evaluated and eliminated for good cause on the basis of the Alternatives
8 Analysis and are consistent with the project’s purpose and need.”); *see also* AR 17157 at
9 17172 (NEPA Scoping Report states that “[c]omments that focus on a preference for
10 alternatives that have previously been evaluated and eliminated from consideration are
11 included in the appendices to this report but are neither summarized nor considered.”).
12 Accordingly, use of the AA to remove alternatives from consideration was not contrary to
13 the statute or the regulations. Plaintiffs’ argument to the contrary is therefore rejected.

14 **b. MLA**

15 Plaintiffs argue that the MLA was excluded from consideration as a reasonable
16 alternative based on improper use of a version of the proposal that was designed to fail to
17 meet the purpose and need, in conjunction with bad data. They contend that Defendants
18 used this version of the MLA as a “straw man” to make the rail alternative look more
19 appealing. In essence, Plaintiffs argue that Defendants erred when they did not consider
20 the exact version of the MLA proposed by HonoluluTraffic.com in the AA.

21 HonoluluTraffic.com made a number of comments along these lines throughout
22 the administrative process. *See* AR 855 at 2018-31; AR 16601 at 16715-27; AR 17157 at
23 17223-27; AR 71958 at 71958-60. It complained that the cost estimates for the MLA in
24 the AA were “preposterous” because they were seven times higher than a comparable
25 three-lane expressway built in Tampa; it argued that a cost estimate of \$900 million was
26 more accurate. AR 17157 at 17223-27. HonoluluTraffic.com also asserted that the AA
27 underestimated the number of riders that would use the MLA, “killed the MLA

1 advantage” by extending the expressway’s length and allowing HOVs to use it for free,
2 and erroneously concluded that the MLA would never be eligible for New Starts Funding.
3 *Id.* Finally, HonoluluTraffic.com insisted that the AA should have considered a three-
4 lane version of the MLA, not just a two-lane version, as well as additional ingress and
5 egress options. *Id.*

6 In support of the assertions made in the HonoluluTraffic.com comment letters,
7 Plaintiffs point to an open letter written by an official involved in the construction of the
8 Tampa elevated expressway project. AR 17157 at 17245-48. The official alleged that
9 Defendants had intentionally misrepresented the facts associated with the cost and
10 operation of the Tampa project in order to obscure the possibility that the MLA could
11 provide congestion relief in Honolulu. *Id.* Plaintiffs also cite to comments made by the
12 Transit Advisory Task Force on the MLA. AR 70839 at 70878-79 (suggesting that
13 Defendants explore new ingress and egress options on the MLA to alleviate congestion
14 and explain why the zipper lane was discontinued in the AA design of the MLA).
15 Finally, Plaintiffs cite to a number of comments made by FTA employees about the
16 MLA. *See* AR 150902 (FTA employee informs City that MLA is eligible for federal-aid
17 highway funding, but states, “I don’t speak for FTA Region 9.”); AR 151052 (FTA staff
18 member states that the MLA was supported by the right milestones and methodology);
19 AR 151149 (FTA staff member recommends that the MLA be considered in the DEIS);
20 AR 151155 (FTA staff member writes that MLA appears to be reasonable on its face).

21 Defendants’ decision to limit their analysis to the two-lane versions of the MLA
22 explored in the AA did not violate “the rule of reason.” Indeed, Defendants addressed the
23 many design alterations suggested by Plaintiffs’ comments and found that they were not
24 substantial. AR 247 at 798-802 (explaining that there were no substantial differences
25 between the alternative studied in the AA and the “ideal” managed lanes option that
26 would have resulted in a different outcome); AR 855 at 2090 (response letter to
27 HonoluluTraffic.com explaining that zipper lane was eliminated to increase capacity in

1 both directions and that all of the suggested changes to the MLA design would still not fix
2 the primary issue with the MLA, the performance of buses on local streets), 2092
3 (explaining that increasing the number of lanes in the MLA would not have relieved
4 congestion and would have increased cost).

5 Defendants also adequately defended their MLA cost estimates; the Transit
6 Advisory Task Force found that the Tampa project was not a good cost comparator
7 because of the many differences between the two projects, *see* AR 55308 at 55311, that
8 the cost estimates in the AA were “fair and accurate,” and that the same costing
9 techniques were used to price all of the alternatives analyzed in the AA. AR 855 at 2091.
10 It was not unreasonable for Defendants to refuse to reassess a new version of the MLA in
11 the FEIS, because there was no indication that the AA’s assessment of the MLA was
12 inaccurate or that changes to the MLA design would have made a difference. *See*
13 *Headwaters*, 914 F.2d at 1181 (no need to separately analyze alternatives that are not
14 significantly distinguishable from those already considered). Accordingly, Plaintiffs’
15 claim that Defendants erred in refusing to consider MLA further is rejected.

16 **c. Alternatives to Steel-Wheels-on-Steel**

17 Plaintiffs also argue that Defendants failed to consider reasonable alternative
18 technologies in the FEIS, including light-rail, monorail, magnetic levitation, and rubber-
19 tired rail. These technologies were excluded from further consideration by a panel of
20 experts during the DEIS scoping process, in favor of steel-on-steel technology. Plaintiffs
21 complain that the panel of experts made their decision without proper public input and
22 based on concerns such as cost, performance, and reliability, rather than the
23 environmental advantages and disadvantages of each technology.

24 Defendants defend their decision to exclude alternate rail technologies on the basis
25 that all five technologies were essentially environmentally equivalent, and an EIS need
26 not consider indistinguishable alternatives. *See Headwaters*, 914 F.2d at 1181. There is
27 evidence in the record that indicates that the panel of experts considered the

1 environmental effects of the various technologies, including air pollution, energy use, and
2 noise impacts. AR 55188 at 55189 (panel reports that it concluded that steel wheel
3 technology has noise impacts comparable to other technologies, better energy efficiency,
4 and lower air quality impacts than the other four options).

5 In the FEIS, Defendants explained that the alternate rail technologies were
6 eliminated because they are proprietary and did not offer substantial proven performance,
7 cost, and reliability benefits compared to steel-on-steel technology. AR 247 at 790-91;
8 *see also* AR 9319 (steel wheel technology is reliable, safe, high speed, and non-
9 proprietary). The FEIS noted further that magnetic levitation is unproven for general use
10 and that steel wheel systems can be designed to match the noise levels of magnetic
11 levitation systems when in operation. *Id.*; *see also* AR 855 at 1803-04 (City letter
12 explains that there is only one magnetic levitation system operating in the world, that it
13 would require more energy and block more views, and that other systems can be designed
14 to match its noise level); *but see* AR 22575 at 22682 (raw numbers indicating that
15 magnetic level noise levels are lower before mitigation).

16 Neither the panel of experts nor the FEIS included a side-by-side comparison of
17 the environmental effects of the various technologies, to make clear to the public which
18 technologies provided the most environmental benefit. *See Block*, 690 F.2d at 767 (the
19 touchstone for NEPA review is whether an EIS' selection and discussion of alternatives
20 fosters informed decision-making by the agency and informed public participation). It is
21 nevertheless clear that there were extensive opportunities for public comment on the
22 various proposed rail technologies. *See* AR 247 at 283 (FEIS describes scoping process);
23 AR 855 at 1803-04 (letter from City noting that public comments on each technology
24 were accepted); AR 17157 at 17160-61 (NEPA scoping report describes public comments
25 received at scoping meetings and in writing).

26 Because Defendants have presented adequate evidence that the environmental
27 advantages of each technology were considered by the panel, and have shown that the

1 public had ample opportunity to comment, their decision to exclude alternate rail
2 technologies from the FEIS was not arbitrary and capricious.

3 **d. Alternatives to Route Past Courthouse**

4 Finally, Plaintiffs argue that Defendants failed to consider reasonable alternatives
5 to a route running past the federal courthouse because such routes would require approval
6 from the City Council. For support, Plaintiffs rely on a letter written by locally-based
7 federal judges expressing their concern about the positioning of the rail project past the
8 courthouse. AR 855 at 930-34. Plaintiffs claim that the letter states that the judges spoke
9 to the Chief of the City's Rapid Transit Division, who told them that alternative
10 alignments were unlikely to be considered *because* they would require the approval of the
11 City Council. In fact, the judges' letter states that the Chief said he did not feel there are
12 any viable alternatives *and* that any change would require City Council approval. *Id.*
13 There is nothing in the record to indicate that Defendants ever decided not to evaluate
14 alternate routes because they wanted to avoid the need for City Council approval. *See,*
15 *e.g.,* AR 855 at 937-38 (City letter in response to federal judges' letter explaining why the
16 alignment had been selected). Plaintiffs' claim is unsupported by the record and is,
17 therefore, rejected.

18 **3. Analysis of Environmental Consequences**

19 An EIS must contain a "reasonably thorough discussion" of a project's
20 environmental consequences and mitigation measures. *Nat'l Parks & Conservation*
21 *Ass'n*, 606 F.3d at 1072-73; *see also* 42 U.S.C. § 4332(2)(C). The EIS must discuss the
22 project's direct effects and reasonably foreseeable indirect and cumulative effects,
23 including growth-inducing effects. 40 C.F.R. § 1502.16. However, an EIS need not
24 discuss speculative consequences or discuss every conceivable environmental impact.
25 *Ground Zero Ctr. for Non-Violent Actions v. U.S. Dep't of the Navy*, 383 F.3d 1082,
26 1089-90 (9th Cir. 2004). While the EIS must discuss mitigation in some detail, a
27 complete mitigation plan is not necessary. *Robertson v. Methow Valley Citizens Council*,

1 490 U.S. 332, 352 (1989).

2 A court's review of the discussion of environmental consequences in an EIS is
3 limited to assessing whether the EIS includes a "hard look" at the environmental impacts
4 of the proposed action. *Nat'l Parks & Conservation Ass'n*, 606 F.3d at 1072. This
5 requires a pragmatic judgment about whether the form, content and preparation of the EIS
6 foster informed decision-making and informed public participation. *Id.*

7 Plaintiffs argue that the FEIS does not sufficiently examine the foreseeable
8 environmental consequences of the Project because: (1) it does not account for potential
9 impacts on air quality associated with fabricating and installing the guideway and
10 transporting materials to the areas where the guideway will be built; and (2) it fails to
11 account for the indirect and cumulative effects on land use and growth that will occur
12 along the rail line and does not explain whether there are sensitive environmental
13 resources that could be affected in those areas.

14 As to the first argument, Defendants gave the requisite "hard look" to the
15 environmental consequences that could result from construction in the FEIS. *See* AR 247
16 at 551-54 (describing air pollutant emissions that will occur due to the project), 640-41
17 (describing effects of the construction phase), 645 (explaining that air pollution effects
18 from construction will be limited to short-term increases in fugitive dust and airborne
19 particulate matter and mobile-source emissions, and identifying mitigation measures).
20 Accordingly, Plaintiffs' argument to the contrary is rejected.

21 As to the second, it is not entirely clear what specific environmental resources
22 Plaintiffs contend will be threatened by the growth-inducing effects of the Project, but it
23 is plain that Defendants also gave the required "hard look" at this issue. *See* AR 247 at
24 656 (noting that future development will be greatly influenced by factors outside of the
25 control of Defendants), 657 (explaining that the project will not affect regional
26 population, but will influence distribution and intensity of development in the study
27 corridor and away from the less developed, more environmentally-sensitive areas of

1 Oahu), 672 (observing that the project is being built in an urbanized environment that will
2 remain urbanized in the future and that the project could result in the preservation of a
3 larger volume of undisturbed land outside of the project corridor, which would benefit
4 ecosystems), 673 (analyzing the direct, indirect, and cumulative impacts of the project on
5 water, street trees, and archaeological, cultural, and historic resources). This argument is
6 therefore rejected as well.

7 **4. Segmented Analysis**

8 Plaintiffs claim that Defendants improperly segmented their NEPA analysis by
9 preparing an FEIS for the rail project, which will run from Kapolei to Ala Moana Center,
10 without also including environmental analysis of the impacts of planned extensions of the
11 rail project between Ala Moana Center, and UH and Waikiki. Federal regulations
12 provide that “[p]roposals or parts of proposals which are related to each other closely
13 enough to be, in effect, a single course of action shall be evaluated in a single impact
14 statement.” 40 C.F.R. § 1502.4(a). This includes connected actions, cumulative actions,
15 and similar actions, as defined in 40 C.F.R. § 1508.25(a). Federal regulations further
16 specify that an action assessed in an EIS dealing with a transportation improvement shall:
17 (1) connect logical termini and be of sufficient length to address environmental matters on
18 a broad scope; (2) have independent utility or independent significance, *i.e.*, be usable and
19 be a reasonable expenditure even if no further improvements in the area are made; and (3)
20 not restrict consideration of alternatives or other reasonably foreseeable transportation
21 improvements. 23 C.F.R. § 771.111(f).

22 Plaintiffs assert that the Kapolei to Ala Moana rail line and the Ala Moana to
23 UH/Waikiki rail line are “connected actions.” Actions are connected if they
24 automatically trigger other actions which may require an EIS, cannot or will not proceed
25 unless other actions are taken previously or simultaneously, or are interdependent parts of
26 a larger action and depend on the larger action for their justification. § 1508.25(a)(1).

27 Plaintiffs insist that the rail project was always intended to extend to Waikiki, and that the
28

1 segmentation of the project into smaller sections was an attempt to avoid analyzing
2 environmental impacts to areas beyond the Ala Moana Center. *See* AR 9556 at 9566-68
3 (describing need for better rapid transit service to Waikiki, as a tourist center, and UH);
4 AR 9696 (2007 NOI states that Defendants intend to prepare an EIS on a project running
5 from Kapolei to UH and Waikiki); AR 9700 (2005 NOI states that travel corridor extends
6 from Kapolei to UH and Waikiki); AR 72134 at 72137 (letter from two City
7 Councilmembers suggesting that the branch to Waikiki was intentionally left out of the
8 DEIS to avoid addressing negative environmental impacts).

9 The Ninth Circuit applies an “independent utility” test to determine whether
10 multiple actions are so connected as to mandate consideration in a single EIS. *Great*
11 *Basin Mine Watch v. Hankins*, 456 F.3d 955, 969 (9th Cir. 2006). The court asks whether
12 each of the two projects would have taken place with or without each other and thus have
13 independent utility. *Id.* A number of Ninth Circuit cases have applied this test. *See, e.g.,*
14 *id.* (concluding, in a challenge to two RODs, that the two projects were interdependent
15 and therefore should have been assessed together); *Wetlands Action Network v. U.S. Army*
16 *Corps of Eng’rs*, 222 F.3d 1105, 1112 (9th Cir. 2000), *abrogated on other grounds by*
17 *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1176-78 (9th Cir. 2011) (en banc),
18 (finding, in challenge to a single permit issuance, that permitted project had independent
19 utility because it did not depend on completion of later, not-yet-permitted phases of the
20 project); *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985) (finding that an EA
21 approving new road was improperly segmented when the EA did not consider the impact
22 of timber sales that were the sole reason for building the road).

23 The rail project as defined in the FEIS, running from Kapolei to the Ala Moana
24 Center, satisfies the independent utility test. While it is true that future extensions to
25 Waikiki and UH may not have independent utility, Plaintiffs’ challenge is not to an EIS
26 dealing with those extensions and so the court need not address the independent utility of
27 speculative future developments. The record amply supports the conclusion that the route

1 in the FEIS will serve a purpose even if the proposed extensions are never built. AR 247
2 at 791 (FEIS explaining that planned extensions were not included because no funding
3 had been identified for them, but that the rail project had logical termini and independent
4 utility from any extensions that may be constructed in the future); AR 9556 at 9568 (Ala
5 Moana Center is served by more than 2,000 weekday bus trips and visited by more than
6 fifty-six million shoppers annually). While the existence of the Project may strongly
7 influence future decisions about whether an elevated rail line is built from Ala Moana to
8 Waikiki and UH Manoa, the construction of an extension is not a foregone conclusion.
9 Plaintiffs' argument that the NEPA analysis was impermissibly segmented is accordingly
10 rejected.⁷

11 **C. NHPA**

12 Plaintiffs argue that Defendants have failed to meet their duty to assess the indirect
13 effects that historic resources other than Chinatown and Merchant Street located near the
14 rail stations will suffer due to the project. The NHPA requires agencies to assess whether
15 historic properties will suffer adverse effects, which occur when an undertaking may
16 alter, directly or indirectly, any of the characteristics that qualify a property for inclusion
17 in the National Register. 36 C.F.R. § 800.5(a)(1). The agency must then consult with
18 relevant parties to develop and evaluate alternatives and modifications to the undertaking
19 that could avoid, minimize, or mitigate those adverse effects. 36 C.F.R. § 800.6(a);
20 *Muckleshoot Indian Tribe*, 177 F.3d at 805 (observing that § 106 is a “stop, look, and
21 listen” provision requiring agencies to consider the effects of their programs). A PA can
22 serve as evidence of the agency's compliance with these requirements. 36 C.F.R. §
23 800.6(c).

24
25 ⁷ Defendants contend that the FEIS did, in fact, analyze impacts of future
26 extensions to Waikiki and UH. There is some evidence in the record to support this
27 contention. *See* AR 247 at 554-64, 655; AR 33642 at 33654. There is, however, no need to
28 decide that question at this time.

1 A review of the entire record reveals that Defendants sufficiently assessed the
2 harm that rail station-induced growth could cause to historic sites near rail stations and set
3 up a number of mitigation measures to deal with such effects. *See* 247 at 657-59
4 (recognizing that the project may increase the density of development near stations); AR
5 30 at 103-04 (PA providing that the City shall employ a architectural historian who shall
6 monitor the integration of transit-oriented development and historic preservation in the
7 vicinity of project stations), 104 (City shall monitor proposed demolition of resources
8 built before 1969 within a 2,000 foot radius of each station), 105 (provides for meeting
9 with consulting parties to discuss next steps if a significant adverse indirect or cumulative
10 effect occurs to a historic resource). Defendants have therefore satisfied their duty to
11 consult with the SHPO and to develop alternatives to mitigate possible adverse effects on
12 historic properties. Accordingly, Plaintiffs' NHPA claim is rejected. *See Tyler v. Cuomo*,
13 236 F.3d 1124, 1129 (9th Cir. 2000).

14 **III. Conclusion and Remedy**

15 For the reasons set forth above:

16 **A.** The Court grants Plaintiffs' Motion for Summary Judgment (Doc. 109) with
17 respect to: (1) their Section 4(f) claims that Defendants arbitrarily and capriciously
18 failed to complete reasonable efforts to identify above-ground TCPs prior to
19 issuing the ROD; (2) Defendants' failure adequately to consider the Beretania
20 Street Tunnel alternative prior to eliminating it as imprudent; and (3) Defendants'
21 failure adequately to consider whether the Project will constructively use Mother
22 Waldron Park.

23 **B.** The Court grants Defendants' Motion for Summary Judgment (Doc. 145)
24 with respect to all other claims raised in said motion.

25 **C.** The Court does not enter a final judgment and/or a permanent injunction at
26 this time. While an injunction may be appropriate in this case, issuance of an
27 injunction does not automatically follow, nor do the terms of any such injunction.

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See N. Cheyenne Tribe v. Norton, 503 F.3d 836, 842 (9th Cir. 2007). Traditional standards of equity still govern. *Id.*; *Weinberger v. Romero-Barcelo*, 456 U.S. 305 (1982) (sustaining district court’s refusal to enjoin Navy’s violations of Federal Water Pollution Control Act where the district court, instead, ordered the Navy to apply for a permit). Even assuming the issuance of an injunction is appropriate, it must be carefully tailored to provide a balanced remedy. *See Idaho Watersheds Project v. Hahn*, 307 F.3d 815, 833-34 (9th Cir. 2002), *abrogated on other grounds by Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008).

To achieve these ends, the court invites briefing on whether a permanent injunction and/or a declaratory judgment should issue, and the scope of any such equitable relief, in order properly to assess the balance of equities between the parties, as well as where the public interest lies. To afford the parties the opportunity to brief and argue these issues, concurrently with this Order, the Court is issuing a Scheduling Order re Remedy

IT IS SO ORDERED.

Dated this 1st day of November, 2012.

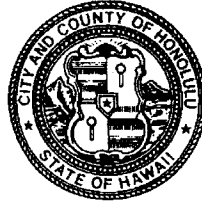
/s/ A. Wallace Tashima
A. WALLACE TASHIMA
United States Circuit Judge
Sitting by Designation

Appendix D—Correspondence

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
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KIRK CALDWELL
MAYOR



TONI P. ROBINSON
DIRECTOR
JEANNE C. ISHIKAWA
DEPUTY DIRECTOR

May 22, 2013

Mr. Daniel Grabauskas
Executive Director and CEO
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Mr. Grabauskas:

RE: Mother Waldron Neighborhood Park; Honolulu Rail Transit Project

The Honolulu Authority for Rapid Transportation (HART) has consulted with the City and County of Honolulu Department of Parks and Recreation (DPR) pursuant to Section 4(f) of the Department of Transportation Act and other laws with regard to the potential effects of the Honolulu Rail Transit Project (HRTTP) on Mother Waldron Neighborhood Park and Playground (Playground). DPR previously provided comments on the Draft Environmental Impact Statement and the Section 4(f) analysis regarding the HRTTP. HART reinitiated consultation with DPR regarding the potential effects of the HRTTP on the park usage after the December 2012 decision of the District Court for the District of Hawaii in [Honolulutraffic.com v. Federal Transit Administration](#).

The Honolulu Park Board approved plans for the Playground in 1936, and Works Progress Administration workers completed the Playground in 1937. At that time, the Playground occupied 1.8 acres.

In 1991-1992, the Hawaii Community Development Authority realigned Halekauwila Street, taking approximately 17%, or 12,700 square feet, of the Playground on the mauka end of the Playground (the playground end intended for use by younger children). The mauka end of the Playground lost its basketball and volleyball courts, wall and benches. The original playground equipment (parallel bars, swings, seesaw and sandbox) was replaced with modern playground equipment. The playground area in the mauka portion of the Playground was again reconfigured around 2006, adding a children's climbing structure.

Approximately 1.5 acres remain of the 1.8-acre original playground.

The current recreational features of the Playground include a playground with a climbing structure, basketball courts, volleyball courts, benches and open grass areas that are used for informal sporting activities, picnicking and daytime resting. Students from Voyager Public Charter School use the Playground. A farmers' market with a typical attendance of 5 vendors and 75 customers per week is held at the Playground on Monday mornings.

Basketball, playground, picnicking and volleyball are the activities designated for the Playground. Between 2009 and 2012, DPR has permitted various organized uses of the Playground.

A survey of park activity conducted by HART between November 9, 2012, and November 20, 2012 shows that the primary use of the Playground is by residents who camp in the Playground with sleeping mats, blankets, food coolers and bags, and wash and dry laundry around the comfort station. Nighttime observation indicated that this group of daytime users leaves the Playground during its hours of closure. Use by this resident population is concentrated around the comfort station.

Walkers, joggers, and dog walkers using or crossing the Playground were the second-most frequently observed use, followed by basketball, play-structure and bicycling use. Observed organized sporting events included a youth sports day and coaching of youth basketball skills. The majority of recreational use occurs in the makai portion of the Playground. Only the limited use of the play-structure is located adjacent to Halekauwila Street. Non-recreational uses included a weekly farmers' market and food bank delivery to neighborhood elderly.

The Playground qualifies for protection under Section 4(f) because (1) it is eligible for listing on the National Register under Criterion A, for its association with the national playground movement, and under Criterion C, for its architectural and landscape design by Harry Sims Bent, and (2) it is a public park. DPR concurs that overall (combined) proximity impacts would not substantially impair the activities, features, or attributes that qualify the Playground for protection under Section 4(f).

The Playground's setting is not an element of its National Register eligibility. We concur with HART's assessment that the Playground's setting has already been substantially altered, both by the fact that the buildings and uses that originally surrounded the Playground no longer exist and by the fact that the Playground's size and configuration were altered in the 1990s.

We also concur that the Playground's association with the national playground movement (Criterion A) will be unaffected by the H RTP's proximity to the mauka Playground boundary. To the extent that the Playground's equipment, architecture and layout still retain elements of the original design and features (Criterion C), the H RTP will not affect them. It will be located adjacent to the part of the Playground that retains the least integrity with respect to the original design and equipment, and will not, in any case, alter the design or intended use of the Playground.

The H RTP's proximity will not substantially impair the features and uses of the Playground. HART's recreational use survey indicates that the largest number of Playground users, who use the Playground as a living and resting space during the hours that it is open, are not sensitive to context. The H RTP would increase access for them (and for other users) but would not impair their use of the Playground. Other non-recreational users, such as dog walkers, joggers, picnickers and people who use the Playground for the farmers' market, will not be substantially impaired by the existence of the H RTP outside the Playground's boundaries.

The basketball and volleyball courts are at the end of the Playground farthest from the H RTP. Users of the courts will see the H RTP if they look towards the mauka end, where the view currently is of an apartment building. We concur with HART's conclusion that this change in the view will not substantially impair their recreational use.

Mr. Daniel A. Grabauskas
May 22, 2013
Page 3

The playground equipment for young children is closest to the HRTP, at the mauka end of the Playground. At present, users at the mauka end of the Playground look out across a street to an apartment building. The view of the apartment building will now be interrupted by the HRTP's pillars. We concur with HART's conclusion that this alteration in the view will not substantially impair the use of the mauka end of the Playground. The shade that the HRTP pillars and guideway provide during morning hours may be beneficial to users at that end of the Playground.

The HRTP will not restrict access to the Playground; in fact, HRTP will likely increase recreational use of the Playground, since two Rail stations are in close proximity. The effect of the HRTP will probably be overshadowed by the effect of the major high-rise projects planned for the property adjacent to the Playground. We anticipate more people using the Playground, both when people move into the high-rises, and when the HRTP is completed. Certainly, the Playground's comfort station usage will increase as a result of the HRTP, unless toilet facilities are provided at the HRTP station one block from the Playground. Increased use of the Playground is consistent with DPR's goal of maximizing park and recreational benefits to the public within limited available resources.

The HRTP would have little effect on the existing noise level at the Playground, and the noise analysis conducted by HART demonstrated that the HRTP would not cause a noise impact at the Playground. Vibration impacts from the HRTP will meet criteria protecting places where people sleep, and there will be no pile driving near the Playground to cause construction impacts. We concur with HART's analysis that these proximity impacts will not substantially impair any of the features that provide the Playground with protection under Section 4(f).

Therefore, DPR supports your non-use determination of the Playground, for the purpose of reconsideration of the Section 4(f) Non-Use Determination for Mother Waldron Neighborhood Park.

Should you have questions, please contact Rosalind Young, West Honolulu District Manager, at 522-7070.

Sincerely,



Toni P. Robinson
Director



IN REPLY REFER TO:
CMS-AP00ENV-00238

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

April 17, 2013

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Dear Dr. Aiu:

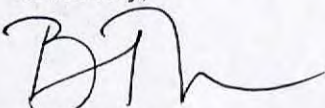
Subject: National Register of Historic Places (NRHP) Registration Form for Mother Waldron
Playground, Honolulu Rail Transit Project (H RTP)

Please find enclosed a draft NRHP Registration Form for Mother Waldron Playground for your review and comment. Per Stipulation VI.C.2 of the Section 106 of the National Historic Preservation Act Programmatic Agreement for the H RTP, SHPD has 30 days to review and comment on NRHP Registration Forms.

Since Mother Waldron Playground was already listed on the Hawaii Register of Historic Places on June 9, 1988 as an element of the thematic group, "City and County of Honolulu Art Deco Parks," no additional coordination with your office is required regarding Stipulation VI.C, 3.

Please contact Mr. Stanley Solamillo of HART at (808) 768-6187 if you have any questions or if we can help facilitate your review in any way. Thank you for your continued support and review of this project.

Sincerely,


for Daniel A. Grabauskas
Executive Director and CEO

Enclosure

cc: Ms. Angie Westfall, SHPD
Ms. Faith Miyamoto, HART
Ms. Joanna Morsicato, HART

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Mother Waldron Playground

Other names/site number: N/A

Name of related multiple property listing:
N/A

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: Bounded by Coral, Halekauwila, Pohukaina, and Cooke streets

City or town: Honolulu State: Hawaii County: Honolulu

Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___national ___statewide ___local

Applicable National Register Criteria:

___A ___B ___C ___D

<p>_____</p> <p>Signature of certifying official/Title:</p> <p>_____</p> <p>State or Federal agency/bureau or Tribal Government</p>	<p>_____</p> <p>Date</p>
---	---------------------------------

<p>In my opinion, the property ___ meets ___ does not meet the National Register criteria.</p>	
<p>_____</p> <p>Signature of commenting official:</p> <p>_____</p> <p>Title :</p>	<p>_____</p> <p>Date</p> <p>_____</p> <p>State or Federal agency/bureau or Tribal Government</p>

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4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register
 determined eligible for the National Register
 determined not eligible for the National Register
 removed from the National Register
 other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

Category of Property

(Check only **one** box.)

- Building(s)
- District
- Site
- Structure
- Object

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Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u> </u>	buildings
<u>1</u>	<u>2</u>	sites
<u> </u>	<u> </u>	structures
<u> </u>	<u> </u>	objects
<u>2</u>	<u>2</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

RECREATION AND CULTURE/outdoor recreation

Current Functions

(Enter categories from instructions.)

RECREATION AND CULTURE/outdoor recreation

LANDSCAPE/park

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7. Description

Architectural Classification

(Enter categories from instructions.)

MODERN MOVEMENT

Moderne

Materials: (enter categories from instructions.)

Principal exterior materials of the property: CONCRETE, ASPHALT, STONE

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Mother Waldron Playground is located between Halekauwila, Cooke, Pohukaina, and Coral streets. It is a modest park constructed in 1937 as a 1.76 acre (77,000 square feet) playground; it has been substantially altered from its original design since its initial construction, most recently in the 1990s. Built elements within the park include a comfort station and remaining portions of a low wall that encompasses the original park. The built components contain reserved design elements of the Art Moderne style, including a horizontal emphasis, rounded corners and piers, and streamlined appearance. Mother Waldron Playground has undergone several major alterations since its initial construction, including removal and replacement of some of the park's original features, and subsequent large expansions to compensate for other changes. The playground's setting just Diamond Head (southeast) of downtown Honolulu has transitioned from a mixed residential, commercial, and industrial area at the time of the park's construction into a major light industrial area now redeveloping into a mixed-use district.

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Narrative Description

Architectural and Landscape Description

The playground has an essentially rectangular footprint and is divided into two halves: a large, Diamond Head (southeastern) grassy area and an Ewa (northwestern) paved area with an oval grassy center surrounded by a perimeter wall. A centrally located comfort station and low wall divides the two halves. Additional green space adjacent to the park is created by Coral Street's closure to vehicular traffic.

Ewa, Paved Area

The paved area is the original section of the park. It contains low walls, benches, a comfort station, and covered walkways all constructed of concrete brick. The brick has been painted tan throughout the park.

The paved area's landscaping consists largely of asphalt. Sandstone flagstone is used below the covered walkways and in the area in front of the comfort station's Ewa (northwest, Coral Street) elevation. The round elevated platform on the Ewa elevation is paved with the same flagstone. Ewa of this comfort station is an oval, grassy area. At the opening to Coral Street, the same sandstone flagstone is used and surrounded on either side by asphalt. Monkeypod and Royal Poinciana trees are found within the paved area as well as along the Coral Street perimeter wall. The paved area on the park's makai (southwest, Pohukaina Street) end contains two volleyball courts and one basketball court. The paved area on the park's mauka (northeast, Halekauwila Street) end contains small playground equipment. Clay brick, rather than the pervasive concrete brick, is used to border the sidewalk outside and around the paved park as well as provide paving at each convex curve entrance to the park.

Walls

Mother Waldron Playground's paved area is surrounded by an approximately three foot high perimeter wall. The wall is roughly nine inches thick. Along Coral Street, this wall zig-zags forming triangular points and provides a wide opening into the park. This wall is original. On the park's mauka and makai sides, the walls form rectangular zig-zags. Of these wall sections, neither are in their original locations nor contain original materials. The entire perimeter wall on Coral, Halekauwila, and Pohukaina streets is divided into three sections separated by two rows of recessed brick. The middle section of wall is perforated with alternating vertical and horizontal openings. Concrete coping on top of the wall consists of alternating zig-zag and straight edges and is slightly recessed from the wall's edges. These zig-zags hint at modest Art Deco stylistic influences, though the low wall expresses heavy influence from the streamlined, Art Moderne style. Three of the wall's four corners are convex curves with entrances into the park from the sidewalk. These entrances are anchored on either side by rounded piers. Rounded piers are also found on the park side of Coral Street's zig-zag wall junctures. The perimeter wall's Diamond

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Head corner at Halekauwila Street is squared, does not allow access into the park, and is not original.

A lower, one foot high wall topped with terracotta tile runs along the paved area's Diamond Head border. This low wall connects to the higher wall at Halekauwila Street, connects to benches at the comfort station, then continues on the makai side of the comfort station before turning toward the open grassy area of the park and coming to an end.

Benches

Benches within Mother Waldron Playground are found in the alcoves created by the perimeter wall as well as in the middle of the park. These seating areas are fixed, permanent, built-in park fixtures. Along Coral Street, the triangular alcoves are filled with curved benches, whereas straight benches are found along Halekauwila and Pohukaina streets and the low wall separating the paved and grassy areas. The curved benches are original while the straight benches along Halekauwila and Pohukaina streets are not original. Two straight benches are found in the middle of the paved area and are original to the playground. Curved benches also follow beneath the comfort station's curved covered walkways, separating the paved area from the grassy area. All benches are narrower at the base than at the top, forming a triangular profile. The benches are topped with the same terracotta tile found on the park's low wall.

Comfort Station

The comfort station consists of a rectangular building flanked on either side by a curved covered walkway. The covered walkways' curves follow along the paved area's central grassy oval. The comfort station is single-story, low and horizontal, with a flat roof lined with zig-zag coping identical to that found on the perimeter walls. It is built of concrete bricks. Two rows of recessed concrete brick form horizontal lines across all of the building's facades near the water table and roofline. The comfort station displays influences of the streamlined, Art Moderne form and style.

At the comfort station's Ewa elevation, a central alcove lined with vertical pilasters forms the backdrop of a round, elevated platform. On either side of this alcove are open-air windows with vertical concrete grilles. The recessed row near the roofline intersects with the covered walkways' curved, flat roof. These covered walkways are supported by round columns with a horizontal band of recessed brick at the same level as the recessed brick at the comfort station's water table. The covered walkways' flat roofs project slightly over the piers. Where the covered walkways intersect with the Ewa elevation, a rounded wall the width of the covered walkway columns supports the walkway's roof and attaches to the building facade. These walls also help shield the entrances to the restrooms.

At the comfort station's mauka and makai elevations are open entrances to men's and women's restrooms. Drinking fountains are found in small oval alcoves near the entrances. Above the restroom entrances, the covered walkways' roofs intersect with the recessed row of brick near the roofline. On both the mauka and makai elevations, covered walkway columns abut the

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comfort station. Diamond Head of each abutting covered walkway column is one small window identical to those found on the comfort station's Ewa elevation.

At the building's Diamond Head elevation, a small room projects from the center of the building. A small semi-circular roof projects from the top row of recessed brick to cover the entrance to the small room. The entrance is found on the makai side and is shielded from view by a short wall resembling the park's perimeter wall. This wall shares the same coping as the perimeter walls but is not perforated and contains no rows of recessed concrete brick. The projecting room's Diamond Head elevation also contains no recessed brick at the water table level. On the projecting room's mauka and Diamond Head elevations are two large vent openings covered by a metal grate. Four windows identical to those on the comfort station's Ewa elevation are found on the Diamond Head elevation, two on either side of the projecting room.

The comfort station's interior consists of two nearly-identical restrooms. Both contain one sink, several stalls, and a partially-enclosed changing area. The men's room contains a single urinal. The concrete walls and stall dividers are clad with white tile to the height of the stall walls. Above the tile the walls are painted. The stall doors are wood. The restroom floors are concrete. Although no plans for the comfort station interior were found, these interiors likely coincide with the comfort station's 1968 renovations.

Diamond Head, Grassy Area

Mother Waldron Playground's Diamond Head, rectangular grassy area was added to the park following Halekauwila Street's realignment in 1991-1992. Bound by Halekauwila Street, Cooke Street, Pohukaina Street and the original 1937 playground, this area contains no buildings, walls, benches, paving, or playground equipment. A brick, almond-shaped marker topped by a cast iron fence sits at the grassy area's corner at Halekauwila and Cooke streets. This marker is labeled *kapu*. *Kapu* means "forbidden" or "sacred," and the marker encircles an area where human remains were reinterred following Kakaako improvement projects in the 1990s. Royal Poinciana trees line the grassy area along Cooke Street with monkeypod trees clustered at the tree line's ends.

Former Coral Street Area

Mother Waldron Playground's Ewa area was added to the park around 1994-1995.¹ The area, formerly a portion of Coral Street, was closed between Halekauwila and Pohukaina streets following the completion of the 1991-1992 street realignment project. At both the mauka and makai ends of the former Coral Street area, trees were planted. Grass replaced the street pavement, but a small rectangular section of pavement remains near the former Coral Street entrance to Mother Waldron Playground.

¹ Letter from Michael N. Scarfone, Executive Director, Hawaii Community Development Authority, to Dona L. Hanaike, Director, Department of Parks and Recreation, December 14, 1994.

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Alterations

Mother Waldron Playground has undergone major changes since its original construction. According to its Hawaii Register of Historic Places nomination form, completed in 1988, initial changes included renovations to the comfort station in 1968 and resurfacing the area in 1978. At that time, the park was bounded by Lana Lane on its Diamond Head border. The large grassy area now a part of the park contained commercial, residential, and industrial buildings for the majority of the playground's history.

In the 1980s, the Hawaii Community Development Authority (HCDA) began plans to help revitalize the industrial Kakaako area. Included in these community development plans were road reconfigurations aimed at improving Kakaako traffic patterns. In 1991-1992, the HCDA undertook street improvements along Halekauwila Street, among others. This realignment of Halekauwila Street required a taking of approximately 12,700 square feet of Mother Waldron Playground on the playground's mauka end; this represents approximately 17% of the original park that is no longer included in the present park.² To mitigate the taking and the subsequent diminished park size, the developed area Diamond Head of Lana Lane was removed. Lana Lane, separating the playground from the developed area, was also removed. Mother Waldron Playground was subsequently enlarged by approximately 54,000 square feet Diamond Head.³ Although this 54,000 square foot area was officially designated for future use as part of Mother Waldron Playground, Coral Street's closure on the park's Ewa side was never officially considered part of the park until the mid-1990s when improvements were made to the former Coral Street area. This final change to Mother Waldron Playground's boundaries grew the park by an additional 25,800 square feet.

As a result of the taking, the mauka end of the playground lost its basketball court, perimeter wall, and benches. A perimeter wall and benches nearly identical to the original were reconstructed along Halekauwila Street, but the wall now connects to the original low wall topped by terracotta tile that remains extant; the tile was not used on the replacement wall. There is no longer a convex curved entrance at the original playground's Halekauwila Street and Lana Lane corner due to the alterations. The original court and play area was replaced with modern playground equipment.

Along Pohukaina Street, road widening related to district improvements forced the perimeter wall and benches to be removed and reconstructed approximately five to ten feet inside the playground's original boundary. To open Mother Waldron Playground to its newly-acquired 54,000 square feet Diamond Head, a higher wall running along Lana Lane and intersecting with the rear of the comfort station was removed and never replaced. The original handball court was also removed and never replaced.

² Documentation completed in 1985 stated that 8,400 square feet of Mother Waldron Playground would be removed due to Halekauwila Street's realignment; however, following realignment, plat maps indicate approximately 12,700 square feet was removed.

³ State of Hawaii, et al., *Final Supplemental Environmental Impact Statement for the Kakaako Community Development District Plan* (Honolulu: Hawaii Community Development Authority, 1985), IV-45.

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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Areas of Significance

(Enter categories from instructions.)

- SOCIAL HISTORY
- ENTERTAINMENT/RECREATION
- ARCHITECTURE
- LANDSCAPE ARCHITECTURE

Period of Significance

1937 – 1945

Significant Dates

1937

Significant Person

(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder

Bent, Harry Sims

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Mother Waldron Playground in Honolulu, Hawaii, is eligible for the National Register of Historic Places. It is significant under Criterion A in the area of social history and entertainment/recreation for its association with the organized play and playground movement in the United States during the early twentieth century, and under Criterion C in the areas of architecture and landscape architecture for its Art Moderne playground design. The period of significance spans from 1937, when construction commenced, until 1945, when the playground movement that supported supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks following World War II.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Historical Narrative

Hawaii History

Early History

Polynesian settlers arrived in the isolated and uninhabited Hawaiian Islands as early as 300 A.D., with subsequent migrations taking place from the eleventh century through fourteenth century. Traversing the Pacific Ocean, these settlers brought with them a traditional land-based management system comprised of chiefs and commoners, as well as staple crops like wild ginger, gourds, taro, sugarcane, coconut, and sweet potato. A distinct Hawaiian culture evolved over time, celebrating unique stories and deities, and keeping order through a *kapu* governance system based on a strict code of conduct. By the time English Captain James Cook came to the islands in 1778, the islands' population was estimated as high as 300,000. Captain Cook named the islands the Sandwich Islands in honor of the Earl of Sandwich.⁴

Hawaiian Kingdom

Originally existing as a collection of independently ruled districts, the Hawaiian Islands were united as a single kingdom in 1810 by King Kamehameha I. Contact with Western sailing vessels gave the king access to weaponry enabling him to defeat his rivals. The king's death in 1819 led to the *kapu* system's demise, and Protestant missionaries, whalers, and traders arrived

⁴ Edward Joesting, *Hawaii: An Uncommon History* (New York: W.W. Norton & Co., 1972), 13, 15, 27.

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in the islands bringing Christianity and spreading disease that decimated the local population. The Hawaiian Kingdom, recognized as a sovereign nation, entered into treaties with foreign nations; the first such treaty with the United States took place in 1826. In 1840 Hawaii signed its first constitution, creating a government structure that included a representative body. Westerners continued flocking to the islands, bringing changes to Hawaii's economic structure and profiting from its lands and ideal trade route location. Sugarcane's rise as Hawaii's staple crop increased demand for labor, bringing immigrant workers from across the world to Hawaii.

Annexation

By 1885, a group of non-native businessmen formed the Hawaiian League and began discussing Hawaii annexation. The group pressured King Kalakaua to sign the Bayonet Constitution, stripping much of the king's authority and transferring it to a legislature comprised of a Hawaiian League majority. The king relented and signed the Bayonet Constitution on July 6, 1887. In 1891, Queen Liliuokalani assumed the throne and unsuccessfully attempted to repeal the Bayonet Constitution. This power struggle resulted in the Hawaiian League's overthrow of the monarchy; this coup was aided by United States Minister to Hawaii John L. Stevens and United States troops. Hearing of the overthrow, President Grover Cleveland ordered an investigation and called for the reestablishment of Hawaii's monarchy. Hawaii's Provisional Government instead pushed for United States annexation but failed to receive the required two-thirds vote in the United States Senate.

When William McKinley became president in 1897, Hawaii's annexation became a priority. The 1898 Joint Resolution annexed Hawaii and the 1900 Hawaiian Organic Act officially made Hawaii a United States territory. Hawaii became the fiftieth state in 1959.

Kakaako

The Kakaako district is situated between Honolulu and Waikiki on Oahu. The area long existed as swampland, and under the rule of King Kamehameha I, was used for fishing, canoe landings, salt production, cultivating taro, and religious practices. Although Honolulu Harbor experienced rapid growth through the 1800s, few lived in Kakaako during this time. In 1848, much of Hawaii's lands were turned over to private ownership in what was called the Great Mahele; the land in Kakaako became part of the Bernice Pauahi Bishop estate. By 1876, however, a government map of Oahu labeled the area as the "Kakaako Salt Works" with no major roads passing through the area. Roads between Honolulu and Waikiki bypassed Kakaako to the north. A decade later, Kakaako obtained an "Immigration Depot" and was the location of a battery, but otherwise little development occurred in the area.⁵

Continued growth in Honolulu eventually forced Kakaako's transition from a sparsely populated industrial area into a densely populated residential and commercial district. Demand for land near Honolulu Harbor led to the shallow reef adjacent to Kakaako being filled in and developed,

⁵ Oahu Government Survey 1876, Registered Map No. 1380 (Hawaii Land Survey Division); Wall, W. A., Honolulu and Vicinity 1887, Hawaiian Government Survey (Library of Congress).

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expanding the land comprising Kakaako. Now-defunct Fort Armstrong was constructed on this infill near the mouth of Honolulu Harbor. Eventually, large tracts of Kakaako land held by the Bishop and Curtis Perry Ward estates were subdivided. With the Honolulu Iron Works and Hawaiian Tuna Packers establishing businesses in Kakaako, other small enterprises soon followed. Residents quickly arrived: Hawaiian, Japanese, Portuguese, Filipino, and Puerto Rican families all found a home in Kakaako. Largely residing within their own housing “camps,” these varying cultural groups lived and worked side-by-side in Kakaako, creating what has been referred to as a microcosm of Hawaii.⁶

By the mid-twentieth century, Kakaako’s population began to decline as residential areas slowly yielded to Kakaako’s current industrial uses. The area also fell into disrepair, and efforts were made by the HCDA to improve roadway infrastructure within Kakaako, including realignment of Halekauwila Street.⁷ Future plans for Kakaako include increased residential housing units, repopulating an area that was once a thriving community.

The Playground Movement

Playgrounds developed out of concern for the poor, aiming to help mold children and young adults into law-abiding citizens. Directors were hired to organize activities at the playgrounds, instilling a sense of order to the parks. This early urban reform movement was also seen as a means to help recent immigrants assimilate into American culture. The earliest playgrounds were developed by private investors who built these spaces for public use in the 1880s. In the following decades, cities took a greater role in providing public playgrounds and recreation areas for their residents. The 1906 Playground Association of America aimed to promote physical and mental well-being through playgrounds across the country and sent members to assess select cities’ particular recreational needs. By the 1930s, many cities had created full-fledged recreation departments to deal with recreation management and operations.

Honolulu’s public playground development followed the national pattern and was promoted early on by the women leaders of the Free Kindergarten and Children’s Aid Association. The group established the first public playground in Chinatown at Beretania and Smith streets in 1911. Over the years, the organization functioned as Honolulu’s recreation department until the city’s Recreation Commission was created in 1922 through the efforts of Henry Stoddard Curtis. Curtis, a former secretary of the Playground Association of America, surveyed Honolulu and urged the city to create new parks and playgrounds. Honolulu established a park board in 1931, hired Harry Sims Bent as park architect in 1933, and by 1936, forty playgrounds and social centers were supervised by the Recreation Commission.

Much of Honolulu’s growth in park, playground, and recreational facilities, including Mother Waldron Playground, can be attributed to increased federal assistance from New Deal programs in response to the Great Depression. Both the Federal Emergency Relief Administration (FERA)

⁶ Marsha Gibson, *Kaka’ako As We Knew It* (Honolulu: Mutual Publishing, 2011).

⁷ State of Hawaii, et al., *Final Supplemental Environmental Impact Statement for the Kakaako Community Development District Plan* (Honolulu: Hawaii Community Development Authority, 1985); Austin, Tsutsumi, and Associates, Inc., *Kakaako Traffic Study* (Honolulu: Hawaii Community Development Authority, 1991).

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and the Civil Works Administration (CWA) provided manpower for Honolulu's park construction initiative. Additional manpower came by way of the Works Progress Administration (WPA) and the National Youth Administration (NYA), which allowed Honolulu to employ playground directors.

Playgrounds did not exist as places where children were free to play on their own. Play existed not only for healthy development, but also as an educational tool that required organization and supervision. Thus, playground directors were employed to monitor the children's activities and act as a role model. The director helped organize team games, schedule activities, and restrict playground access to bullies. Through their various activities, playgrounds and recreation centers were seen as alternative choices to youth gangs, delinquency, or wasted time.⁸

Following World War II, the playground movement largely ceased, as child development experts began supporting unstructured play as more beneficial to children's development. Supervised play at parks and playgrounds as it existed prior to the war largely ceased. Honolulu's Parks Board merged with the Recreation Commission to form the Board of Public Parks and Recreation in 1946. The new board was tasked to rehabilitate Oahu's damaged parks.⁹ By the end of the 1940s, American playgrounds began turning their focus to playground equipment aimed to allow free play and imagination rather than supervised play supported by recreation leaders.¹⁰

Harry Sims Bent

Harry Sims Bent, Mother Waldron Playground's architect, was born in Socorro, New Mexico, in 1896. After graduating from the University of Pennsylvania, Harry Sims Bent began his career working for prominent New York architectural firm Bertram Goodhue Associates. Bent's early work consisted primarily of building projects in the Los Angeles, California area, including the Los Angeles Central Library and several buildings at the California Institute of Technology.

In the late 1920s, Bent arrived in Honolulu assigned with supervising construction of the Academy of Arts as a representative and "resident architect" of Bertram Goodhue Associates. Following the Academy of Art's completion, Bent remained in Hawaii, first acquiring work through Bertram Goodhue Associates but later for his own independent practice.

Bent originally volunteered his time working on plans for the Honolulu Park Board in the 1930s, but ultimately worked on nearly all projects undertaken by the Board up through 1939. He was considered one of the most talented architects in Hawaii in the late 1920s-30s, with prominent Bertram Goodhue Associates and independent works including the C. Brewer Building,

⁸ Robert R Weyeneth and Ann K. Yoklavich, *1930s Parks and Playgrounds in Honolulu: an Historical and Architectural Assessment* (Honolulu: Department of Parks and Recreation, 1987).

⁹ Ann K. Yoklavich, *Overview of Historic Honolulu Parks* (Honolulu: Department of Parks and Recreation, 1987), 4.

¹⁰ Susan G. Solomon, *American Playgrounds: Revitalizing Community Space* (Lebanon, NH: University Press of New England, 2005), 22.

Mother Waldron Playground

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Hanahauoli School, the Pineapple Research Institute at the University of Hawaii, and several residences.¹¹

Bent's first task for the Honolulu Park Board was the Ala Moana Park project in 1933. The park's designed features included the canal bridge, entrance portals, sports pavilion, banyan court, and lawn bowling green. Other Bent park projects included Mother Waldron Playground, Kawanakoa Playground, Ala Wai Clubhouse, the Haleiwa Beach Park structures, and the Lanakila Park comfort station. Utilizing popular Art Moderne and Art Deco design elements, he aimed to create a modern look for his park work, a break from typical park and playground design. Bent incorporated contemporary design aesthetics into his park plans, while earlier playground examples addressed only functionality.

Bent returned to the mainland around 1940, and settled in Pasadena, California, where he continued his landscape design work. Major works during his post-Hawaii period included the landscape plan for Hancock Park in Los Angeles and the master plan for the Los Angeles County Arboretum. Bent died in Pasadena on March 19, 1959.

Margaret "Mother" Waldron

Margaret "Mother" Waldron was born on August 12, 1873, in Honolulu of mixed Hawaiian and Irish heritage. Her career began at Pohukaina School where she taught the fourth grade. Mother Waldron's time outside of school was spent as a volunteer playground director at Atkinson Park and welfare worker in Kakaako. Her duties included coaching boys' football and baseball and teaching girls and women household duties and jam-making.

For her fiftieth birthday, the boys and girls of Kakaako gave Mother Waldron a pin bearing the word "mother." The pin became Mother Waldron's most prized possession. Mother Waldron was credited with nearly single-handedly ridding Kakaako of its gangs and turning their members into law-abiding citizens. She helped transform the district's unpleasant reputation and would be greeted with "Aloha Mother" throughout Kakaako.¹²

Margaret Waldron died at St. Francis Hospital on May 8, 1936, and was buried on May 10, Mother's Day that year.¹³

Mother Waldron Playground

Mother Waldron Playground was originally a 1.76 acre site bounded by Coral, Halekauwila, and Pohukaina streets and Lana Lane on a parcel that the 1914 Sanborn Fire Insurance map noted contained the City and County Stables. Honolulu acquired the parkland in 1930 and 1931 through purchases and deeds from the territory of Hawaii. After several years, the Park Board

¹¹ Steve Salis, "Playful Architecture," *Hawaii Architect* (June 1985): 12-13.

¹² "Guava Class at Kakaako is Waldron Plan," *Honolulu Star-Bulletin*, February 27, 1930, 4.

¹³ "Death Claims Mrs. Waldron, Friend of Poor," *Honolulu Advertiser*, May 8, 1936, 1.

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approved and implemented Harry Sims Bent's plans for the playground in 1936. WPA labor was used to construct the park.

The site of the future playground was proposed to be named in 1930 for Margaret "Mother" Waldron, but she refused the honor.¹⁴ Her name was given to the park following her death in 1936. Costing approximately \$50,000 to construct, Mother Waldron Playground opened September 20, 1937 to much fanfare, including a performance by the Royal Hawaiian Band.¹⁵

Original Appearance of Mother Waldron Playground

Bent planned the playground following his successful design features at Ala Moana Park, implementing contemporary design elements reflecting the Art Moderne style. The symmetrical playground, situated in a dense residential, commercial, and industrial area, was designed to emphasize utility as well as beauty. Bent used concrete bricks to construct Mother Waldron Playground's walls, benches, and comfort station.

A perimeter wall delineated the playground boundaries along Coral, Pohukaina, and Halekauwila streets and Lana Lane. The wall contained horizontal and vertical perforated openings and was comprised of several brick courses, with some courses recessed to create horizontal bands. Each of the park's corners contained a convex curve entry with rounded piers anchoring the walls' ends. Along Coral Street, the wall was executed in a triangular zig-zag form and opened to Coral Street, while Halekauwila and Pohukaina streets provided squared zig-zag walls. Lana Lane's wall was straight, did not zig-zag, and contained no horizontal bands or perforations. The entire perimeter wall was topped by recessed concrete coping with alternating straight and zig-zag edges.

Laid out symmetrically, the park's mauka end was to be used by younger children while the makai end was to be used by older children. An oval, grassy area and comfort station divided the two halves at the playground's center. The park utilized an Art Moderne style that was increasing in popularity during the time, yet seldom used for parks and playgrounds. Both sides contained volleyball, basketball, and shuffleboard courts. The mauka end contained swings and seesaws, while the makai end contained handball courts.

Bent's central Art Moderne feature was a comfort station that employed a streamlined and unornamented facade, rounded corners and columns, and covered walkways curving away from the comfort station. The comfort station contained men's and women's restrooms, drinking fountains at the entrances of both restrooms, and changing areas inside. At the comfort station's center, a raised and rounded platform provided an outdoor stage area with a pilaster-lined alcove backdrop. The stage, its surrounding area, and floor beneath the covered walkway were paved with the same sandstone flagstone found at the park's Coral Street entrance.

¹⁴ "Playground Given Name of Pioneer," *Honolulu Advertiser*, February 19, 1930, 1.

¹⁵ "Waldron Playground—Kakaako Beauty Spot," *Honolulu Advertiser*, September 20, 1937, 5; "Playground to Open Monday," *Honolulu Star-Bulletin*, September 13, 1937, 12; "\$50,000 Mother Waldron Park Officially Opened," *Honolulu Advertiser*, September 21, 1937, 1.

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Park benches topped with terracotta tile were found within the perimeter wall in alcoves created by the wall's zig-zag as well as in the middle of each play area. Most benches were straight, but the benches along the Coral Street wall curved to fit their spaces. An additional low wall topped with terracotta was located beneath the comfort station's covered walkway, running parallel to the higher wall along Lana Lane. Trees were planted in openings created by the perimeter wall's zig-zag shape, providing shade to the park's users.¹⁶

Mother Waldron Playground's Use of Contemporary Architectural Styles

Harry Sims Bent's design for Mother Waldron Playground reflected heavy influence from the streamlined Art Moderne style popular at the time. Art Moderne emphasized horizontal lines, flat roofs, smooth surfaces, and curvilinear edges. Art Moderne and its counterpart, Art Deco, which utilized vertical lines and geometric patterns, were seen as a rejection of classical architectural themes. Both design motifs embraced architectural elements deemed appropriate for the modern era. Bent was inspired by these national architectural trends, and desired to create a playground that was viewed as a contemporary design expression, moving beyond mere playground utility.¹⁷

Changes to Mother Waldron Playground

According to the 1988 Hawaii Register of Historic Places nomination form that included Mother Waldron Playground, renovations were made to Mother Waldron Playground's comfort station in 1968. The form does not state the extent of the renovations; a visual inspection indicated that no substantial alterations occurred, as many original features and finishes remained intact. Additionally, the Department of Parks and Recreation resurfaced the playground in 1978.¹⁸ In 1991-1992, Halekauwila Street was realigned through Mother Waldron Playground, removing approximately 12,700 square feet of the original park's mauka end and a small portion along Pohukaina Street. To mitigate this taking, the city added approximately 54,000 square feet of Mother Waldron Playground and removed Lana Lane greatly enlarging the park. The expansion included extending the park Diamond Head, removing the park's bordering wall along Lana Lane, and reconstructing the park's perimeter walls along Halekauwila and Pohukaina streets.¹⁹ In 1994-1995, Coral Street was closed between Halekauwila and Pohukaina streets and included in the expansion of Mother Waldron Playground, adding approximately 25,800 square feet to the park. These additions are now considered non-contributing sites within the greater Mother Waldron Playground site.

¹⁶ Research did not provide the specific varieties of trees originally planted at Mother Waldron Playground.

¹⁷ Weyeneth and Yoklavich, *1930s Parks and Playgrounds in Honolulu*, 16.

¹⁸ Mother Waldron Playground, City & County of Honolulu Art Deco Parks Hawaii Register of Historic Places nomination form, April 20, 1988.

¹⁹ See above Architectural and Landscape Description: Alterations.

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Prior Documentation of Mother Waldron Playground

Mother Waldron Playground was listed in the Hawaii Register of Historic Places on June 9, 1988, as an element of the thematic group “City & County of Honolulu Art Deco Parks,” prior to the extensive 1990s changes.

The playground was documented on a Determination of Eligibility form by Mason Architects, Inc. in 2008. This documentation assessed the property as eligible for listing in the National Register under Criteria A and C; the Hawaii State Historic Preservation Division (SHPD) concurred with this finding.

This nomination exists as part of the legal requirements in the *Programmatic Agreement Among the U.S. Department of Transportation Federal Transit Administration, The Hawaii State Historic Preservation Officer, The United States Navy, and the Advisory Council on Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project in the City and County of Honolulu, Hawaii*.²⁰

Information discovered while performing research for this nomination revealed substantial changes that occurred in the playground in the 1990s that were not described in the 2008 Determination of Eligibility form. This nomination considers those changes.

Significance Evaluation

Mother Waldron Playground is eligible for the National Register of Historic Places under Criterion A for its association with the national playground movement, which aimed to provide supervised play and character-molding opportunities. The property correlates with the rise of playground construction in urban areas throughout the United States.

Mother Waldron Playground is not eligible under Criterion B. Although the park is named in honor of Margaret “Mother” Waldron, the property is not associated with her productive life or her lasting contributions to the Kakaako community.

This property is also eligible under Criterion C for its architectural and landscape design by Harry Sims Bent. The property displays a streamlined Art Moderne appearance with some Art Deco elements, a modern approach and a display of Harry Sims Bent’s desire to create a pleasing environment for the park’s users. Contributing features to Mother Waldron Playground include the remaining original Art Moderne playground site and the streamlined comfort station building. Non-contributing features include an approximately 1.5 acre site nearly doubling the size of the remaining Mother Waldron Playground original site as well as the former Coral Street area. These non-contributing sites became an extension of Mother Waldron Playground

²⁰ *Programmatic Agreement Among the U.S. Department of Transportation Federal Transit Administration, The Hawaii State Historic Preservation Officer, The United States Navy, and the Advisory Council on Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project in the City and County of Honolulu, Hawaii*, (January 2011).

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following Halekauwila Street improvements in 1991-1992 and continued Kakaako district improvements through 1994-1995. Still, the retention of the playground's prominent Harry Sims Bent designed features, including the zig-zag wall and comfort station, allows Mother Waldron Park to be eligible under Criterion C.

The property retains its original historic function; thus, its period of significance for Mother Waldron Playground spans from its construction date in 1937 until 1945, when supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks following World War II.

Social History

Mother Waldron Playground is associated with the playground movement across the United States and Honolulu's need for recreational facilities within urban areas. Playgrounds were viewed as a means to reform urban youth and help create law-abiding citizens through structured play.

Entertainment/Recreation

Mother Waldron Playground provided recreational facilities for urban-dwelling youth. The park did not allow children to play freely; instead, belief systems at the time required organized play for children overseen by a playground director.

Architecture and Landscape Architecture

Mother Waldron Playground is an example of Harry Sims Bent's architecture and landscape architecture work. At the time, Bent acted as the Honolulu Park Board's chief designer, planning parks and playgrounds throughout the 1930s. His Art Moderne with Art Deco design represented a modern approach for Mother Waldron Playground. Bent's design fulfilled the needs required by "organized play" by dividing the park into two halves for different age groups and also providing a comfort station for users. The park demonstrates Bent's desire to create a functional yet aesthetically pleasing urban playground.

Period of Significance

The period of significance for Mother Waldron Playground spans from 1937, when construction commenced, until 1945, when the playground movement that supported supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks following World War II.

Integrity Evaluation

Mother Waldron Playground retains a moderate level of integrity of location. Original portions of the playground remain in place, but other areas originally associated with the playground are no longer part of the site, and other areas not historically part of the playground have been added.

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The playground has a low level of integrity of materials, design, and workmanship. Halekauwila Street's realignment and the widening of Pohukaina Street have compromised the park's design, removing over 12,700 square feet of the original park boundaries and demolishing and replacing original features, diminishing the integrity of workmanship and materials. However, although many original features of the park have been removed and replaced, the playground retains a modest amount of original features, including most of the zig-zag wall and the comfort station, to demonstrate a low integrity of materials and workmanship. Mother Waldron Playground does not retain integrity of setting outside of the park; within the park open spaces and a general playground appeal contribute to a moderate level of integrity of setting. The Kakaako area has transitioned over time from a mix-use commercial and residential district to a largely industrial area. Mother Waldron Playground is now surrounded by these industrial buildings. Mother Waldron Playground retains its integrity of feeling as an Art Moderne-designed playground and its integrity of association with the early-1900s playground movement. Therefore, the playground retains integrity of feeling and association.

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

“\$50,000 Mother Waldron Park Officially Opened.” *Honolulu Advertiser*, September 21, 1937.

Austin, Tsutsumi, and Associates, Inc. *Kakaako Traffic Study*. Honolulu: Hawaii Community Development Authority, 1991.

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“Guava Class at Kakaako is Waldron Plan.” *Honolulu Star-Bulletin*, February 27, 1930.

Joesting, Edward. *Hawaii: An Uncommon History*. New York: W.W. Norton & Co., 1972.

Letter from Michael N. Scarfone, Executive Director, Hawaii Community Development Authority, to Dona L. Hanaïke, Director, Department of Parks and Recreation, December 14, 1994.

Mother Waldron Playground, City & County of Honolulu Art Deco Parks Hawaii Register of Historic Places nomination form, April 20, 1988.

“Playground Given Name of Pioneer.” *Honolulu Advertiser*, February 19, 1930.

“Playground to Open Monday.” *Honolulu Star-Bulletin*, September 13, 1937.

Mother Waldron Playground
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Salis, Steve. "Playful Architecture." *Hawaii Architect* (June 1985): 12-13.

State of Hawaii. Oahu Government Survey 1876, Registered Map No. 1380. Hawaii Land Survey Division, 1876.

State of Hawaii, et al. *Final Supplemental Environmental Impact Statement for the Kakaako Community Development District Plan*. Honolulu: Hawaii Community Development Authority, 1985.

Solomon, Susan G. *American Playgrounds: Revitalizing Community Space*. Lebanon, NH: University Press of New England, 2005.

"Waldron Playground-Kakaako Beauty Spot." *Honolulu Advertiser*, September 20, 1937.

Wall, W.A. Honolulu and Vicinity 1887, Hawaiian Government Survey. Library of Congress, 1887.

Yoklavich, Ann K. *Overview of Historic Honolulu Parks*. Honolulu: Department of Parks and Recreation, 1987.

Weyeneth, Robert R., and Ann K. Yoklavich. *1930s Parks and Playgrounds in Honolulu: an Historical and Architectural Assessment*. Honolulu: Department of Parks and Recreation, 1987.

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____
- recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other

Mother Waldron Playground
Name of Property

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Name of repository: _____

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property 3.76

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates

Datum if other than WGS84: _____

(enter coordinates to 6 decimal places)

- | | |
|------------------------|------------------------|
| 1. Latitude: 21.299251 | Longitude: -157.858407 |
| 2. Latitude: | Longitude: |
| 3. Latitude: | Longitude: |
| 4. Latitude: | Longitude: |

Or

UTM References

Datum (indicated on USGS map):

NAD 1927 or NAD 1983

- | | | |
|----------|-----------|-----------|
| 1. Zone: | Easting: | Northing: |
| 2. Zone: | Easting: | Northing: |
| 3. Zone: | Easting: | Northing: |
| 4. Zone: | Easting : | Northing: |

Verbal Boundary Description (Describe the boundaries of the property.)

See Map Attachment

Mother Waldron Playground
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Boundary Justification (Explain why the boundaries were selected.)

Mother Waldron Playground's boundary includes the entire area presently called Mother Waldron Playground. This footprint includes a portion of the original playground, its Diamond Head expansion, and the former Coral Street area between Halekauwila and Pohukaina streets. Although the playground's size was altered in the 1990s, these changes did not affect the playground's use as a public playground. This boundary corresponds to the boundary concurred to by the Hawaii State Historic Preservation Division in an earlier 2008 eligibility assessment, despite 1990s changes to the playground.

The boundary encompasses all of the remaining original resources and features that comprise the property, as well as more recent additions. The National Register boundary has been prepared in accordance with guidelines established by the National Register Bulletin, "Defining Boundaries for National Register Properties."²¹

11. Form Prepared By

name/title: Cultural Resources Team
organization: Honolulu Authority for Rapid Transportation
street & number: 1099 Alakea Street, 17th Floor
city or town: Honolulu state: Hawaii zip code: 96813
e-mail _____
telephone: (808) 566-2299
date: 2/1/2013

Additional Documentation

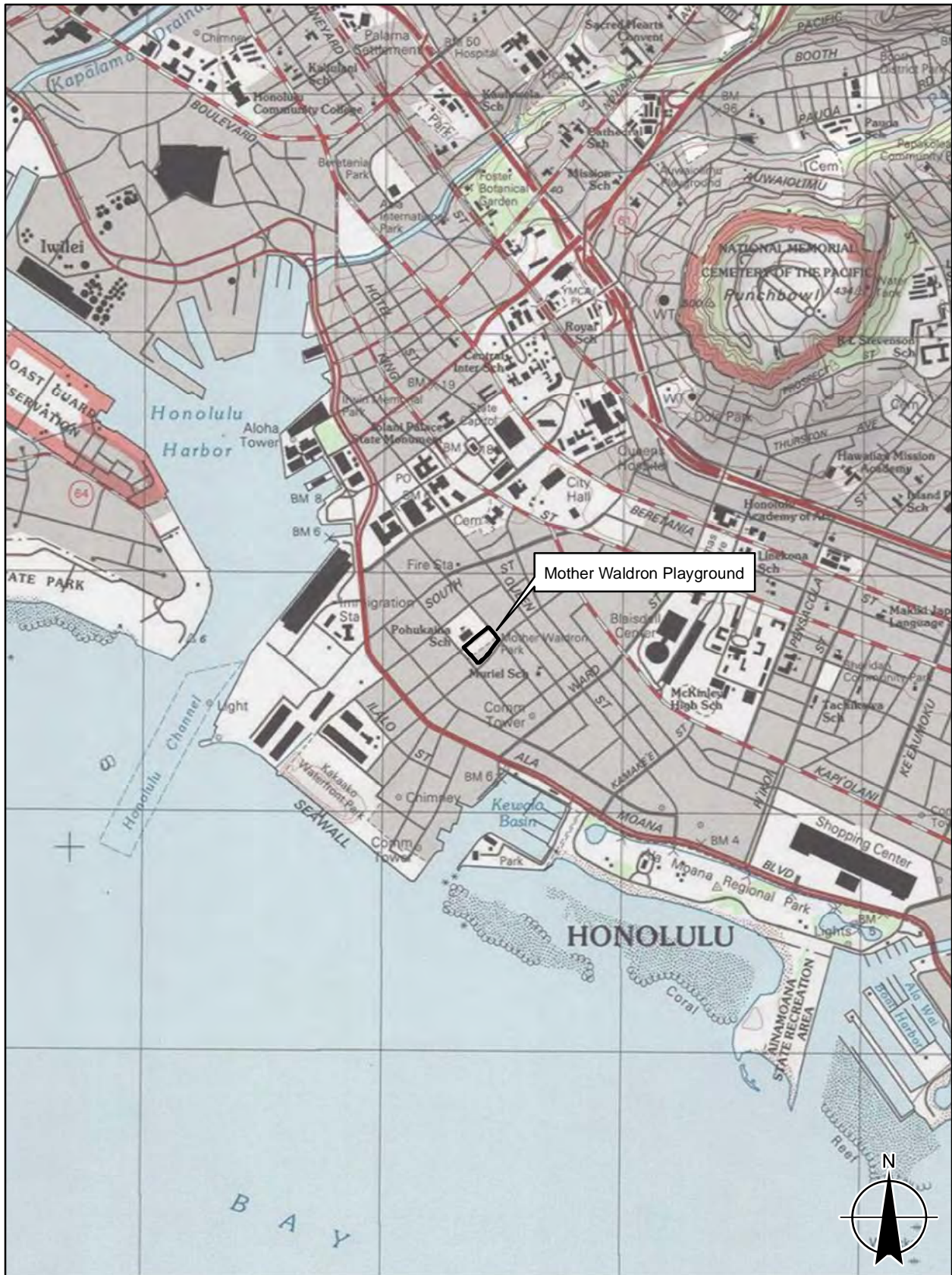
Submit the following items with the completed form:

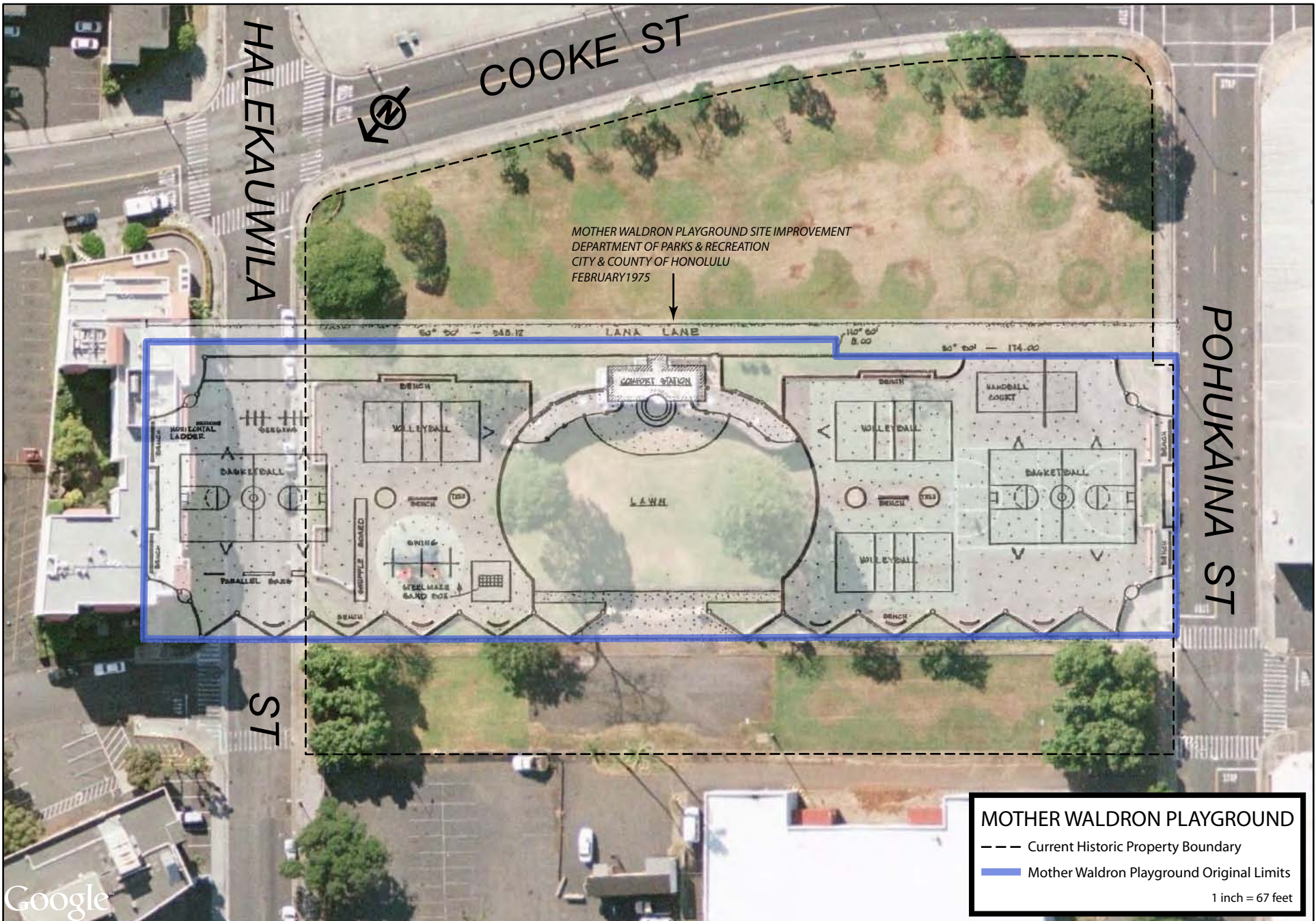
- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

²¹ National Park Service, *National Register Bulletin: Defining Boundaries for National Register Properties* (Washington, D.C.: United States Department of the Interior, 1997).

Mother Waldron Playground
Bounded by Coral Street, Halekauwila Street, Pohukaina Street, and Cooke Street
City and County of Honolulu, Hawaii
Hawaii Register of Historic Places, No. 80-14-1388

Mother Waldron Playground





HALEKAUWILA

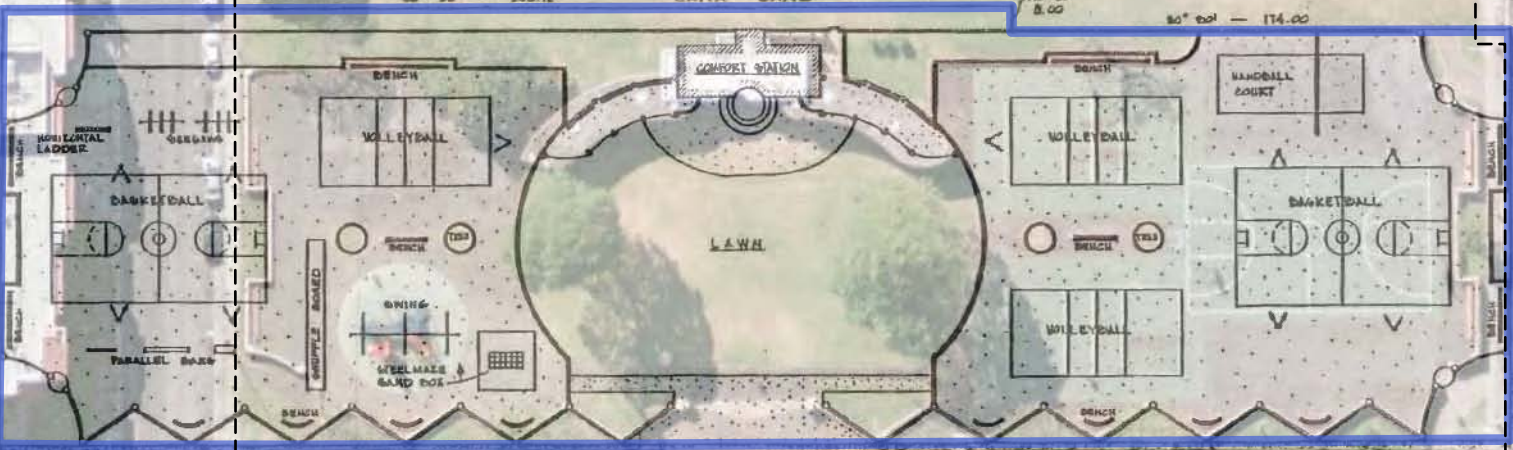
COOKE ST

POHUKAINA ST

ST

MOTHER WALDRON PLAYGROUND SITE IMPROVEMENT
DEPARTMENT OF PARKS & RECREATION
CITY & COUNTY OF HONOLULU
FEBRUARY 1975

LANA LANE



MOTHER WALDRON PLAYGROUND

- Current Historic Property Boundary
- Mother Waldron Playground Original Limits

1 inch = 67 feet

Mother Waldron Playground
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Honolulu County, Hawaii
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Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: Mother Waldron Playground

City or Vicinity: Honolulu

County: Honolulu

State: Hawaii

Photographer: Charles Greenleaf

Date Photographed: 11/17/2012

Description of Photograph(s) and number, include description of view indicating direction of camera:

- 1 of 8. View south toward Mother Waldron Playground from Halekauwila Street and Coral Street into original playground area
- 2 of 8. View north from Pohukaina Street and the former Lana Lane into original playground area
- 3 of 8. View northeast from wall along Pohukaina Street into original playground area
- 4 of 8. View southwest from Halekauwila Street and 1991-1992 expansion area toward original playground area
- 5 of 8. View north from Pohukaina Street toward original playground area and its former handball court
- 6 of 8. View northeast from Pohukaina Street toward original playground area and 1991-1992 expansion area
- 7 of 8. View northeast toward comfort station
- 8 of 8. View east toward comfort station from original playground entrance at Coral Street

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Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



Photo 1.



Photo 2.



Photo 3.



Photo 4.



Photo 5.



Photo 6.



Photo 7.



Photo 8.



HART

'13 JUL -3 P2:22

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

DATE: April 23, 2013

LOG: 2013.2853

DOC: 1304RS71

TO: Daniel A. Grabauskas
Executive Director and CEO
Honolulu Authority for Rapid Transportation (HART)
1099 Alakea Street, Unit 1700
Honolulu, HI 96813

SUBJECT: **National Historic Preservation Act Section 106 Review**
Project: Mother Waldron Park National Register Nomination Update
Owner Name: City & County of Honolulu, HCDA, State of Hawaii
Address: Kakaako, Oahu
Tax Map Key: (1) 2-1-051:003,:005, :006 and Coral Street Right of Way between Pohukaina and Halekauwila Streets
Date Received by SHPD: April 23, 2013

SHPD has the following comments regarding the National Register nomination draft update:

Overall:

1. No footnotes to denote where specific information was taken from.
2. Define common local directions (mauka, makai, Ewa, and Diamond Head) at the beginning of the article both as to their immediate meaning (toward the mountains, etc.) and compass directions.
3. Please place appropriate pronunciation guides in parenthesis for Hawaiian language terms (such as O'ahu, Hawai'i, etc.) when first using these words.

Section 1: Name of Property: Please add the Tax Map Key (TMK): (1) (1) 2-1-051:003,:005, :006 and Coral Street Right of Way between Pohukaina and Halekauwila Streets as this is the way that SHPD files records.

Section 5: Classification: Number of Resources within Property: Please identify Contributing and Non-contributing Buildings and Sites at the bottom of this section.

Section 7: Description: Summary Paragraph:

1. Redundant discussion on alterations to park.
2. Are any further details available on physical changes within building?
3. Nothing is included on present condition of facilities (i.e. maintenance).
4. Did the concrete employed in the building employ the methods used at Ala Moana and other parks to use less cement by partially filling the molds with rubble?

Section 8: Statement of Significance:

1. There are no historic photographs included. Photographs should, for example, include the site, Mother Waldron herself, Atkinson Park, and Pohukaina School.

Section 8: Historical Narrative: Hawaii History:

1. Early History through Annexation has little or nothing to do with this park.

Overall: Background materials on the Kakaako neighborhoods are badly lacking. Maps showing the development of the neighborhood should be included. Coral Street, for example, is off grid because it was the original road to the low lying Leper Hospital. Successive Immigration Station buildings were erected along Ala Moana with the Hawaii Sugar Planters' Association's labor assignment office even closer into the center of this district. The potential residential use of this area was compromised early by the large coal piles stacked at the waterfront for both commercial shipping and military warships before the switch to oil-powered marine locomotion and the move by the US Navy to Pearl Harbor. Pohukaina School was originally where the State Library is, but was moved by Governor Frear to the property Ewa of what became Mother Waldron Park in order to take advantage of a Carnegie Grant. Kewalo (Kakaako is the Ewa side of Kewalo) was mostly poorly drained land and was the location of the second large landfill project (after the Honolulu Harbor waterfront). Other municipal and Territorial infrastructure projects included parks makai of Ala Moana and Ewa of Kewalo Basin, the development of two large waste material "crematoria" a ban on open burning of trash along the coast, and construction of the Kakaako Sewage Pump Station, Vocational School, etc. Atkinson and Mother Waldron Parks were where the children of the different ethnic camps (mark these on map) learned to co-exist and cooperate together (the foundation of our multi-cultural society). Nearby were a Japanese Buddhist Hongwanji temple, Portuguese Holy Ghost festivals, Congregationalist Mission, Catholic Church, "mom and pop" stores, etc. Source materials include Marsha Gibson's *Kakaako As We Knew It and Remembering Kaakako 1910-1950* from the University of Hawaii Center for Oral History.

Insert and expand a section on Education. The Territory made a considerable investment in a two story, fire proof building at Pohukaina School. This was done to "Americanize" the youth of this area, but also to raise educational standards and as part of a program of civic improvements. The park and school had an intimate relationship that is not discussed in this document. Add to the biography of Mother Waldron. How was Mother Waldron so successful in turning youth toward creative endeavors?

Insert a section on the Works Progress Administration (WPA) and its relationship to projects such as Mother Waldron Park.

Last paragraph: Even with the changes on the mauka side, the Park would still be recognizable to its designer, Bent. Under these circumstances, it retains integrity of materials, design, and workmanship.

Please resubmit the nomination to SHPD when these changes have been completed. Any questions should be addressed to Ross W. Stephenson, SHPD Historian, at (808) 692-8028 (office) or ross.w.stephenson@hawaii.gov.

Mahalo for the opportunity to comment.



Angie Westfall
Architecture Branch Chief, Hawaii Historic Preservation Division



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

Ref. No.: PL GEN 1.28a

March 13, 2013

Ms. Joanna Morsicato
Deputy Chief, Planning and Environment
Honolulu Authority for Rapid Transportation
1099 Alakea Street, Suite 1700
Honolulu, Hawaii 96813

Dear Ms. Morsicato:

Re: National Register of Historic Places Registration Form
for Mother Waldron Playground

Thank you for the opportunity to comment on the subject nomination form for the Mother Waldron Playground located in the Kakaako Community Development District Mauka Area. We offer the following comments on the application:

- The property, as presented in the narrative description, includes two areas that do not meet the significance criteria identified in Section 9, Page 11. The two areas include:
 - a. A grassy area adjacent to the historic comfort station and perimeter walls. The grassy area is identified as TMK: 1-2-1-51: 003 and was constructed in 1992 as an expansion to Mother Waldron Playground under the Hawaii Community Development Authority's ("HCDA") Improvement District 3 project. The grassy area was previously owned by Kamehameha Schools and was comprised of two-story industrial warehouses built in the early 1950s.
 - b. The former Coral Street, a functioning street, was closed and landscaped in the early 1990s.

The significance criteria cited includes: (1) *Criterion A*: Area of social history and entertainment/recreation for its association with the organized play and playground movement in the United States during the early twentieth century; and

Ms. Joanna Morsicato
Page Two
March 13, 2013

(2) Criterion C: Area of architecture and landscape architecture for its Art Moderne playground design. Neither the grassy area nor the former Coral Street are associated with the organized play and playground movement in the United States in the early twentieth century nor is of the Art Moderne playground design. These two areas should not be included as part of the historic Mother Waldron Playground.

We do, however, support the nomination of the comfort station, walls and benches designed by Harry Sims Bent. We note that this portion of Mother Waldron Playground (identified as TMKs: 1-2-1-51: 005 and 006) was placed on the Hawaii Register of Historic Places in 1989.

- In Section 7, Page 8, second paragraph, we note it was the HCDA, not the City and County of Honolulu that promulgated plans to revitalize the Kakaako District.
- In Section 7, Page 9, Item No. 8, Statement of Significance, the grassy area nor the former Coral Street are not associated with events that have made a significant contribution to the broad patterns of our history nor does it embody the distinctive characteristics of a type, period, or mention of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- Section 9, Page 13, second paragraph, it was the HCDA, not the City and County of Honolulu that made efforts to improve roadway infrastructure in the Kakaako Community Development District. The HCDA is a State agency.

In summary, we respectfully ask that the grassy area and the former Coral Street be removed from the property description and the project site be contained to the area designed by Harry Sims Bent, including the walls, benches and comfort station.

Ms. Joanna Morsicato
Page Three
March 13, 2013

Should you have any questions regarding this matter, please contact
Mr. Deepak Neupane, Director of Planning and Development, at 594-0300 or via
email at: deepak@hcdaweb.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony J. H. Ching". The signature is fluid and cursive, with a large loop at the end.

Anthony J. H. Ching
Executive Director

AJHC/DN/ST:ak



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

The Honorable William J. Aila, Jr.
Hawai'i State Historic Preservation Officer
Department of Land and Natural Resources
State of Hawaii
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, HI 96707

JUN 06 2012

Attention: Dr. Pua Aiu, SHPD Administrator

Re: Determination of Eligibility and Finding of
Effect on Traditional Cultural Properties
(TCPs) for the Honolulu Rail Transit Project
(HRTP), Sections (Phases) 1-3, in
compliance with Stipulation II of the
Programmatic Agreement (PA).

Dear Mr. Aila:

The Federal Transit Administration (FTA) is requesting your concurrence with the determination of eligibility and finding of effect relating to TCPs in HRTP Sections 1-3. This covers 13 ahupua`a, 26 wahi pana (sacred or storied places), 1 leina a ka`ukane and 10 inoa`aina (named places).

Of these 50 resources, the 13 ahupua`a (including Honouliuli) were not studied further since they are the larger traditional land divisions for the island of O`ahu that provide the context for consideration of individual wahi pana. This leaves 37 sites for further consideration. Fifteen of these sites were determined to be outside the HRTP's area of potential effects (APE). Twenty were determined not eligible for nomination to the National Register of Historic Places (NRHP), and 2 were determined eligible. A finding of **No Adverse Effect** was made for the two NRHP-eligible properties. No mitigation is required.

This letter and attachment document FTA and the Honolulu Authority for Rapid Transportation's (HART) compliance with the Programmatic Agreement (January 2011) associated with the HRTP and Record of Decision (January 2011) for Sections 1-3.

Attached to this letter is the:

*Honolulu Rail Transit Project, Determination of Eligibility and Finding of Effect for
Previously Unidentified Traditional Cultural Properties in Sections 1-3, May 25, 2012.*

The following additional documentation, submitted by HART to FTA and the consulting parties on April 20, 2012, in compliance with 36 CFR section 800.11 and consistent with the intent of National Register Bulletin (NRB) 38, is incorporated by reference:

- *Draft Report: Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Sections 1-3 for the Honolulu Rail Transit Project, Management Summary, SRI Foundation & Kumu Pono Associates LLC, April 20, 2012.*
- *He Mo`olelo `Aina – Traditions and Storied Places in the District of `Ewa and Moanalua (in the District of Kona), Island of O`ahu. A Traditional Cultural Properties Study - Technical Report, Kumu Pono Associates LLC, April 20, 2012.*

With the submittal of this documentation, FTA and HART have fulfilled the following requirements of the Programmatic Agreement Stipulation II – TCPs for Sections 1-3 (East Kapolei to Middle Street Transit Center):

1. Undertake a study...to determine the presence of previously unidentified TCPs within the APE, which include cultural landscapes if present;
2. Meet with the State Historic Preservation Division (SHPD), consulting parties, and other parties with expertise, including Native Hawaiian Organizations to discuss and identify previously unidentified TCPs;
3. Evaluate these TCPs for NRHP eligibility in accordance with guidance in NRB 38; and
4. Complete effects assessments and determinations.

Each of these four PA Stipulation II requirements is discussed further as follows:

1. **Undertake study.** The documentation incorporated by reference above fulfills the requirement for HART to conduct additional studies on previously unidentified TCPs per Stipulation II of the PA (for Sections 1-3). This study provided additional evaluation of oral tradition through a focus on storied and sacred places that were not previously recorded.

While the current documentation focuses on Native Hawaiian sacred and storied sites, prior studies that fulfilled the requirements of Section 106 and the H RTP's Final Environmental Impact Statement (FEIS) included a variety of cultures and resource types. These studies were performed for and incorporated in the FEIS process for purposes of identifying and evaluating the impact of the H RTP on historic properties (structures, archaeological resources and cultural/traditional cultural properties). Among other things, the previous studies addressed resources that met the definition of TCPs. The studies are available on the H RTP website.

These prior studies identified historic properties deemed eligible for listing on the NRHP, in part, because of the role the properties play in a community's historically rooted beliefs, customs, and practices. These properties include, but are not limited to: Sumida Watercress Farm (associated with the history of wetland agriculture), Aiea Plantation Cemetery (associated with the plantation settlement pattern), the 1958 Kamaka Ukulele Building (associated with the development of ukulele music in Hawaiian culture), the Tong Fat building (a focal point for the

`A`ala neighborhood), and the 1963 Waipahu Stake of the Church of Jesus Christ of Latter Day Saints (associated with the Samoan community). Table 4-34 of the FEIS identifies these properties and notes their No Adverse Effect determinations. The four relevant technical reports are: (1) *Historic Resources Technical Report, Honolulu High-Capacity Transit Corridor Project, August 15, 2008*; (2) *Addendum 01 to the Historic Resources Technical Report, Honolulu High-Capacity Transit Corridor Project, June 7, 2010*; (3) *Cultural Resources Technical Report, Honolulu High-Capacity Transit Corridor Project, August 15, 2008*; and (4), *Addendum 01 to the Cultural Resources Technical Report, Honolulu High-Capacity Transit Corridor Project, May 22, 2009*.

In addition, many Native Hawaiian resources were previously considered in archaeological studies such as the *Draft Historic and Archaeological Technical Report, Honolulu High-Capacity Transit Corridor Project, September 1, 2006* and the *Archaeological Resources Technical Report, Honolulu High-Capacity Transit Corridor Project, August 15, 2008*. These reports considered the HRTTP's potential to affect numerous taro fields or fish ponds, and other properties of religious and cultural significance to Native Hawaiian organizations.

2. **Meet with SHPD and Consulting Parties.** The following meetings focused on TCPs or included a significant discussion in their agenda:

- February 12, 2011 Meeting (public and consulting parties invited to discuss TCPs);
- June 23, 2011 Meeting (consulting parties invited to further discuss TCPs);
- April 13, 2012 Quarterly PA Meeting (TCP presentation and update, including Honouliuli Ahupua`a finding of no historic properties affected);
- May 4, 2012 Meeting (consulting parties invited to comment on documentation for Section 1-3 provided to them on April 20, 2012).

3. **Evaluate Eligibility.** The attached documentation results in the following eligibility findings:

- Of the 50 named places identified (13 ahupua`a, 26 wahi pana, 1 leina a ka`ukane and 10 inoa`āina), the 13 ahupua`a were not studied further since they are the larger traditional land divisions for the island of O`ahu that provide the context for consideration of individual wahi pana. Nine wahi pana, 1 leina a ka`ukane and 5 inoa`āina were not evaluated because they were located outside the HRTTP APE (as defined by the PA).
- Of the remaining 22 named places within the APE, 20 were identified as not eligible to the NRHP (5 inoa`āina, 15 wahi pana,). The 5 inoa`āina lacked any story connecting the locations with historic people or events and established no link between story and place. The 15 wahi pana found not eligible do not retain sufficient integrity to provide the integral link between the tradition and the place, as discussed in NRB 15. All of these properties are described and considered in detail in the attached documentation.
- Two resources (wahi pana) have been identified as NRHP eligible. These properties, described below, were identified as meeting conditions for eligibility under one or more National Register criteria and have sufficient integrity to convey the integral link between tradition and place.

These properties are:

- **Huewaipī** (site #28, TMK 98005009, 98005010, 98005011, 98005012, 98005013, 98005014, 98005015, 98005016, 98020054, 98020057, 98020058, 98020059, 98020060, 98020061, 98020063, 98020064, 98020065, 98020066, 98020067, 98020071).
The site is a spring situated near Kauhahau and Nāpōhaku loloa, in the vicinity of the old government road. Huewaipī, also called Kawaipī, supplied people of this area with drinking water. The spring continues to feed Waiau wetlands in Waimalu which is currently used for subsistence farming and gardening, and was an historic taro field. The property is eligible under criterion A for its association with a traditional land use pattern of agriculture, with integrity of location and association. [This property is located mauka of the HRTP guideway/Kamehameha Highway and makai of the H-1 interstate interchange with Moanalua Road.]
- **Kuki`iahu (Kuki`i)** (site #31, TMK 98016031, 98016047, 98016051).
In late 1794, a battle was fought here between the warriors of Kā`eokūlani and Kalanikūpule. Kā`eokūlani was killed in this battle. The dead were gathered and taken down to the shore at Pa`aiau and piled high (SRI 2012:46). This wahi pana is the location of a historically significant battle involving historically significant people. This site is currently the Pearlridge Center and Sumida Watercress farm. Kuki`iahu does not retain sufficient integrity to be a contributing element, but the watercress farm was previously determined to be NRHP eligible (see FEIS table 4-34, page 4-192). [This property is Koko Head and mauka of the HRTP Pearlridge Station.]

4. Findings of Effect. The HRTP would have no adverse effect on these two historic properties. One of these sites (#31) was previously identified in the FEIS/Section 106 process and its no adverse effect finding has not changed.

- **Huewaipī** (site #28). This site takes its significance from traditional agricultural practices in relationship to the springs and meets NRHP eligibility under criterion A, and retains its integrity of association and location. At this location, the HRTP will be constructed within the median of Kamehameha Highway with no direct impacts to the site. The site is currently surrounded by commercial and residential properties, utility lines and the highway, and the HRTP would have no adverse indirect impacts. For these reasons FTA has determined that the HRTP would have **No Adverse Effect** to Huewaipī.
- **Kuki`iahu (Kuki`i)** (site #31). This site is situated in the same area as the Sumida Watercress Farm, although the mapped boundaries of Kūki`iahu extend into the Uptown and Downtown portions of Pearlridge Mall. Sumida Watercress Farm has already been identified as eligible for nomination to the NRHP. Effects assessed through the Section 106 process associated with the HRTP FEIS support the determination of eligibility and finding of No Adverse Effect. This site meets NRHP eligibility criteria A and B, but the subsequent development of wetland agriculture and establishment of the watercress farm has eliminated all elements of Kuki`iahu. Therefore Kūki`iahu is a non-contributing element of the Sumida Watercress Farm's NRHP eligibility. The prior finding of **No Adverse Effect** for this site remains.

Mitigation

The study identified 37 wahi pana, leina a ka`ukane, and inoa`āina, two of which are determined to be NRHP eligible historic properties. Findings of **No Adverse Effect** pursuant to 36 CFR section 800.5 have been made. As a result, no mitigation or treatment measures are required under Section 106 or Stipulation II of the PA.

Educational Materials, Interpretation and Signage

Even though no mitigation or treatment measures are required under Section 106 or Stipulation II of the PA, HART is committed to exploring appropriate ways to share and tell these stories. This has been a common discussion topic with the consulting parties. The information gathered from all the research associated with the TCPs described in this letter will be used in conjunction with implementation of PA Stipulation VII. Educational Materials, Interpretation and Signage.

Conclusion


At this time FTA is requesting SHPD concurrence on two items: (1) the eligibility and effects findings described above and (2) that the requirements of Stipulation II of the PA outlined above and detailed in the attached documentation have been fulfilled with respect to construction Sections 1-3 (East Kapolei to Middle Street Transit Center).

FTA requests SHPD review and concurrence within 30 days of receipt of this letter. Early concurrence with the conclusion that there are no eligible properties (Sites 7 – 15, 17, and 18) in the APE for Section 1 (Honouliuli, Hoaeae, Waikele, Waipio and Waiawa Ahupuaas) would be greatly appreciated.

The determination of eligibility and finding of effect report will be circulated to the consulting parties during the 30-day SHPD review period. Any additional comments will be considered by FTA. In further compliance with Stipulation II of the PA, HART will complete NRHP nomination forms for the eligible properties identified in this letter. FTA and HART will continue to work with interested Native Hawaiian Organizations under Stipulation VII as noted above.

Should you have any questions, please contact Mr. Ted Matley at (415) 744-2590.

Sincerely,


Leslie T. Rogers
Regional Administrator

Attachment

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Kakuhihewa Building
601 Kamokila Blvd. Room 555
Kapolei, HI 96706

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 3, 2012
Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration
201 Mission Street, Ste 1650
San Francisco, CA 94105-1839

LOG# 2012.1929
DOC#1207PA01

Dear Mr. Rogers:

RE: Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3
Ewa Moku, Island of Oahu
TMK (1) Various

Thank you for the opportunity to review the above referenced document. Based on information in *Moolelo Aina – Traditions and Storied Places in the District of Ewa and Moanalua (In the District of Kona), Island of Oahu. A Traditional Cultural Properties Study – Technical Report*. Kumu Pono Associates, LLA. April 20, 2012, on consultation with Native Hawaiians, and on the National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties* ((P.L Parker & T.F. King), FHWA has determined that the rail project will have **no adverse effect** on Traditional and Cultural properties eligible for the National Register in sections 1-3 of the proposed Honolulu Rapid Transit Corridor. **SHPD concurs** on the evaluation of significance for the 22 potential TCP sites evaluated, and for the no adverse effect on the two sites deemed eligible for the National Register (comments below). We question why the Leina Ka Uhane District was considered to be outside the APE, when a part of the Leina does cross the APE in Moanalua. Although all of the individual sites are outside of the APE, the path of the leina crosses the APE. We would appreciate your response to this question.

In keeping with the stipulations in *Programmatic Agreement among the U.S. Department of Transportation, Federal Transit Administration, the Hawaii State Historic Preservation Officer, the United States Navy, and the Advisory Council for Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project In the City and County of Honolulu, Hawaii*, the Honolulu Authority for Rapid Transit (HART) undertook a traditional properties survey of the Transit Corridor. The study focused on Native Hawaiian Traditional Cultural Properties, as HART felt that other traditional cultural properties (Chinatown, Sumida Watercress Farm) has been adequately addressed in the Archaeology or Technical reports.

A total of 50 named places were identified. Land divisions, places without stories attached to them, and sites outside of the APE were dropped from the analysis, leaving a total of twenty-two (22) potential TCP sites along the rail corridor. Of these, only 2 were considered eligible for the register based mainly on integrity of location and association. SHPD would suggest that although many of the other sites do not retain integrity, or do not have enough history attached to them, it is possible that more information may be found about these sites. At that point their eligibility can be re-evaluated. The two eligible sites are Heuwaipi and Kuki'iahu. Huewaipi is a spring that feeds the Waiiau wetlands in Waimalu. Historic maps indicate that this area was once a lo'i. It is still used for subsistence farming and gathering. Thus, it retains integrity of association to traditional farming and is eligible under criterion A.

Kuki'iahu is the name of the battle between Kaeokulani and Kalanikupule where Kaeokulani was killed. Kaeokulani was a ruling chief of Maui, Lanai and Molokai and originally from Kauai. Kalanikupule was a ruling chief of Oahu. Because of their high chiefly status and the role that they played in the history of Hawaii, the site is eligible under Criterion A and B. However, it has been impacted by Sumida Watercress Farm and Pearlridge Shopping Center and therefore does not retain integrity of association. Despite this, because the TCP overlaps with Sumida Watercress farm, which is already eligible as a TCP, FHWA felt that Kuki'iahu is a non-contributing element of the Sumida Watercress Farm site.

Neither site will be directly impacted by rail and thus no mitigation specific to either site is required. Archaeological monitoring will occur as a standard practice for the entire construction route. SHPD would like to congratulate HART on the extensive work and care that went in the Kumu Pono document. We know that it will be a useful tool for future researchers on the history of this area.

Please call me if you have further questions.

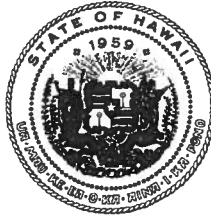
Sincerely,



Pua Aila
Administrator

C: William Aila, Jr, Chair

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 2, 2012

Kenneth Toru Hamayasu
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation
City and County of Honolulu
Alii Place Suite 1700
1099 Alakea Street
Honolulu, HI 96813

Dear Mr. Hamayasu:

RE: Section 106 Consultation (NHPA)
Request for Concurrence on a "no effect" determination for the Honolulu High Capacity Rail Project
Honouliuli, Ewa Moku, Oahu
TMK (1) 9-1-017:060-062; 9-1-019:001, 004-008, 013-015, 017-019, 023, 027, 029-031
(Po'ohilo TMK)

Thank you for your request for concurrence on a "no effect" determination for a possible TCP within the Honouliuli sector of the Honolulu High Capacity Rail project. We received the request by e-mail on March 20, with a request for expedited review. A second, more complete submittal was made on March 27, again, with a request to expedite. A third, revised request was submitted by e-mail on March 30, again, with a request to expedite. In support of your "no effect" determination you supplied the State Historic Preservation Office with the following materials:

- a) a letter requesting concurrence with your "no effect" determination, dated March 30, 2012.
- b) *Preliminary Draft Report: Study to Identify the presence of previously unidentified traditional cultural properties in sections 1-3 for the Honolulu High-Capacity Transit Corridor Project*, SRI Foundation and Kumu Pono Associates, March 26, 2012 (SRI and Kumu Pono Report)
- c) *He Mo'olelo 'Aina—Traditiona and storied places in the District of 'Ewa and Moanalua (in the District of Kona), IIsland of O'ahu: A Traditional Cultural Properties Study—Technical Report*, Kumu Pono Associates, LLC, January 20, 2012 (Kumu Pono report, Jan. 20, 2012)

Stipulation II of the PA requires the HART to:

- 1) Undertake a study . . . to determine the presence of previously unidentified TCPs within the APE, which includes cultural landscapes if present.
- 2) Prior to construction commencement . . . meet with . . . parties with expertise . . . to discuss and identify potential TCPs as defined by the National Register Bulletin 38.
- 3) Undertake studies to evaluate these TCPs for NRHP eligibility in accordance with guidance in Bulletin 38
- 4) The study shall be completed by qualified staff with experience in ethnographic studies and TCP assessments for NRHP eligibility.

Stipulations II also requires that “the City complete all fieldwork, eligibility and effect determination and consultation to develop treatment measures prior to the commencement of construction.” SHPD is only able to respond at this time to a “no effect” determination for Phase I of the project, as no further effect determinations have been made.

The reports cited in b) & c) above are submitted as partial requirements for Stipulation II. HPD’s overall comment is that there are many typos, specifically in the Kumu Pono technical report that should be corrected. Additionally, we note that Stipulation II does not limit Traditional Cultural Properties (TCPs) to Hawaiian TCPs. SHPD is concerned that for Phases II-IV there may be traditional cultural places of other cultures that are being missed.

Our comments below will be limited to Honouliuli rather than to a review of the whole report due to the request to expedite and to respond specifically to the request for concurrence regarding TCP’s in Honouliuli. In general, however, if HART is going to request that we review specific pieces of the report, then it would be easier if the analysis were separated by ahupua’a. This would also allow a better analysis of how potential TCP in the Ahupua’a were determined.

Fifty-three (53) named places were noted in the Honouliuli Ahupuaa (Kumupono Associates, Jan 20, 2012). Of these, three (3) are located in the immediate vicinity of the rail project. Of the three named sites located in the APE of the rail, only one, Po’ohilo, has a story connected to it. Therefore, Po’ohilo is the only “wahi pana” or storied place forwarded for consideration as a potential TCP in the report by SRI and Kumu Pono (March 26, 2012).

Based on the report provided to SHPD, Po’ohilo is outside of the APE and will not be affected by the rail. The SHPO concurs with your determination of “no effect” to Po’ohilo based on the information provided.

For the record, the State Historic Preservation Division (SHPD) is unclear as to why Po’ohilo is considered a TCP eligible for the National Register (it may still be a TCP to Native Hawaiians). As defined in Bulletin 38 a TCP is “eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history and (b) are important in maintaining the continuing cultural identity of the community.” There is no analysis of Native Hawaiians relationship to Po’ohilo today, or that it was ever a site of more than passing significance after the Battle of Kipapa Gulch.

We do note, however, that one Native Hawaiian informant, Mr. Michael Lee, has stated that there is a water system that carries fresh water from the mauka portion of Honouliuli to the ocean, where he gathers limu. Limu gathering is a traditional cultural practice, and the shoreline along which Mr. Lee gathers limu at Oneula is potentially eligible as a TCP. It would be an adverse effect if the rail pillars affected the water sources for the limu at Oneula. However, as indicated in your letter for concurrence, geotechnical borings have indicated that only the East Kapolei station approach or penetrate into the coralline deposits. You do not indicate whether karst caverns or water was encountered, or whether your geologists have opined on this question in the Kapolei area.

We further note that Po'ohilo is not the only TCP in the Honouliuli District. The SRI and Kumu Pono Preliminary Draft Report (March 26, 2012) notes that there is a Leina District that runs from Honouliuli to Moanalua. The sites in Honouliuli are connected with Kanehili and Kaupe'a. Neither Kanehili nor Kaupe'a are located near rail, however the district boundary as drawn runs fairly close to the East Kapolei station. No further analysis of the Leina has been conducted in relationship to the Honouliuli Ahupua'a. We suggested that before construction begins on Phase II, or perhaps sooner, additional consultation regarding the Leina Ka 'Uthane district occur.

Conclusion

SHPD concurs with the determination of "no effect" to historic properties for Po'ohilo. As no effect determinations were requested for any other sites, SHPD has commented on the Leina Ka Uthane district and on comments from Mr. Michael Lee regarding the possibility of a karst system in the Kapolei area of the rail project.

Please call Pua Aiu at 692-8040 or contact her by e-mail at pua.aiu@hawaii.gov if you have further questions regarding this letter.

Sincerely,



William Aila, Jr.
State Historic Preservation Officer



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
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The Honorable William J. Aila, Jr.
Hawai'i State Historic Preservation Officer
Department of Land and Natural Resources
State of Hawaii
Kakuhihewa Building
601 Kamokila Boulevard, Suite 555
Kapolei, HI 96707

AUG 28 2013

Re: Determination of Eligibility and Finding
of Effect for Previously Unidentified
Traditional Cultural Properties in Section
4 of the Honolulu Rail Transit Project

Dear Mr. Aila:

In accordance with 36 C.F.R. Part 800 and pursuant to Stipulation II.A. of the Section 106 Programmatic Agreement (PA) for the Honolulu Rail Transit Project (HRTP), the Federal Transit Administration (FTA), in coordination with the Honolulu Authority for Rapid Transportation (HART), requests your concurrence with the following two determinations:

- 1) There are no wahi pana (storied and sacred places) within the area of potential effect (APE) for HRTP Section 4 that are eligible for the National Register of Historic Places (NRHP); and
- 2) The HRTP will not adversely affect any additional traditional cultural properties (TCP) for Section 4 that are eligible for the NRHP.

The study procedures, resulting reports and stakeholder coordination supporting FTA's determinations are discussed in more detail below.

I. TCP Study

Pursuant to Stipulation II.A. of the PA, HART undertook a study to determine the presence of previously unidentified TCP within the APE for Section 4 (TCP Study). The results of that study are discussed in *Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project, July 11, 2013* (DOEFOE).

The study area for the TCP Study is depicted in Attachment 1 to the PA and also Figure 1 of the DOEFOE. The APE was established to capture the area within which the HRTP may directly or indirectly cause alterations in the character or use of historic properties

(36 C.F.R. § 800.16). To identify potential TCP, a wide variety of sources were consulted including existing literature, archival documents, historic maps and oral traditions. This effort and results of that effort are documented in the following reports:

Draft Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project, Draft Management Summary, The SRI Foundation and Kumu Pono Associates LLC, April 24, 2013; and

Draft He Mo`olelo `Āina – Traditions and Storied Places in the District of Kona – Honolulu Region (Lands of Kalihi to Waikīkī), Island of O`ahu. A Traditional Cultural Properties Study - Technical Report, Kumu Pono Associates LLC Study No. 131, March 28, 2013.

HART submitted drafts of these two reports to the consulting parties on April 24, 2013, in compliance with 36 C.F.R. § 800.11 and Stipulation II of the PA and consistent with the intent of National Register Bulletin (NRB) 38. Drafts of those two reports were also made available to the public on the project website (<http://www.honolulutransit.org/planning/ii-traditional-cultural-properties.aspx>). In addition to these reports, the DOEFOE provides evaluation of oral tradition focusing on storied and sacred sites in Section 4. When the process for the evaluating TCP for Section 4 is completed, the reports identified above will be finalized and again made available to the public.

II. Study Results

Ahupua`a are traditional, native Hawaiian land divisions that are part of a broader Hawaiian cultural landscape. Ahupua`a are shown in Figure 1 of the DOEFOE. The ahupua`a are not considered TCP, but do lend context to individual named places located within the ahupua`a. Those named places may be eligible for the NRHP as individual places or historic districts. It is within this context that the wahi pana were identified in or near the H RTP.

In addition, as discussed in Section 1.3 of the DOEFOE, if a wahi pana overlapped with an archaeological site, the wahi pana was evaluated for NRHP eligibility on its own merits. The NRHP eligibility of archaeological sites within the APE for Section 4 is being evaluated in a separate process, the H RTP Archaeological Inventory Survey. However, whether the stories associated with a wahi pana contributed to the historic significance of an archaeological site, or *vice versa*, was noted as it relates to the NRHP eligibility of the wahi pana.

The TCP Study documented 32 wahi pana in or related to sites within the APE for Section 4. Evaluation and consultation determined that eight of the 32 wahi pana were neither physically nor tangibly related to sites within the APE for Section 4, leaving 24 wahi pana that were within the APE for Section 4. The NRHP eligibility for the 24 wahi pana in the APE is summarized below and is presented in Table 1 of the DOEFOE.

Each of the 24 wahi pana within the APE for Section 4 is associated with one or more themes, which are discussed in the accompanying reports. Twenty-two of those wahi pana are associated with notable events and individuals in Hawaiian history. Thirteen are associated with places of ceremonial importance, tribute sites or places associated with the dead and spirit world. Places where the gods and demigods walked the land are captured in 10 wahi pana.

Other themes represented are places of traditional resource management and trails and boundary markers. Therefore, the wahi pana meet NRHP eligibility criteria A and/or B.

NRHP eligibility is based on eligibility criteria set forth in 36 C.F.R. § 60.4 and integrity, which is defined in NRB 15. The area in the vicinity of each wahi pana is completely developed and surrounded by 20th century Honolulu, including residences, businesses and offices. The degree of development in Section 4 has altered the landscape and setting of the wahi pana to such an extent that they no longer retain sufficient integrity of association, feeling or setting to be eligible for the NRHP.

None of the 24 wahi pana located within the APE for Section 4 have been determined to be TCP that are eligible for the NRHP. As a result, the H RTP will not adversely affect any additional TCP in Section 4 that are eligible for the NRHP. Accordingly, no mitigation or treatment measures are required under Section 106 or Stipulation II of the PA. This finding does not alter previous findings of effect for the H RTP.

Even though no mitigation or treatment measures are required under Section 106 or Stipulation II of the PA, HART and FTA are committed to exploring appropriate ways to share and tell the stories connected to wahi pana. The need to share and tell those stories has been the subject of recurring comments from consulting parties. To achieve this goal, the information gained from the TCP Study will be used in conjunction with implementation of Stipulation VII of the PA (Educational and Interpretive Programs, Materials, and Signage).

III. Coordination with the State Historic Preservation Division (SHPD) and Other Parties

HART and FTA have coordinated with SHPD, Consulting Parties and other stakeholders regarding the efforts to study previously unidentified TCP. The following meetings focused on TCP or included a significant discussion in their agenda:

- February 12, 2011 Meeting (Public and Consulting Parties invited to discuss TCPs)
- June 23, 2011 Meeting (Consulting Parties invited to further discuss TCPs)
- April 13, 2012 Quarterly PA Meeting (TCP presentation and update)
- May 8 and 9, 2013 Meetings (Consulting Parties invited to comment on documentation for Section 4 provided to them on April 24, 2013)

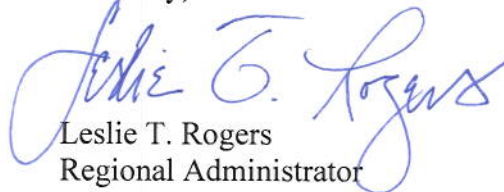
In addition to these meetings, HART and FTA held quarterly meetings regarding the PA, to which all Consulting Parties were invited. The April 13, 2012 quarterly meeting included a presentation and discussion on efforts to study TCP in compliance with Stipulation II of the PA. Summaries of all four meetings are included in Chapter 4 of the DOEFOE and are available on the H RTP website at <http://www.honolulustransit.org>. The Consulting Parties' comments on the TCP Study for Section 4 were incorporated into the DOEFOE. The DOEFOE will be circulated to the Consulting Parties during the SHPD review period. FTA and HART will continue to work with interested native Hawaiian organizations pursuant to the PA and during the course of the H RTP.

IV. Conclusion and Determination

FTA requests SHPD's concurrence on the following two determinations: (1) there are no wahi pana (storied and sacred places) within the APE for Section 4 that are eligible for the NRHP and, therefore, (2) the H RTP will not adversely affect any additional traditional cultural properties (TCP) in Section 4 that are eligible for the NRHP. FTA requests SHPD review and concurrence within 30 days of receipt of this letter per Stipulation II.A. of the PA.

Should you have any questions, please contact Mr. Ted Matley, Community Planner, at (415) 744-2590.

Sincerely,

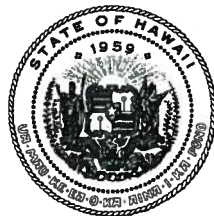


Leslie T. Rogers
Regional Administrator

Enclosures

- *Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project, July 11, 2013.*
- *Draft Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project, Draft Management Summary, The SRI Foundation and Kumu Pono Associates LLC, April 24, 2013.*
- *Draft He Mo`olelo `Āina – Traditions and Storied Places in the District of Kona – Honolulu Region (Lands of Kalihi to Waikīkī), Island of O`ahu. A Traditional Cultural Properties Study - Technical Report (Draft), Kumu Pono Associates LLC Study No. 131, March 28, 2013.*

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August 26, 2013

Mr. Matt McDermott
Principle Investigator
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LOG NO: 2013.2279, 2013.4326
DOC NO: 1308SL20
Archaeology

Dear Mr. McDermott:

**SUBJECT: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review –
Archaeological Inventory Survey for the Airport Phase (Construction Phase 3) of the
Honolulu High-Capacity Transit Corridor Project
Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, O‘ahu Island
TMK: (1) 1-1 and 9-9 (Various Plats and Parcels)**

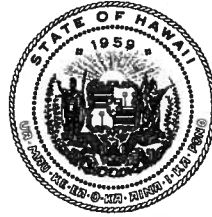
Thank you for the opportunity to review this report titled *Archaeological Inventory Survey for the Airport Section (Construction Section 3) of the Honolulu High-Capacity Transit Corridor Project Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, O‘ahu Island TMK Sections [1] 1-1 and 9-9 (Various Plats and Parcels)* (Hammatt et al., August 2013). We received the initial draft on March 4, 2013 and provided initial comments on March 29, 2013 (Log No. 2013.2279, Doc. No. 1303SL24).

The Honolulu High-Capacity Transit Corridor Project (HHCTCP or project) includes the use of federal funds and involves lands under several jurisdictions, including Federal, State, City and County of Honolulu, and private. Pursuant to 36 CFR §800.3(a), the proposed project constitutes an undertaking subject to review under Section 106. The project was determined to have an adverse effect on historic properties. A Programmatic Agreement (PA) stipulating mitigation commitments was executed on January 18, 2011 with the Federal Transit Administration (FTA), the Hawaii State Historic Preservation Officer (SHPO), the U.S. Navy, and the Advisory Council on Historic Preservation (ACHP) as signatories, and the City and County of Honolulu (C&C Honolulu) as an invited signatory. The Area of Potential effect for archaeology is defined in the PA as all areas of direct ground disturbance, including utilities. An archaeological inventory survey following HAR Chapter 13-276 was stipulated as a mitigation commitment in the PA.

The Airport Phase 3 archaeological inventory survey (AIS) area is from Kalaloa Drive Station 994+00 in the West to the Middle Street Station (Station 1248+00), a distance of 7.74 kilometers (4.8 miles). The Airport AIS area of potential effect (APE) comprises about 9.06 acres of direct ground disturbance, including three stations. An archaeological inventory survey plan (AISP) was prepared by Cultural Surveys Hawaii, Inc. (Hammatt and Shideler 2011). The AISP was reviewed and accepted by SHPD on December 2, 2011 (Log No. 2011.2167, Doc. No. 1211NN01). An Addendum AISP was subsequently prepared to address a possible alternative site (Alternative A) for the Honolulu International Airport Station (Hammatt and Shideler, 2013). It was reviewed and accepted by SHPD on March 1, 2013 (Log No. 2013.1957, Doc. No. 1302SL29).

The AIS involved a 100 percent surface survey of a heavily developed urban corridor which yielded no surface archaeological cultural resources (historic properties). Subsurface testing involved 47 trench test excavations, of which 40 were proposed in the AISP. The additional 7 were included to address the proposed Alternative A location for the Honolulu Airport Station. The proposed and final locations of some of the trench test excavations differ

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10465
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September 27, 2013

Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration
201 Mission Street, Ste 1650
San Francisco, CA 94105-1639

Log No.: 2013.5117 A
Doc No. 1309PA04

Dear Mr. Rogers:

RE: NHPA Review, Section 106 Review of Stipulation II.A
Honolulu High-Capacity Transit Corridor Project Programmatic Agreement
Determinations of Effect for Traditional Cultural Properties, City Center
Kapalama, Kalihi, Kapalama, Nu'uuanu, Pauoa, Waikiki and Manoa Ahupua'a
Kona Moku, Island of Oahu
TMK: (1) 1-5, 1-7, 2-1,2-2,2-3, 2-6 (various plats and parcels)

Thank you for your request for concurrence on the Federal Transit Administration's determination that 1) there are no eligible Traditional Cultural Properties within the transit corridor, and 2) the Honolulu High Capacity Transit Corridor Project (HHCTCP) will have "no adverse effect" on National Register eligible traditional cultural properties within the HHCTCP city center corridor. Your letter was received at the SHPD office on August 29, 2013. SHPD responded on September 25, 2013 and asked for additional information and revisions. During that time my office has also been consulting with the HART office on the request for additional information, as well as suggested changes to the Determination of Eligibility, Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project (HART, July 11, 2013 (DOE/FOE)). We have received an updated version of this document in electronic format today (9/27/13) which incorporates all of our requested changes. This letter is based on the electronic version we received today. We look forward to receiving the revised hard copy for our records.

The TCP study is composed of two documents:

1. He Mo'olelo 'Aina-Traditions and storied places in the district of Kona – Honolulu Region (Lands of Kalihi to Waikiki), Island of O'ahu. Traditional Cultural Properties Study –Technical Report. (Kumu Pono Associates, March 2013). (Kumu Pono, 2013)
2. Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project. Draft Management Summary (SRI Foundation and Kumu Pono Associates, April 2013). (SRI, April 2013)

The first document did archival and oral history research on named places within a broadly defined area that could potentially be affected by the HHCTCP. One-hundred and eighty (180) named places were identified in this study. Of those 180, one-hundred and five (105) were originally found to be within the APE or linked to the APE.

The second study, the Draft Management Study, further filtered these 105 sites by a) associating them with 5 thematic contexts, and eliminating those that had no story or actual practices associated with them. A total of 32 sites were left.

The DOE/FOE then evaluated these 32 sites for National Register Eligibility. Eight (8) of these 32 sites were found to be outside of the APE, leaving 24 potential traditional cultural properties to be evaluated. All twenty-four properties were found to meet at least one of the eligibility criteria, however, none of them were found to retain enough integrity of condition to be eligible for the National Register. Oral interviews and meetings with cultural descendants did not add any information regarding integrity of relationship.

SHPD **concurs** with the Federal Transportation Administration's determination that there are **no eligible Traditional Cultural Properties** within in the HHCTCP APA, and therefore the project will have **"no adverse effect"** to historic properties

Sincerely,



William Aila, Jr.
State Historic Preservation Officer

cc: Dan Grabauskas, HART
Jason Bright, HART
Susan Lebo, SHPD

Mr. McDermott
August 26, 2013
Page 2

slightly, reflecting decision changes required to address impediments (e.g., utility line locations) and/or safety issues.

Two cultural resources or historic properties were identified. They consist of Site 50-80-13-7420 (buried asphalt roadway) and Site 50-80-13-7421 (buried concrete slabs, coral pavement, and base course sections related to ca. 1942-1943 military infrastructure). Both sites are assessed as National- and Hawaii- Register eligible under Criterion D (information content). The determination for the entire project is an "adverse effect" on historic properties under 36 CFR 800 and "effect with proposed mitigation commitments" under HAR §13-275-7(2). Thus, mitigation recommendations were provided. The recommended mitigation measure identified for this undertaking involves an archaeological monitoring program.

We confirm that the archaeological inventory survey was conducted in accordance with the AISP and Addendum AISP. We provided initial comments on the draft archaeological inventory survey report (Log No. 2013.2279; Doc. No. 1303SL24). This initial, and all subsequent comments, because of their extensive nature were provided directly on the text pages of the report as well as through in-person reviews of specific areas with Cultural Surveys Hawaii staff.

We concur that Sites 50-80-13-7429 (buried asphalt roadway) and 50-80-17-7421 (buried infrastructure) are significant under National- and Hawaii-Registers of Historic Places Criterion D only, chiefly for their information potential. We also concur with the proposed mitigation recommendation of on-call monitoring as both sites are discontinuous and fragmentary in their extent.

In addition, SHPD received 98 comments from 13 individuals or organizations regarding the Archaeological Inventory Survey (AIS) for the entire HHCTCP corridor. Thirteen of these comments were pertinent to the Airport Phase 3 Section of the HHCTCP AIS. Eleven comments requested additional testing in column locations and utilities and four expressed concern that the AIS overall was premature or not well done in general. SHPD has taken these comments into account and believes, based on background research and previous archaeological studies and the limitations on the ground (i.e. existing utilities), that the Airport Section 3 project corridor has been adequately surveyed. We believe on-call archaeological monitoring will adequately address the inadvertent discovery of historic properties, if any are found.

This revised archaeological inventory survey report meets the minimum requirements specified in the *Secretary of the Interior's Standards for Archeological Documentation* and the requirements set forth in HAR §13-275 and HAR §13-276. It is accepted by SHPD. Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version of the report on CD to the Kapolei SHPD office. Please contact Dr. Susan A Lebo at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

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August 26, 2013

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mmcdermott@culturalsurveys.com

LOG NO: 2013.2564, 2013.4338
DOC NO: 1308SL21
Archaeology

Dear Mr. McDermott:

**SUBJECT: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review—
Revised Archaeological Inventory Survey Report for City Center (Construction Phase 4)
Honolulu High-Capacity Transit Corridor Project
Kalihi, Kapālama, and Honolulu Ahupua'a,
Honolulu District, Island of O'ahu
TMK: (1) 1-2, 1-5, 1-7, 2-1, 2-3, Various Plats and Parcels**

Thank you for the opportunity to review this report titled *Archaeological Inventory Survey Report (AISR) for Construction Phase 4 of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, and Honolulu Ahupua'a, Honolulu District, O'ahu Island TMK Sections [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels)* (Hammatt et al., June 2013), which our office received on July 15, 2013. We received the initial draft on April 9, 2013. Due to the size and complexity of this review all comments have been provided directly on text pages of the report as well as through in-person reviews of specific areas with Cultural Surveys Hawaii staff.

The Honolulu High-Capacity Transit Corridor Project (HHCTCP or project) includes the use of federal funds and involves lands under several jurisdictions, including Federal, State, City and County of Honolulu, and private. Pursuant to 36 CFR 800.3(a), the proposed project constitutes an undertaking subject to review under Section 106. The project was determined to have an adverse effect on historic properties within the transit corridor and a Programmatic Agreement (PA) was executed on January 18, 2011 between the Federal Transit Administration (FTA), the Hawaii State Historic Preservation Officer (SHPO), the US Navy and the Advisory Council on Historic Preservation as signatories and the City and County of Honolulu as an invited Signatory. An archaeological inventory survey for the four phases of the project under HAR §13-276 is stipulated as a mitigation measure in the PA.

The Area of Potential Effect (APE) for archaeology is defined in the PA as all areas of direct ground disturbance. Thus, for the City Center the area of direct ground disturbance is approximately 13.9 acres, including nine (9) stations. The survey study area is the eastern-most 4.3 miles (6.9 km) of the overall HHCTCP area, extending from Kalihi Stream/Middle Street Station in the west to Ala Moana Center in the east. An archaeological inventory survey plan (AISP) was prepared by Cultural Surveys Hawai'i, Inc. (Hammatt et al. 2011). The AISP was reviewed and accepted by SHPD on October 25, 2011 (Log No. 2011.2379, Doc. No. 1110NN08). An Addendum AISP was completed to address the relocation of the City Center's Kaka'ako Station footprint and corridor beginning about 30 meters 'Ewa (northwest) of Ward Avenue and rejoining the original alignment in the middle of Queen Street about 100 meters Diamond Head (southeast) of Kamake'e Street. The Addendum AISP was accepted by SHPD on March 1, 2013 (Log No. 2013.1958, Doc. No. 1302SL28).

The AIS involved a 100 percent surface survey of a heavily developed urban corridor which yielded no surface archaeological cultural resources (historic properties). Subsurface testing involved 250 test trench excavations. Two-hundred and thirty-two (232) trenches were proposed in the AISP, nine (9) were abandoned due to utility conflicts, safety issues or realignment/redesign, and twenty-seven (27) trenches were added to replace abandoned trenches or at the request of SHPD. The additional trenches were included to ensure that entire column locations were tested, alternative column or utility locations were tested, or to ensure the extent of sand deposits and the absence of burials in those sand deposits. The proposed and final locations of some of the trenches differ slightly, reflecting changes required to address impediments (e.g. utility line locations) and/or safety issues.

Nineteen (19) historic resources were identified within, or immediately adjacent to the Construction Phase 4 AIS survey area. Twelve (12) of these resources were previously identified and documented. Seven (7) resources were newly identified in this survey. All 19 historic resources have been assigned Hawai'i State Inventory of Historic Properties (SIHP) numbers, all with the prefix 50-80-14. The historic resources, associated test excavation numbers, descriptions, Hawai'i and/or National Register-eligibility, and mitigation recommendations are listed in the table below. Bold SIHP numbers represent the seven (7) historic properties newly identified during the Construction Phase 4 AIS. Numbers not in bold represent the twelve (12) historic properties in the Rail Corridor found during previous studies.

SIHP#	Construction Phase 4 Test Excavation #	Description/Formal Type	Significance/Eligibility		Mitigation
			HAR §13-276-6 Criterion	National Register	
50-80-14-7425	T-020	Subsurface <i>imu</i> (earth oven) feature	Recommend: D	Recommend: D	Monitoring
50-80-14-7426	T-054 through T-082, and 085	Subsurface wetland deposit	Recommend: D	Recommend: D	Monitoring
50-80-14-7506	T-064, T-066 and T-067	Subsurface incinerated trash deposit	Recommend: D	Recommend: D	Monitoring
50-80-14-5368	T-088, 091, 092, 093, and 094	Subsurface remnants of Kūwili Fishpond	Recommend: D	Recommend: D	Monitoring
50-80-14-5966	T-095	Subsurface remnants of Kawa Fishpond	Recommend: D	Recommend: D	Data Recovery, Monitoring
50-80-14-7427	T-096 through T-101 and test bores C-1-C-6	Subsurface historic building foundations and walls and underlying culturally enriched sediments, also one human talus bone in a fill deposit	Recommend: D, E	Recommend: D	Monitoring, Data Recovery, and Burial Treatment Plan
50-80-14-7428	T-119, 119A, 120, 120A, 120B	Subsurface culturally-enriched sand A-horizon (T-120, T-120A, and T-120B) and historic warehouse foundation (T-119 and T-119A)	Recommend: D	Recommend: D	Data Recovery and monitoring of sand A-horizon (T-120, 120A, and 120B), monitoring for historic foundation (T-119 and 119A)
50-80-14-2963	T-122, 123, and 124	Subsurface pond sediments containing historic artifacts, culturally-enriched sand A-horizon, also includes 7 human burials as described in the adjacent Makai Parking Garage monitoring report.	Recommend: D, E	Recommend: D	Monitoring for pond sediments, data recovery and monitoring for culturally-enriched sand A-horizon
50-80-14-7124	T-132	Subsurface historic building remnants	Previous: A, D Recommend: D	Recommend: D	Monitoring
50-80-14-7189	T-130, 132, 134, 138, 140, 231A, 232, and 232A	Subsurface fill layer containing burnt historic trash from open burning	Previous: A, D Recommend: D	Recommend: D	Monitoring

SIHP#	Construction Phase 4 Test Excavation #	Description/Formal Type	Significance/Eligibility		Mitigation
			HAR §13-276-6 Criterion	National Register	
50-80-14-7190	T-229 and 230	Subsurface salt pan remnants	Previous: A, D Recommend: D	Recommend: D	Data Recovery, Monitoring
50-80-14-7197	Not observed (see mitigation)	Subsurface culturally-enriched sand A-horizon	Previous: A, D and D Recommend: D	Recommend: D	Monitoring; Not observed in current AIS (see mitigation), but potentially affected by project construction due to close proximity
50-80-14-5820	T-141, 142, 145, 146A, 150, 151, 151A	Human skeletal remains/burials and subsurface culturally enriched sand A-horizon	Recommend: D, E	Recommend: D	Data Recovery, Monitoring, Burial Treatment Plan
50-80-14-7429	T-167, 168, 168A, 168B, 169, 170, and 170A	Subsurface culturally-enriched sand A-horizon and human cranial Fragment in T-170	Recommend: D, E	Recommend: D	Data Recovery, Monitoring, Burial Treatment Plan
50-80-14-6856	T-181-185	Subsurface remnants of Kolowalu Fishpond	Recommend: D	Recommend: D	Monitoring
50-80-14-6636	T-186-193, 195, 196, 198-200, 202, 202A, 203, 205, 207, 208, 210-212, 214, 219, and 220	Subsurface remnants of the former Kewalo wetland	Previous: A, D Recommend: D	Recommend: D	Monitoring
50-80-14-7430	T-202	Subsurface remnant of a historic privy	Recommend: D	Recommend: D	Monitoring
50-80-14-7193	T-214	Subsurface historic refuse-enriched fill deposit	Ineligible	Ineligible	NA
50-80-14-2918	T-226A, B, C, and D, T-227 and 227A	Subsurface culturally-enriched sand A-horizon with human skeletal remains/burials, also includes iron historic trolley or cart tracks	Recommend: D, E	Recommend: D	Data Recovery, Monitoring, Burial Treatment Plan

We concur with the eligibility recommendations of the 19 sites in the above table, including the ineligible SIHP# 50-80-14-7193 determination. The 18 remaining sites are significant under National Register of Historic Places and Hawaii Register of Historic Places recommended criteria listed in the table. The overall effect of the undertaking has been previously determined to be "adverse" under 36 CFR part 800, as discussed above. The project effect under the provisions of HAR §13-275-7(2) is determined to be "effect with proposed mitigation." We concur with the proposed mitigation measures, which include on-site archaeological monitoring of any land alteration activities in the vicinity of the site areas and data recovery and burial treatment as identified above.

We confirm that the archaeological inventory survey was conducted in accordance with the AISP and Addendum AISP. As mentioned above, all comments to this AIS were done directly on the report and in face-to-face meetings with staff from Cultural Surveys Hawai'i, Inc.

Mr. McDermott
August 26, 2013
Page 4

In addition, SHPD received comments from 13 individuals and organizations with a total of 98 comments related to Archaeological Inventory Survey for the entire Rail Corridor. Fifty-seven comments (57) were specific to the City Center portion of the project. Forty-nine (49) of those comments requested additional testing related to column locations, utilities, the limited nature of geotechnical core testing or testing that had been stopped due to water inundation. SHPD has considered all comments received and believes that an adequate inventory survey has been completed. Data recovery will be conducted on eight historic sites as mitigation. SHPD notes that burials found during data recovery are considered previously identified and the decision to preserve them in place or relocate them will be the purview of the O'ahu Island Burial Council. HART has agreed that no construction will take place within 25 feet of any burials prior to SHPD's acceptance of a burial treatment plan.

This revised archaeological inventory survey report meets the minimum requirements specified in the *Secretary of the Interior's Standards for Archeological Documentation* and the requirements set forth in HAR §13-275 and HAR §13-276. It is accepted by SHPD. Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version of the report on CD to the Kapolei SHPD office. Please contact Dr. Susan A Lebo at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
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HISTORIC PRESERVATION
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LAND
STATE PARKS

August 27, 2013

Matt McDermott
Principal Investigator
Cultural Surveys Hawaii
P.O. Box 1114
Kailua, HI 96734

Log No. 2013.4527
Doc. No. 1308SL22

Dear Mr. McDermott:

**Subject: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review—
Supplemental Archaeological Inventory Survey for Phase 2 of the Honolulu High-Capacity
Transit Corridor Project, Proposed Pearlridge Station
Waimalu Ahupua'a, 'Ewa District, Island of O'ahu
TMK: (1) 9-8-009:017 and 9-8-010:002**

Thank you for the opportunity to review this report titled *Supplemental Archaeological Inventory Survey for Section 2 of the Honolulu High-Capacity Transit Corridor Project, Proposed Pearlridge Station, Waimalu Ahupua'a, 'Ewa District, Island of O'ahu*. TMK: (1) 9-8-009:017 and (1) 9-8-010:002 (Sroat, Matsushima & McDermott, August 2013), which our office received on July 25, 2013.

The Honolulu High-Capacity Transit Corridor Project (HHCTCP or project) includes the use of federal funds and involves lands under several jurisdictions, including Federal, State, City and County of Honolulu, and private. Pursuant to 36 CFR 800.3(a), the proposed project constitutes an undertaking subject to review under Section 106. The project as a whole was determined to have an adverse effect on historic properties. A Programmatic Agreement (PA) was executed on January 18, 2011 between the Federal Transit Administration (FTA), the Hawaii State Historic Preservation Officer (SHPO), the US Navy and the Advisory Council on Historic Preservation as signatories and the City and County of Honolulu as an invited Signatory. An archaeological inventory survey for the four phases of the project under HAR chapter 276 is stipulated as a mitigation measure in the PA.

The Area of Potential Effect (APE) for archaeology is defined in the PA as all areas of direct ground disturbance. Thus, for the Supplemental AIS for Phase 2 the area of direct ground disturbance is approximately .2 acres, which is the area of the Pearlridge Station. An archaeological inventory survey plan (AISP) for Phase 2 was prepared by Cultural Surveys Hawaii, Inc. (Hammatt 2010b). The AISP was reviewed and accepted by SHPD on May 7, 2010 (Log No. 2010.1748, Doc. No. 1005NM14). The three test trenches in this supplemental AIS were included in the original AISP, but could not be done at the time because the landowner would not allow access. We confirm that the supplemental archaeological inventory survey was conducted in accordance with the Phase 2 AISP.

Three test trenches were excavated to provide more information on the subsurface nature of the Pearlridge Station, to identify and document any archaeological historic resources encountered and to make eligibility recommendations for the Hawaii and National Registers of Historic Places. No historic resources were found during this supplemental archaeological inventory survey. However, the determination for the entire project is an "adverse effect" on historic properties under 36 CFR 800 and "effect with proposed mitigation commitments" under HAR §13-275-7(2). Thus, mitigation recommendations were provided. SHPD concurs with the proposed mitigation of a combination of on-call and full-time on-site archaeological monitoring as previously agreed to in the SHPD's acceptance of the AIS for Phase 2 (Log No. 2010.1749, Doc. No. 1004MV01).

Mr. McDermott
August 27, 2013
Page 2

The 30 day comment period for the project started on July 25, 2013 and ended on August 26, 2013. SHPD received no comments.

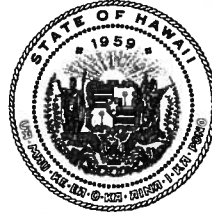
This revised archaeological inventory survey report meets the minimum requirements specified in the *Secretary of the Interior's Standards for Archeological Documentation* and the requirements set forth in HAR §13-275 and HAR §13-276. It is accepted by SHPD. Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version of the report on CD to the Kapolei SHPD office. Please contact Dr. Susan A Lebo at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
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STATE PARKS

August 27, 2013

Mr. Dan Grabauskas
Executive Director and CEO
Honolulu Authority for Rapid Transit
City and County of Honolulu
1099 Alakea Street, 17th Floor
Honolulu, HI 96813

LOG NO.: 2013.4987
DOC. NO.: 1308SL23

Dear Mr. Grabauskas:

Subject: **Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review—
Archaeological Inventory Survey Report for the Honolulu High-Capacity Transit Corridor
Project, West Kapolei to Ala Moana Center
Honouliuli, Ho‘ae‘ae, Waikele, Waipi‘o, Waiawa Manana, Waimano, Waiuu, Waimalu, Kalauao,
‘Aiea, and Halawa Ahupua‘a, ‘Ewa District and Moanalua, Kalihi, Kapālama, Honolulu, and
Waikīki Ahupua‘a, Honolulu (Kona) District, Island of O‘ahu
TMK: (1) 1-1, 1-2, 1-5, 1-7, 2-1, 2-3, 9-1, 9-4, 9-6, 9-7, 9-8, and 9-9 (Various Plats and Parcels)**

SHPD has received, reviewed, and hereby accepts the archaeological inventory survey reports for the Honolulu High-Capacity Transit Corridor Project (HHCTCP or project), including all phases of the project. The reports are collectively referred to herein as “the AIS.” Supportive documentation is provided in four appendices (A–D).

The Honolulu High-Capacity Transit Corridor Project (HHCTCP) includes the use of federal funds and involves lands under several jurisdictions, including Federal, State, City and County of Honolulu, and private. Pursuant to 36 CFR 800.3(a), the proposed project constitutes an undertaking subject to review under Section 106. The project was determined to have an adverse effect on historic properties within the transit corridor and a Programmatic Agreement was executed on January 18, 2011 between the Federal Transit Administration (FTA), the Hawaii State Historic Preservation Officer (SHPO), the US Navy and the Advisory Council on Historic Preservation as signatories and the City and County of Honolulu as an invited Signatory. An archaeological inventory survey for the four phases of the project under HAR Chapter 13-276 is stipulated as a mitigation measure in the PA. The PA also stipulates that archaeological fieldwork would be done in advance of the completion of final design and approved by SHPD. The terms of the Programmatic Agreement also stipulate that the Area of Potential Effect (APE) for archaeological resources is all areas of direct ground disturbance.

The area of direct ground disturbance for the entire 23 mile corridor is approximately 113 acres, and the survey study area is the 23 mile corridor. A total of 423 test trenches were excavated for this AIS. A list of accepted reports, dates of acceptance, SHPD log and document numbers, the APE and survey areas, and historic properties and mitigation is included as Appendix A to this letter. An Archaeological Inventory Survey Plan was accepted for each of the project’s four phases, and Addendum Archaeological Survey Plans were accepted for Phases 3 and 4. All plans are collectively referred to as “AISP.”

Archaeological Inventory Survey Reports were accepted for each of the project’s four phases and a Supplemental Archaeological Inventory Survey Report was accepted for Phase 2. SHPD acceptance letters are attached to this letter as Appendix D. We confirm that the archaeological inventory surveys for all phases were conducted in accordance with the AISP for the corresponding phase of the project.

Mr. Grabauskas
August 26, 2013
Page 2

A total of 21 historic properties were found throughout the corridor. Two additional historic properties have the potential to be affected but were not relocated (SIHP Sites 7197 and 5966). Appendix B lists all of the historic properties that are potentially affected by this project. SHPD has concurred with the proposed significance determinations as listed in Appendix B. SHPD also concurs with the proposed effect determination, which is an "adverse effect" on historic properties under 36 CFR 800(5) and "effect with proposed mitigation commitments" under HAR §13-275-7(2). Thus, mitigation recommendations were provided and are listed in Appendix B. SHPD concurs with the mitigation proposals as listed.

In addition, SHPD received comments from 13 individuals with a total of 98 comments related to archaeological inventory survey for the entire Rail Corridor. The majority of the comments requested more test trenches in column locations, station locations and utility relocation corridors. Several of the comments requested more testing in areas that had been abandoned due to meeting the water table or due to unstable soil. Fifty-seven comments were about Phase 4, with 49 of those comments requesting more testing. A total of 38 comments addressed the first three phases of rail, with most requesting additional testing. Thirteen comments addressed underground karst caves and water systems and their relation to cultural practices at shore.

SHPD reviewed and considered all of the comments and believes that adequate testing has been done for this project. Several of the comments related to sites outside of the project corridor. Data recovery is the mitigation proposed for a total of nine sites, eight (8) in the City Center phase and one (1) within the Waipahu Transit Center Station footprint (Site 7751). Data recovery fieldwork is complete at Site 7751 and an Interim Protection Plan (IPP) pursuant to HAR§13-275-9(d) is being prepared for the eight (8) sites in the City Center. SHPD notes that any burials found during data recovery are considered previously known and the determination to remain in place or relocate those *iwi* will be the purview of the O'ahu Island Burial Council. A table listing all of the comments and responses will be posted on the HART website in September.

The AIS for the project, including the entire rail corridor, meets the requirements specified in the *Secretary of the Interior's Standards for Archeological Documentation* and the requirements set forth in HAR Chapter 13-276 "Rules governing standards for Archaeological Inventory Surveys and Reports." Hard copies of the final reports and PDF's have been requested in prior correspondence. Appendix C lists all of the volumes related to the AIS for this project and encompassed by this acceptance letter. We look forward to receiving an IPP and detailed mitigation plans per HAR Chapters 13-275-8, 9 and 10. Please contact Dr. Susan A Lebo at (808) 692-8019 or Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

Enclosures:

- Appendix A: HCRTCP List of Reports Accepted by SHPD
- Appendix B: List of Potentially Affected Sites, Significance and Mitigation
- Appendix C: List of Reports Associated with the Archaeological Inventory Survey for the Honolulu High Capacity Rapid Transit Corridor Project.
- Appendix D: SHPD Acceptance Letters for the Honolulu High Capacity Rapid Transit Corridor

Appendix A: HHCRTCP List of Reports Accepted by SHPD

Phase I	Type	Accepted	Log No.	Doc. No.	APE	Survey Area	SIHP sites	Mitigation
Archaeological Inventor Survey Plan for Construction Phase I of the Honolulu High-Capacity Transi Corridor Project, Station 392+00 (Near East Kapolei Station) to Station 776+00 (Near Waimano Home Road), Honouliuli, Hoaeae, Waikele, Waipio and Waiawa Ahupua'a. 'Ewa District, O'ahu, Hawaii. TMK: (1) 0-1, 9-4, 9-5, 9-6, 9-7 (Various Plats and Parcels) (Hammatt and Shideler, March 2009)	AISP	3/16/2009	2009.1325	0903WT115				
Archaeological Inventory Survey for Construction Phase I of the Honolulu High-Capacity Transit Corridor Project, Honouliuli, Ho'ae'ae, Waikele, Waipi'o and Waiawa Ahupua'a, Ewa District, O'ahu Hawaii, TMK: (1) 9-1, 9-4, 9-6, 9-7 (Various Plats an Parcels) (Hammatt, February 2010)	AIS	4/19/2010	2010.1749	1004MV01	75 acres	156 acres	50-80-09-7751	Data Recovery
Archaeological Data Recovery Plan for SIHP# 50-80-09-7751, Waipahu Transit Center Station, Honolulu High Capacity Transit Corridor Project Waikele Ahupua'a, 'Ewa District, Island of O'ahu. TMK (1) 9-4-019:050 &:061 (O'Hare, Monahan, and Hammatt, March 2011)	DRP	11/29/2011	2011.0902	1111MV19			50-80-09-7751	Data Recovery
End of Archaeological Data Recovery Fieldwork Letter for Archaeological Cultural Resource SHIP #50-80-09-7751 witin the Waipahu Transit Center Station, Honolulu High-Capacity Transit Corridor Project, Waikele Ahupua'a, 'Ewa District, Island of O'ahu. TMK: (1) 9-4-019:050, 061 (por) (Sroat, McDermott, and Hammatt, July 2013)	EOF	8/27/2013	2013.4528	1308SL24			50-80-09-7751	Step one, EoF complete, waiting for Data Recovery Report (Step 2)

Appendix A: HHCRTCP List of Reports Accepted by SHPD

Phase 2	Type	Accepted	Log No.	Doc. No.	APE	Survey Area	SIHP Sites	Mitigation
Archaeological Inventory Survey Plan for Construction Phase II of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea and Halawa Ahupua'a, 'Ewa District, O'ahu Hawaii. TMK: (1) 9-7, 9-8, 9-9 Various Plats and Parcels. [Hammatt & Shideler MA, March 2009].	AISP	5/7/2010	2010.1748	1005NM14				
Archaeological Inventory Survey for Construction Phase 2 of the Honolulu High Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, Aiea and Halawa Ahupua'a, 'Ewa District, Island of O'ahu. TMK (1) 9-7, 9-8, 9-9 Various Plats and Parcels. (Sroat, Thurman, and McDermott, April 2012).	AISR	5/23/2012	2012.1449	1205NN23	13.87 acres	3.9 miles	50-80-09-7150	On-site Monitoring
Archaeological Monitoring Plan for Construction Phase 2 of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea and Halawa Ahupua'a, 'Ewa District, Island of O'ahu. TMK (1) 9-7, 9-8, 9-9 Various Plats and Parcels. [Sroat & McDermott (April 2012)].	AMP	5/16/2012	2012.1041	1205NN12				
Supplemental Archaeological Inventory Survey for Section 2 of the Honolulu High-Capacity Transit Corridor Project, Proposed Pearlridge Station, Waimalu Ahupua'a, 'Ewa District, Island of O'ahu. TMK (1) 9-8-009:017 and (1) 9-8-010:002 (Sroat, Matsushima, and McDermott, August 2013)	SAISR	8/27/2013	2013.4527	1308SL22	0.2 acres	0.2	none	Monitoring

Appendix A: HHCRTCP List of Reports Accepted by SHPD

Phase 3	Type	Accepted	Log No.	Doc No	APE	Survey Area	SIHP Sites	Mitigation
Archaeological Inventory Survey Plan for the Airport (Phase 3) Construction of the Honolulu High Capacity Transit Corridor Project, Halawa and Moanalua Ahupua'a, 'Ewa and Honolulu District, Island of Oahu TMK: (1) 1-1 and 9-9. (Hammatt and Shideler, August 2011)	AISP	12/2/2011	2011.2167	1112NN01				
Addendum to an Archaeological Inventory Survey Plan for the Airport (Phase 3) Construction of the Honolulu High-Capacity Transit Corridor Project Halawa and Moanalua Ahupua'a, 'Ewa and Honolulu Districts, O'ahu Island. TMK: (1) 1-1 and 9-9 (Various Plats and Parcels) (Hammatt and Shideler, February 2013)	Ad AISP	3/1/2013	2013.1957	1302SL29				
Archaeological Inventory Survey for the Airport Section (Construction Section 3) of the Honolulu High-Capacity Transit Corridor Project Hālawā and Moanalua Ahupua'a, 'Ewa and Honolulu Districts, O'ahu Island TMK Sections [1] 1-1 and 9-9 (Various Plats and Parcels) (Hammatt et al., August 2013)	AISR	8/26/2013	2013.2279 2013.4326	1308SL20	9.6 acres	4.8 miles	50-80-13-7420 and 7421	Monitoring

Appendix A: HHCRTCP List of Reports Accepted by SHPD

Phase 4	Type	Accepted	Log No.	Doc No	APE	Survey Area	SIHP Sites	Mitigation
Archaeological Inventory Survey Plan for the City Center (Construction Phase 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapalama and Honolulu Ahupuaa, Honolulu district, Island of Oahu. TMK: (1) 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels. Volume I: Plan and Appendices F & G and Volume II: Appendices A-E, Land Document (Hammatt et al., August 2011)	AISP	10/25/2011	2011.2379	1110NN08				
Addendum to an Archaeological Inventory Survey Plan for the City Center (Phase 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapalama and Honolulu Ahupua'a, Honolulu District, Island of Oahu. TMK: (1) 2-1, 2-3 (Various Plats and Parcels) Addressing Changes from the Vicinity of Ward Avenue and Halekauwila Street to the Vicinity of Queen and Kamakee Streets. TMK (1) 2-1, 2-3 various plats and parcels (Hammatt et al., February 2013)	Ad AISP	3/1/2013	2013.1958	1302SL28				
Archaeological Inventory Survey Report (AISR) for Construction Phase 4 of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapalama, and Honolulu Ahupua'a, Honolulu District, O'ahu Island TMK Sections [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels) (Hammatt, et al., June 2013)	AISR	8/26/2013	2013.2564 2013.4338	1308SL21	13.9 acres	4.3 miles	19 sites (see attachment B)	Data recovery, Monitoring and Burial treatment plans

Appendix B: List of Sites in the Rail Corridor, Significance and Agreed to Mitigation

SIHP#	Test Excavation # And Phase	Description/Formal Type	Significance/Eligibility		Mitigation
			Hawaii Register	National Register	
	PHASE 1				
50-80-09-7751	Waipahu Transit Center Station Makai T-01 through T-06	Subsurface lo'i sediments	D	D	Data Recovery
	PHASE 2				
50-80-09-7150	E-7	Former ponded taro fields	D	D	Monitoring
	PHASE 3				
50-80-13-7420	T-015, T017 and T018	Buried asphalt roadway	D	D	Monitoring
80-80-13-7421	T-021, T022 through T-026, T-042 and T-046	Buried concrete slabs, coral pavement and base course sections	D	D	Monitoring
	PHASE 4				
50-80-14-7425	T-020	Subsurface <i>imu</i> (earth oven) feature	D	D	Monitoring
50-80-14-7426	T-054 through T-082, and 085	Subsurface wetland deposit	D	D	Monitoring
50-80-14-7506	T-064, T-066 and T-067	Subsurface incinerated trash deposit	D	D	Monitoring
50-80-14-5368	T-088, 091, 092, 093, and 094	Subsurface remnants of Kūwili Fishpond	D	D	Monitoring
50-80-14-5966	T-095	Kawa Fishpond – sediments not found because trench abandoned.	D	D	Data Recovery, Monitoring
50-80-14-7427	T-096 through T-101 and test bores C-1-C-6	Subsurface historic building foundations and walls and underlying culturally enriched sediments, also one human talus bone in a fill deposit	D, E	D	Monitoring, Data Recovery, and Burial Treatment
50-80-14-7428	T-119, 119A, 120, 120A, 120B	Subsurface culturally-enriched sand A-horizon (T-120, T-120A, and T-120B) and historic warehouse foundation (T-119 and T-119A)	D	D	Data Recovery and monitoring of sand A-horizon (T-120, 120A, and 120B), monitoring for historic foundation (T-119 and 119A)
50-80-14-2963	T-122, 123, and 124	Subsurface pond sediments containing historic artifacts, culturally-enriched sand A-horizon, also includes 7 human burials as described in the adjacent Makai Parking Garage monitoring report.	D, E	D	Monitoring for pond sediments, data recovery and monitoring for culturally-enriched sand A-horizon
50-80-14-7124	T-132	Subsurface historic building remnants	D	D	Monitoring

SIHP#	Test Excavation # And Phase	Description/Formal Type	Significance/Eligibility		Mitigation
			Hawaii Register	National Register	
50-80-14-7189	T-130, 132, 134, 138, 140, 231A, 232, and 232A	Subsurface fill layer containing burnt historic trash from open burning	D	D	Monitoring
50-80-14-7190	T-229 and 230	Subsurface salt pan remnants	D	D	Data Recovery, Monitoring
50-80-14-7197	Not observed (see mitigation)	Subsurface culturally-enriched sand A-horizon	D	D	Monitoring; Not observed in current AIS (see mitigation), but potentially affected by project construction due to close proximity
50-80-14- 5820	T-141, 142, 145, 146A, 150, 151, 151A	Human skeletal remains/burials and subsurface culturally enriched sand A-horizon	D, E	D	Data Recovery, Monitoring, Burial Treatment Plan
50-80-14-7429	T-167, 168, 168A, 168B, 169, 170, and 170A	Subsurface culturally-enriched sand A-horizon and human cranial Fragment in T-170	D, E	D	Data Recovery, Monitoring, Burial Treatment
50-80-14-6856	T-181-185	Subsurface remnants of Kolowalu Fishpond	D	D	Monitoring
50-80-14-6636	T-186-193, 195, 196, 198-200, 202, 202A, 203, 205, 207, 208, 210-212, 214, 219, and 220	Subsurface remnants of the former Kewalo wetland	D	D	Monitoring
50-80-14-7430	T-202	Subsurface remnant of a historic privy	D	D	Monitoring
50-80-14-7193	T-214	Subsurface historic refuse-enriched fill deposit	Ineligible	Ineligible	NA
50-80-14-2918	T-226A, B, C, and D, T-227 and 227A	Subsurface culturally-enriched sand A-horizon with human skeletal remains/burials, also includes iron historic trolley or cart tracks	D, E	D	Data Recovery, Monitoring, Burial Treatment

Appendix C: List of Final Reports Associated with the Archaeological Inventory Survey for the Honolulu High Capacity Rapid Transit Corridor Project

HHCTCP Construction Section 1

Hammatt, Hallett, H., and David W. Shideler

2009 *Archaeological Inventory Survey Plan For Construction Phase I of the Honolulu High-Capacity Transit Corridor Project Station 392+00 (near East Kapolei Station) to Station 776+00 (near Waimano Home Road), Honouliuli, Ho'ae'ae, Waikele, Waipi'o, and Waiawa Ahupua'a, 'Ewa District, O'ahu.* Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i. March

Hammatt, Hallett H.

2010 *Archaeological Inventory Survey of Construction Phase I for the Honolulu High-Capacity Transit Corridor Project, Honouliuli, Ho'ae'ae, Waikele, Waipi'o, Waiawa, and Manana Ahupua'a, 'Ewa District, Island of O'ahu {TMK: [1] 9-1, 9-4, 9-6, 9-7 (Various Plats and Parcels).* Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i. April

O'Hare, Constance R., Chris Monahan, and Hallett H. Hammatt

2011 *Archaeological Data Recovery Plan for SIHP # 50-80-09-7751, Waipahu Transit Center Station, Honolulu High-Capacity Transit Corridor Project, Waikele Ahupua'a, 'Ewa District, Island of O'ahu TMK: [1] 9-4-019:050, 061.* Cultural Surveys Hawai'i, Kailua, Hawai'i. March

Cultural Surveys Hawai'i, Inc.

2013 *End of Archaeological Data Recovery Fieldwork Letter for Archaeological Cultural Resource SIHP # 50-80-09-7751 within the Waipahu Transit Center Station, Honolulu High-Capacity Transit Corridor Project, Waikele Ahupua'a, 'Ewa District, Island of O'ahu TMK: (1) 9-4-019:050, 061 por.* Cultural Surveys Hawai'i, Kailua, Hawai'i. August

HHCTCP Construction Section 2

Hammatt, Hallett H.

2010 *Archaeological Inventory Survey Plan for Construction Phase II of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea, and Halawa Ahupua'a, 'Ewa District, Island of O'ahu, TMK: [1] 9-7, 9-8, and 9-9 (Various Plats and Parcels).* Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i. April

Sroat, Ena, Douglas Thurman, and Matt McDermott

2012 *Archaeological Inventory Survey for Construction Phase 2 of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea, and Halawa Ahupua'a, 'Ewa District, Island of O'ahu TMK: [1] 9-7, 9-8, and 9-9 (Various Plats and Parcels).* Cultural Surveys Hawai'i, Kailua. May

Appendix C: List of Final Reports Associated with the Archaeological Inventory Survey for the Honolulu High Capacity Rapid Transit Corridor Project

Sroat, Ena, Kimi Matsushima, and Matt McDermott

2013 *Supplemental Archaeological Inventory Survey for Section 2 of the Honolulu High-Capacity Transit Corridor Project, Proposed Pearlridge Station, Waimalu Ahupua‘a, ‘Ewa District, Island of O‘ahu, TMK: (1) 9-8-009:017 and (1) 9-8-010:002.* Cultural Surveys Hawai‘i, Inc., Kailua, Hawai‘i. August

Sroat, Ena, and Matt McDermott

2012 *Archaeological Monitoring Plan for Construction Phase 2 of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, ‘Aiea, and Halawa Ahupua‘a, ‘Ewa District, Island of O‘ahu TMK: [1]9-7, 9-8, and 9-9 (Various Plats and Parcels.* Cultural Surveys Hawai‘i, Kailua. May

HHCTCP Construction Section 3

Hammatt, Hallett H. and David W. Shideler

2011 *Archaeological Inventory Survey Plan For the Airport (Phase 3) Construction of the Honolulu High-Capacity Transit Corridor Project, Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, O‘ahu Island, TMK Sections [1] 1-1 and 9-9.* Cultural Surveys Hawai‘i, Kailua. August

Hammatt, Hallett H. and David W. Shideler

2013 *Addendum to an Archaeological Inventory Survey Plan For the Airport (Phase 3) Construction of the Honolulu High-Capacity Transit Corridor Project, Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, O‘ahu Island, TMK Sections [1] 1-1 and 9-9.* Cultural Surveys Hawai‘i, Kailua. March

Hammatt, Hallett H., David W. Shideler, and Matt McDermott

2013 *Archaeological Inventory Survey for the Airport Section (Construction Section 3) of the Honolulu High-Capacity Transit Corridor Project, Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, Island of O‘ahu, TMK Sections [1] 1-1 and 9-9 (Various Plats and Parcels), Volume 1 of 2.* Cultural Surveys Hawai‘i, Kailua. August

2013 *Archaeological Inventory Survey for the Airport Section (Construction Section 3) of the Honolulu High-Capacity Transit Corridor Project, Hālawā and Moanalua Ahupua‘a, ‘Ewa and Honolulu Districts, Island of O‘ahu, TMK Sections [1] 1-1 and 9-9 (Various Plats and Parcels), Volume 2 of 2: Appendices.* Cultural Surveys Hawai‘i, Kailua. August

HHCTCP Construction Section 4

Hammatt, Hallett H., Constance O‘Hare, Jon Tulchin, David W. Shideler, Kelly Burke, Ena Sroat, and Matt McDermott

2011 *Archaeological Inventory Survey Plan For the City Center (Construction Phase 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, and Honolulu Ahupua‘a, Honolulu District, Island of O‘ahu, TMK: [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels).* Cultural Surveys Hawai‘i, Kailua. September

Appendix C: List of Final Reports Associated with the Archaeological Inventory Survey for the Honolulu High Capacity Rapid Transit Corridor Project

Hammatt, Hallett H., Constance O'Hare, Jon Tulchin, David W. Shideler, Kelly Burke, Ena Sroat, and Matt McDermott

2013 *Addendum to the Archaeological Inventory Survey Plan For the City Center (Construction Phase 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, and Honolulu Ahupua'a, Honolulu District, Island of O'ahu, TMK: [1] 2-1, 2-3 (Various Plats and Parcels), Addressing Changes from the Vicinity of Ward Avenue and Halekauwila Street to the Vicinity of Queen and Kamake'e Streets.* Cultural Surveys Hawai'i, Kailua. March

Hammatt, Hallett H.

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume I.* Cultural Surveys Hawai'i, Kailua. August

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume II: Cultural, Historical and Archaeological Background.* Cultural Surveys Hawai'i, Kailua. August

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume III: Appendices A–F, Land Documents.* Cultural Surveys Hawai'i, Kailua. August

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume IVA, Excavation Results: Zone 1, West Kalihi and Zone 2, East Kalihi.* Cultural Surveys Hawai'i, Kailua. August

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume IVB, Excavation Results: Zone 3, West Kapālama; Zone 4, East Kapālama; and Zone 5, Iwilei.* Cultural Surveys Hawai'i, Kailua. August

2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua'a, Honolulu (Kona) District, Island of O'ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume IVC, Excavation Results: Zone 6, Downtown Waterfront; Zone 7, West Kaka'ako; and Zone 8, Kewalo.* Cultural Surveys Hawai'i, Kailua. August

Appendix C: List of Final Reports Associated with the Archaeological Inventory Survey for the Honolulu High Capacity Rapid Transit Corridor Project

- 2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua‘a, Honolulu (Kona) District, Island of O‘ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume IVD, Excavation Results: Zone 9, East Kaka‘ako; Zone 10, Kālia; and Zone 11, Kaka‘ako Makai.* Cultural Surveys Hawai‘i, Kailua. August
- 2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua‘a, Honolulu (Kona) District, Island of O‘ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume V: Lab Results.* Cultural Surveys Hawai‘i, Kailua. August
- 2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua‘a, Honolulu (Kona) District, Island of O‘ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume VIA, GPR Results: Zone 1, West Kalihi; Zone 2, East Kalihi; Zone 3, West Kapālama; Zone 4, East Kapālama; Zone 5, Iwilei; Zone 6, Downtown Waterfront.* Cultural Surveys Hawai‘i, Kailua. August
- 2013 *Archaeological Inventory Survey Report For City Center (Section 4) of the Honolulu High-Capacity Transit Corridor Project, Kalihi, Kapālama, Honolulu, and Waikīkī Ahupua‘a, Honolulu (Kona) District, Island of O‘ahu, TMK [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels), Volume VIB, GPR Results: Zone 7, Kaka‘ako West; Zone 8, Kewalo; Zone 9, Kaka‘ako East; Zone 10, Kālia; Zone 11 Kaka‘ako Makai.* Cultural Surveys Hawai‘i, Kailua. August

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STATE OF HAWAII
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CHAIRPERSON
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 27, 2013

Mr. Matt McDermott, Principal Investigator
Cultural Surveys Hawai'i, Inc.
P.O. Box 1114
Kailua, Hawaii 96734

LOG NO: 2013.4528
DOC NO: 1308SL24
Archaeology

Dear Mr. McDermott:

**SUBJECT: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review –
End of Archaeological Data Recovery Fieldwork Letter for Archaeological Cultural
Resource SIHP 50-80-09-7751 within the Waipahu Transit Center Station, Honolulu High-
Capacity Transit Corridor Project
Waikele Ahupua'a, 'Ewa District, Island of O'ahu
TMK: (1) 9-4-019:050, 061 por.**

Thank you for the opportunity to review the report titled *End of Archaeological Data Recovery Fieldwork Letter for Archaeological Cultural Resource SIHP 50-80-09-7751 within the Waipahu Transit Center Station, Honolulu High-Capacity Transit Corridor Project Waikele Ahupua'a, 'Ewa District, Island of O'ahu TMK: (1) 9-4-019:050, 061 por.* (Sroat, McDermott, and Hammatt, July 2013). We received this submittal on July 25, 2013.

The project area consists of the Waipahu Transit Center Station situated within portions of TMK: (1) 9-4-019:050 and 061. The project acreage totals approximately 0.27 acres. It is located within Section 1 of the Honolulu High-Capacity Transit Corridor Project (HHCTCP). The HHCTCP includes the use of federal funds and involves lands under several jurisdictions, including Federal, State, City and County of Honolulu, and private. Pursuant to 36 CFR §800.3(a), the proposed project constitutes an undertaking subject to review under Section 106. The entire project was determined to have an adverse effect on historic properties. A Programmatic Agreement (PA) stipulating mitigation commitments was executed on January 18, 2011 with the Federal Transit Administration (FTA), the Hawaii State Historic Preservation Officer (SHPO), the U.S. Navy, and the Advisory Council on Historic Preservation (ACHP) as signatories, and the City and County of Honolulu (C&C Honolulu) as an invited signatory. The area of potential effect (APE) for archaeology is defined in the PA as all areas of direct ground disturbance, including utilities. An archaeological inventory survey following HAR §13-276 was stipulated as a mitigation commitment in the PA.

The End of Fieldwork Letter report (EOF Letter) indicates SIHP 50-80-09-7751 is a subsurface pre-Contact ponded field or *lo'i* deposit identified within the *makai* (southern) portion of the proposed Waipahu Transit Center Station, just south of Farrington Highway. SIHP 7751 was the only historic property identified during the archaeological inventory survey (AIS) conducted for HHCTCP Section 1 (Hammatt 2010). The AIS report was reviewed and accepted by SHPD on April 19, 2010 (Log No. 2010.1749, Doc. No. 1004MV01). SHPD concurred with the evaluation of significance, project-specific effect recommendations, and proposed mitigation recommendations. SIHP 7751 was evaluated as significant under Criterion D of the National and Hawai'i Registers of Historic Places. Under Hawaii State historic preservation review legislation [HAR §13-275-7(2)], the effect recommendation was "effect, with proposed mitigation commitments," and under federal historic preservation review legislation (36 CFR 800.5), it was "no adverse effect" with the understanding that proposed data recovery would mitigate the undertaking's potential effect to National register-eligible cultural resources.

Mr. McDermott
August 27, 2013
Page 2

The data recovery plan (DRP) prepared for SIHP 7751 (O'Hare et al., March 2011) was reviewed and accepted by SHPD on November 29, 2011 (Log No. 2011.0902, Doc. No. 1111MV19). The research objectives specified in the DRP centered on investigating the chronology of the initial construction of the site, its history of use, and examining the paleo-environmental record associated with this low-energy alluvial deposit and surrounding area. The planned research methods specified excavation of two 10-meter long test trenches; collection of one 5-liter bulk sample, one column sample, and one core sample from each trench; laboratory analysis of any artifacts and faunal remains encountered; and specialized analyses involving wood taxa identification, radiocarbon dating, sediment textural analysis and palynology, including micro charcoal particle quantification.

Data recovery fieldwork was conducted by Cultural Surveys Hawai'i, Inc., on April 29 and 30, 2013, in accordance with the DRP accepted by SHPD on November 29, 2011 (Log No. 2011.0902, Doc. No. 1111MV19). The completed fieldwork involved excavation of two ten-meter long trenches (DR1 and DR2), collection of six bulk samples of pondfield/wetland sediments from DR1 and four from DR2; two column samples from DR1 and one from DR2; and two core samples each from both trenches. As specified in the DRP, the EOF Letter report indicates that pollen studies, wood taxa speciation, radiocarbon dating, and palynology, including micro charcoal particle quantification will be conducted. The EOF Letter also indicates no additional historic properties were identified, and no discrete features such as pondfield berms or 'auwai were identified during the data recovery investigations.

The EOF Letter adequately describes the data recovery project, including a summary of the plan specifications, investigation methods and procedures, preliminary field results, and the proposed laboratory analyses. This End of Archaeological Data Recovery Fieldwork Letter report meets the minimum requirements specified in the *Secretary of the Interior's Standards for Archeological Documentation* and the requirements set forth in HAR §13-275-9(d)(1). It is accepted by SHPD with the understanding that construction may not proceed until detailed mitigation plans or interim measures to address all of the sites in the entire corridor are received. In accordance with HAR §13-275-9(d)(2), a data recovery report meeting the requirements set forth in HAR §13-278-4 shall be submitted to SHPD for review and approval.

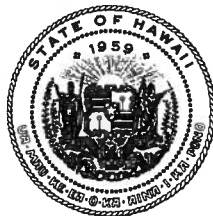
Please send one hardcopy of this End-of Fieldwork Letter , clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office. Please contact Susan A Lebo at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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KAHOOLAWE ISLAND RESERVE COMMISSION
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August 29, 2013

Dan Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
Alii Place, Suite 1700
1099 Alakea Street, Honolulu, HI 96813

Log No. 2013.5066A
Doc No. 1308PA01

Dear Mr. Grabauskas:

SUBJECT: **HRS §6E-8 Review of an Interim Protection Plan in compliance HAR Section 13-275-9(d) for the Honolulu High-Capacity Rapid Transit Corridor Project, East Kapolei to Ala Moana Center
Honouliuli, Ho‘ae‘ae, Waikele, Waipi‘o, Waiawa, Manana, Waimanalo, Waiiau, Kaluaao, ‘Aiea and Halawa, Moanalua, Kalihi, Kapālama, Honolulu and Waikiki Ahupua‘a, ‘Ewa and Honolulu Districts, Island of O‘ahu.
TMK (1) 1-1, 1-2, 1-5, 1-7, 2-1, 2-3, 9-1, 9-4, 9-6, 9-7, 9-8, and 9-9 (various Plats and Parcels)**

Thank you for the opportunity to review the report titled *Interim Protection Plan for the Honolulu High Capacity Transit Corridor Project* (Hammatt and Shideler, August 2013). It was received by SHPD on August 29, 2013.

Honolulu Authority for Rapid Transportation (HART) is requesting an accelerated, two step verification of compliance with the historic preservation process under HAR Section 13-275-9 (d). Step 1 of this process involves "documentation to SHPD indicating that data recovery fieldwork . . . or interim protection measures for properties to be preserved have been successful completed." This interim protection plan is being submitted to meet Step 1 of the two step verification process and is done with the understanding that Step 2 must be completed to conclude the historic preservation process.

An Archaeological Inventory Survey (AIS) for the entire Honolulu High Capacity Rapid Transit Corridor Project (HHCRTCP, or project) was accepted by SHPD (Log No. 2013.4987, Doc No. 1308SL23). A total of 21 sites were found during the AIS. Two additional sites were not found (Sites 50-80-14-7197 and 50-80-14-5966), but because of their close proximity to the project have the potential to be affected by the project and were included in mitigation measures. One of the sites found was deemed not to meet the significance criteria under HAR Chapter 13-275-6(b). The mitigation measure for thirteen of the sites is monitoring, and the mitigation for nine of the sites is data recovery and monitoring. In addition seven sets of *iwi kupuna*, or human skeletal remains were found at four of the sites. The recommendation is preservation in place. Thank you for the table on pages 3-5 which lists all sites and the mitigation status. We have included a copy of this table as an enclosure to this letter for ease of reference.

For the section of the project that extends from East Kapolei to Leeward Community College (Construction Phase 1), the agreed-upon mitigation was data recovery in Site 50-80-09-7751, subsurface *lo'i* sediments. An End-of-Fieldwork Letter has been accepted for this site (Log No. 2013.4528, Doc No. 1308SL24). Therefore no additional protection measures are required for Phase 1 and construction can start in that area of the project corridor.

For section of the project on Kamehameha Highway from Leeward Community College to Aloha Stadium (Construction Phase 2), monitoring was the agreed-upon mitigation measure for site 50-80-09-7150, former ponded

taro fields. An archaeological monitoring plan for this site has been reviewed and accepted by SHPD (Log No. 2012.1041, Doc No. 1205NN12). Therefore, no additional protection measures are needed for Phase 2 and construction can start in that area of the project corridor.

For the section of the project extending from Aloha Stadium to approximately the Middle Street Interchange (Construction Phase 3) there were two historic properties found, SIHP site 50-80-13-7420 and 50-80-13-7421. Monitoring is the agreed-upon mitigation for both these properties. A monitoring plan has not been reviewed and accepted by SHPD, therefore as an interim protection measure HART is proposing that no construction take place in the HHCRTCP between Halawa Stream and Pu'uhale Road. A letter stating such has been sent to the construction contracting firm and a copy has been provided to SHPD. No physical measures will be taken to mark the sites, as they are subsurface and continuing surface use will not damage either site.

For the section of the project extending from Middle Street to Ala Moana Center (Construction Phase 4) a total of 19 historic properties were found. The agreed-upon mitigation for eleven sites is monitoring and for eight sites is data recovery and monitoring. All four burial sites are in phase 4 of the project. SHPD has not reviewed monitoring, data recovery, or burial treatment plans for Construction Phase 4. The interim protection plan proposes that no construction be done between Pu'uhale Road and Ala Moana Center until a monitoring plan for Construction Phase 4 has been reviewed and accepted by SHPD. The monitoring plan will provide for construction buffers for the data recovery sites until a data recovery plan and End of Fieldwork Letter are accepted by SHPD. *SHPD adds the following conditions before it will approve the start of construction in Construction Phase 4: 1) a Data Recovery Plan must be accepted by SHPD, 2) an End-of-Fieldwork Letter must be accepted by SHPD, and 3) the archaeological monitoring plan will include construction buffers for the four burial sites in the event that a Burial Treatment Plan has not been approved by the O'ahu Island Burial Council and SHPD prior to review and acceptance of the End-of-Fieldwork Letter and the monitoring plan.* No physical measures will be taken to mark the sites as they are all subsurface and located in highly trafficked areas. All of the sites have been resurfaced. Continued surface use will not damage any of the sites. A letter stating that no construction is to take place within in the Construction Phase 4 portion of the project has been sent to the contractor and a copy has been provided to SHPD.

In regard to Table 1, please note that the criteria for the Hawaii Register are located in HAR Section 13-198-8. Significance criteria for the Historic Preservation review process are located in HAR 13-275-6(b). While the two are substantially the same, the Hawaii Register does not include criterion "e." Also, as written, the table appears to have the wrong citation. Please correct this in your final copy.

This Interim Protection Plan provides adequate protection measures for sites throughout the corridor. The protection measures are: no construction in Construction Phases 3 and 4 until SHPD accepts an archaeological monitoring plan. In addition SHPD added three conditions before construction can start in Construction Phase 4, as listed above. SHPD accepts the plan, with the modifications and conditions state above, per HAR Section 13-275-9 (d)(1). Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office.

Please contact Pua Aiu at (808) 587-1497 or at pua.aiu@hawaii.gov if you have any questions regarding this letter.

Aloha,



William J. Aila, Jr.
State Historic Preservation Officer

Encl: Table 1

TABLE 1

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
Section 1					
50-80-09-7751	Subsurface lo'i sediments	D	D	Data Recovery	Complete, End of Fieldwork letter accepted
Section 2					
50-80-09-7150	Former ponded taro fields	D	D	Monitoring	Monitoring plan accepted
Section 3					
50-80-13-7420	Buried asphalt roadway	D	D	Monitoring	Monitoring plan pending, will precede construction.
80-80-13-7421	Buried concrete slabs, coral pavement and base course sections	D	D	Monitoring	Monitoring plan pending, will precede construction.
Section 4					
50-80-14-7425	Subsurface <i>imu</i> (earth oven) feature	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7426	Subsurface wetland deposit	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7506	Subsurface incinerated trash deposit	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-5368	Subsurface remnants of Kūwili Fishpond	D	D	Monitoring	Monitoring plan pending, will precede construction.
50 80-14-5966	Kawa Fishpond – sediments not found because trench abandoned	D	D	Data Recovery, Monitoring	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-7427	Subsurface historic building foundations and walls and underlying culturally enriched sediments, also one human talus bone in a fill deposit	D, E	D	Monitoring, Data Recovery, and Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-7428	Subsurface culturally-enriched sand A-horizon (T-120, T-120A, and T-120B) and historic warehouse foundation (T-119 and T-119A)	D	D	Data Recovery and monitoring of sand A-horizon (T-120, 120A, and 120B), monitoring for historic foundation (T-119 and 119A)	Monitoring plan pending, will precede construction. Data recovery plan pending.

TABLE 1

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
50-80-14-2963	Subsurface pond sediments containing historic artifacts, culturally-enriched sand A-horizon, also includes 7 human burials as described in the adjacent Makai Parking Garage monitoring report	D, E	D	Monitoring for pond sediments, data recovery and monitoring for culturally- enriched sand A-horizon	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-7124	Subsurface historic building remnants	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7189	Subsurface fill layer containing burnt historic trash from open burning	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7190	Subsurface salt pan remnants	D	D	Data Recovery, Monitoring	Monitoring plan pending, will precede construction. Data recovery plan pending.
50-80-14-7197	Subsurface culturally-enriched sand A-horizon	D	D	Monitoring; Not observed in current AIS, but potentially affected by project construction due to close proximity	Monitoring plan pending, will precede construction.
50-80-14- 5820	Human skeletal remains/burials and subsurface culturally enriched sand A-horizon	D, E	D	Data Recovery, Monitoring, Burial Treatment Plan	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-7429	Subsurface culturally-enriched sand A-horizon and human cranial Fragment in T-170	D, E	D	Data Recovery, Monitoring, Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.
50-80-14-6856	Subsurface remnants of Kolowalu Fishpond	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-6636	Subsurface remnants of the former Kewalo wetland	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7430	Subsurface remnant of a historic privy	D	D	Monitoring	Monitoring plan pending, will precede construction.
50-80-14-7193	Subsurface historic refuse-enriched fill deposit	Ineligible	Ineligible	NA	N/A

TABLE 1

Section and SIHP#	Description/Formal Type	Significance/Eligibility		Mitigation	Status of Mitigation
		Hawai'i Register (13-275-6 (b) criteria)	National Register (36 CFR 60.4 criteria)		
50-80-14-2918	Subsurface culturally-enriched sand A-horizon with human skeletal remains/burials, also includes iron historic trolley or cart tracks	D, E	D	Data Recovery, Monitoring, Burial Treatment	Monitoring plan pending, will precede construction. Data recovery and burial treatment plans pending.

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August 29, 2013

Dan Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
Alii Place, Suite 1700
1099 Alakea Street, Honolulu, HI 96813

Log No. 2013.5066B
Doc No. 1308PA02

Dear Mr. Grabauskas:

SUBJECT: HRS §6E-8 Verification of compliance with Interim Protection Measures under HAR Section 13-275-9 and Determination Letter Concurring in Project. Honolulu High Capacity Rapid Transit Corridor Project, East Kapolei to Ala Moana Center Honouliuli, Ho'ae'ae, Waikele, Waipi'o, Waiawa, Manana, Waimanalo, Waiiau, Kalauao, 'Aiea and Halawa Ahupua'a, 'Ewa District and Moanalua, Kalihi, Kapālama, Honolulu and Waikīkī Ahupua'a, 'Ewa and Honolulu Districts, Island of O'ahu.
TMK: (1) 1-1, 1-2, 1-5, 1-7, 2-1, 2-3, 9-1, 9-4, 9-6, 9-7, 9-8, and 9-9 (various Plats and Parcels)

SHPD has received a request for a two-step verification of the Honolulu Authority for Rapid Transportation's compliance with the historic preservation process as outlined in HAR Section 13-275. Specific authority for two-step verification is per HAR Section 13-275-9(d). SHPD received this request on August 29, 2013

In a separate letter (Log #2013.5066A) SHPD accepted the HART Interim Protection Plan, which prohibits construction between Aloha Stadium and Ala Moana Center until area-specific monitoring plans have been accepted by SHPD. SHPD added three conditions before construction can start in the area from Middle Street to Ala Moana (Construction Phase 4): 1) a Data Recovery Plan must be accepted by SHPD, 2) an End-of-Fieldwork Letter must be accepted by SHPD, and 3) the archaeological monitoring plan must include construction buffers for the four burial sites in the event that a Burial Treatment Plan has not been approved by the O'ahu Island Burial Council and SHPD prior to review and acceptance of the End-of-Fieldwork Letter and monitoring plan. In addition, SHPD requested one change to the heading on Table 1. Because all mitigation measures are in place for the areas between East Kapolei and the Halawa Stream, no additional interim protection measures are necessary for those areas.

The Interim Protection Plan provides adequate protection measures for sites throughout the corridor. There are no physical protection measures because construction will not be allowed until specific mitigation measures have been accepted by SHPD. By submittal of letters to AECOM Technical Services, Inc. and to Perkins+Will, HART has notified its construction firms that construction bid documents must include the aforementioned prohibitions on construction and state that these construction restrictions must remain in place "until HART provides additional confirmation of SHPD-approved direction." Accordingly, SHPD agrees that interim protection measures have been successfully completed and construction may proceed with the understanding that Step 2, the submittal and acceptance of 1) all items required in the IPP, 2) a Burial Treatment Plan, 3) an archaeological data recovery report, and 4) an archaeological monitoring report, is required to complete compliance with the historic preservation process.

Based on SHPD's concurrences and approvals for the project, including verification of compliance with the Interim Protection Plan as stated above, SHPD hereby issues this Determination Letter and concurs with the Honolulu High Capacity Rapid Transit Corridor Project.

Please contact Pua Aiu at (808) 587-1497 or at pua.aiu@hawaii.gov if you have any questions regarding this letter.

Aloha,

A handwritten signature in black ink, appearing to read "William J. Ail, Jr.", written in a cursive style.

William J. Ail, Jr.
State Historic Preservation Officer

Neck: Table 1

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

September 12, 2013

BOARD OF DIRECTORS

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Dear Ms. Thompson:

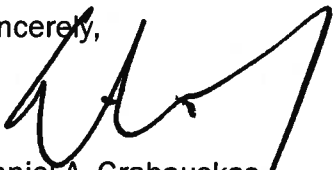
Subject: National Register of Historic Places (NRHP) Registration form for
Mother Waldron Playground
Honolulu Rapid Transit Project (H RTP)

Thank you for your comments on the Mother Waldron Playground NRHP form, which was received on July 3, 2013. The enclosed Form has been updated, incorporating all SHPD comments.

In accordance with the H RTP Programmatic Agreement, Stipulation VI.C, 2, this document is submitted for final processing through the Hawai'i Historic Places Review Board and submittal to the National Parks Service in accordance with 36 C.F.R. § 60.6(g). Since Mother Waldron Playground was already listed on the Hawai'i Register of Historic Places on June 9, 1988, as an element of the thematic group, "City and County of Honolulu Art Deco Parks," no additional coordination with your office is required regarding Stipulation VI.C, 3.

Please contact Stanley Solamillo of HART at (808) 768-6187 if you have any questions or if we can help facilitate your review in any way. Thank you for your continued support and review of this project.

Sincerely,



Daniel A. Grabauskas
Executive Director and CEO

Enclosure

cc: Ms. Angie Westfall, SHPD
Ms. Faith Miyamoto, HART
Mr. Stanley Solamillo, HART
Mr. Lawrence Spurgeon, PB

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Mother Waldron Playground

Other names/site number: TMK (1)(1)2-1-051:003, :005, :006, Coral Street right-of-way between Pohukaina and Halekauwila streets

Name of related multiple property listing: N/A

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: 537 Coral Street/Bounded by Coral, Halekauwila, Pohukaina, and Cooke streets

City or town: Honolulu State: Hawaii County: Honolulu

Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide ___ local

Applicable National Register Criteria:

___A ___B ___C ___D

<p>_____ Signature of certifying official/Title:</p>	<p>_____ Date</p>
<p>_____ State or Federal agency/bureau or Tribal Government</p>	

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In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official: _____ **Date** _____

Title : _____ **State or Federal agency/bureau or Tribal Government** _____

4. National Park Service Certification

I hereby certify that this property is:

- ___ entered in the National Register
- ___ determined eligible for the National Register
- ___ determined not eligible for the National Register
- ___ removed from the National Register
- ___ other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

Category of Property

(Check only **one** box.)

- Building(s)
- District
- Site

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Structure

Object

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u> </u>	buildings
<u>1</u>	<u>2</u>	sites
<u> </u>	<u> </u>	structures
<u> </u>	<u> </u>	objects
<u>2</u>	<u>2</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

RECREATION AND CULTURE/outdoor recreation

Current Functions

(Enter categories from instructions.)

RECREATION AND CULTURE/outdoor recreation

LANDSCAPE/park

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7. Description

Architectural Classification

(Enter categories from instructions.)

MODERN MOVEMENT

Moderne

Art Deco

Materials: (enter categories from instructions.)

Principal exterior materials of the property: CONCRETE, ASPHALT, STONE

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Mother Waldron Playground is an urban playground that is bounded by Halekauwila, Cooke, Pohukaina, and Coral streets. It was constructed in 1937 on a 1.76 acre (77,000 square feet) site in the Kakaako district of Honolulu, Hawaii. It has been substantially altered from its original design since its initial construction. Built elements within the park include a comfort station and remaining portions of a low wall that encompassed the original park. The built components contain design elements of the Art Moderne and Art Deco styles, including an emphasis on horizontality, rounded corners and piers, and streamlined appearance. Mother Waldron Playground has undergone several major alterations since its initial construction, including removal and replacement of some of the park's original features, and subsequent expansions to compensate for other changes. The playground's setting just southeast of downtown Honolulu has transitioned from a mixed residential, commercial, and industrial area at the time of the park's construction into a major light industrial area now being redeveloped into a mixed-use district.

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Narrative Description

Architectural and Landscape Description

The playground has a rectangular footprint and is divided into two halves: a large, southeast sod-filled area and a northwest paved area with an oval sodded center surrounded by a perimeter wall. A centrally located comfort station and low wall divides the two halves. Additional green space adjacent to the park is created by Coral Street's closure to vehicular traffic. The paved area, comprised of the northwest and southeast perimeter walls, benches, comfort station, and covered walkways, are original to the playground's 1937 construction date. Asphalt paving, the southeast sodded area, and northeast and southwest walls are 1990s additions and alterations.

Northwest, Paved Area

The paved area is the original section of the park. It contains low walls, benches, a comfort station, and covered walkways—all constructed of concrete brick. The brick has been painted tan throughout the park.

The paved area's hardscaping consists largely of asphalt. Sandstone flagstone is used below the covered walkways and in the area in front of the comfort station's northwest, Coral Street elevation. The round elevated platform on the northwest elevation is paved with the same flagstone. Northwest of this comfort station is an oval, grassy area. At the opening to Coral Street, the same sandstone flagstone is used and surrounded on either side by asphalt. Softscape features include Monkeypod and Royal Poinciana trees that are found within the paved area as well as along the Coral Street perimeter wall. The paved area on the park's southwest, Pohukaina Street end contains two volleyball courts and one basketball court. The paved area on the park's northeast, Halekauwila Street end contains small playground equipment. Clay brick is used to border the sidewalk outside and around the paved park as well as provide paving at each entrance to the park.

Walls

Mother Waldron Playground's paved area is surrounded by an approximately three foot high perimeter wall. The wall is approximately nine inches thick. Along Coral Street, this wall zig-zags forming triangular points and provides a wide opening into the park. This wall is original and composed of concrete bricks; the playground's original features are constructed using the same concrete brick. On the park's northeast and southwest sides, the walls form rectangular zig-zags. Of these wall sections, neither are in their original locations nor contain original materials. The entire perimeter wall on Coral, Halekauwila, and Pohukaina streets is divided into three sections separated by two rows of recessed brick. The middle section of wall is perforated with alternating vertical and horizontal openings. Concrete coping on top of the wall consists of alternating zig-zag and straight edges and is slightly recessed from the wall's edges. These zig-zags hint at modest Art Deco stylistic influences, though the low wall expresses heavy

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influence from the streamlined, Art Moderne style. Three of the wall's four corners are coved with entrances into the park from the sidewalk. These entrances are anchored on either side by rounded piers. Rounded piers are also found on the park side of Coral Street's zig-zag wall junctures. The southeast corner of the perimeter wall at Halekauwila Street is squared, does not allow access into the park, and is not original.

A lower, one foot high wall capped with terracotta tile extends along the paved area's southeast border. This low wall connects to the higher wall at Halekauwila Street, connects to benches at the comfort station, then continues on the southwest side of the comfort station before turning toward the open grassy area of the park and terminating.

Benches

Benches within Mother Waldron Playground are found in the alcoves created by the perimeter wall as well as in the middle of the park. These seating areas are fixed, permanent, built-in park fixtures. Along Coral Street, six triangular alcoves are filled with curved benches, whereas straight benches are found along Halekauwila and Pohukaina streets and the low wall separating the paved and grassy areas. The curved benches are original while the straight benches along Halekauwila and Pohukaina streets are not original. Two straight benches are found in the middle of the paved area and are original to the playground. Curved benches are located beneath the comfort station's curved covered walkways, separating the paved area from the grassy area. The vertical faces of the benches are inclined so that the seat is wider than the base. Benches are capped with the same terracotta tile found on the park's low wall.

Comfort Station

The comfort station, constructed of concrete brick, consists of a rectangular building flanked on either side by a curved covered walkway and displays influences of the streamlined, Art Moderne form and style. Two rows of recessed concrete brick form horizontal lines which extend across all of the building's facades at the water table and roofline. The covered walkways' curves follow along the paved area's central grassy oval. The comfort station is single-story, low and horizontal, with a flat roof capped with zig-zag coping identical to that found on the perimeter walls.

At the comfort station's northwest elevation, a central alcove lined with vertical pilasters forms the backdrop of a round, elevated platform. On either side of this alcove are finished openings with vertical concrete grilles. The recessed row near the roofline intersects with the covered walkways' curved, flat roof. These covered walkways are supported by round columns with a horizontal band of recessed brick at the same level as the recessed brick at the comfort station's water table. The covered walkways' flat roofs project slightly over the piers. Where the covered walkways intersect with the northwest elevation, a curved wall supports the walkway's roof and attaches to the building facade. These walls also help shield the entrances to the restrooms from public view.

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At the comfort station's northeast and southwest elevations are open entrances to men's and women's restrooms. Drinking fountains are found in small oval alcoves near the entrances. Above the restroom entrances, the covered walkways' roofs intersect with the recessed row of brick near the roofline. On both the northeast and southwest elevations, covered walkway columns abut the comfort station. On the side of each abutting covered walkway column is one small window identical to those found on the comfort station's northwest elevation.

At the building's southeast elevation, a small room projects from the center of the building. A small semi-circular roof projects from the top row of recessed brick to cover the entrance to the small room. The entrance is found on the southwest side and is shielded from view by a short wall resembling the park's perimeter wall. This wall shares the same coping as the perimeter walls but is not perforated and contains no rows of recessed concrete brick. The projecting room's southeast elevation also contains no recessed brick at the water table level. On the projecting room's northeast and southeast elevations are two large vent openings covered by a metal grate. Four windows identical to those on the comfort station's northwest elevation are found on the southeast elevation, two on either side of the projecting room.

The comfort station's interior consists of two nearly-identical restrooms. Both contain one sink, several stalls, and a partially-enclosed changing area. The men's room contains a single urinal. The interior concrete walls and stall dividers are clad with white tile to the height of the stall walls. Above the tile the walls are painted. The stall doors are wood. The restroom floors are concrete. Although no plans for the comfort station interior were found, these interiors likely coincide with the comfort station's 1968 renovations.

Cook Street Sodded Area

In 1991-1992, a rectangular sodded parcel was added to the southeast side of Mother Waldron Playground following the realignment of Halekauwila Street. Bound by Halekauwila Street, Cooke Street, Pohukaina Street and the original 1937 playground, this area contains no buildings, walls, benches, paving, or playground equipment. A brick, almond-shaped grave marker enclosed by a cast iron fence that has been erected on the east side of the parcel. This marker is labeled *kapu*. *Kapu* means "forbidden" or "sacred," and the marker encircles an area where human remains were reinterred following Kakaako improvement projects in the 1990s. Royal Poinciana trees line the grassy area along Cooke Street with monkeypod trees clustered at the tree line's ends.

Coral Street Right-of-Way

The northwest area of the playground was added to the park around 1994-1995.¹ The area, formerly a portion of Coral Street, was closed between Halekauwila and Pohukaina streets following the completion of the 1991-1992 street realignment project. At both the northeast and southwest ends of the former Coral Street area, trees were planted. Grass replaced the street

¹ Letter from Michael N. Scarfone, Executive Director, Hawaii Community Development Authority, to Dona L. Hanaike, Director, Department of Parks and Recreation, December 14, 1994.

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pavement, but a small rectangular section of pavement remains near the former Coral Street entrance to Mother Waldron Playground.

Alterations

Mother Waldron Playground has undergone major changes since its original construction. According to its Hawaii Register of Historic Places nomination form, completed in 1988, initial changes included renovations to the comfort station in 1968 and resurfacing the area in 1978. At that time, the park was bounded by Lana Lane on its southeast border. The large sodded area now a part of the park contained commercial, residential, and industrial buildings for the majority of the playground's history.

In the 1980s, the Hawaii Community Development Authority (HCDA) began plans to help revitalize the industrial Kakaako area. Included in these community development plans were road reconfigurations aimed at improving Kakaako traffic patterns. In 1991-1992, the HCDA changed the alignment of Halekauwila Street.. This realignment of Halekauwila Street required a taking of approximately 12,700 square feet of Mother Waldron Playground on the playground's northeast end which reduced the park acreage by seventeen percent (17%).² To reduce the impact of the playground's diminished size, the developed area southeast of Lana Lane was removed. Lana Lane, separating the playground from the developed area, was also removed. Mother Waldron Playground was subsequently enlarged by approximately 54,000 square feet southeast.³ Although this 54,000 square foot area was officially designated for future use as part of Mother Waldron Playground, Coral Street's closure on the park's northwest side was never officially considered part of the park until the mid-1990s when improvements were made to the former Coral Street area. This final change to Mother Waldron Playground's boundaries enlarged the park by an additional 25,800 square feet.

As a result of the taking, the northeast end of the playground lost its basketball court, perimeter wall, and benches. A perimeter wall and benches nearly identical to the original were reconstructed along Halekauwila Street, but the wall now connects to the original low wall topped by terracotta tile that remains extant; the tile was not used on the replacement wall. There is no longer a convex curved entrance at the original playground's Halekauwila Street and Lana Lane corner due to the alterations. The original court and play area has been replaced with modern playground equipment.

Along Pohukaina Street, road widening related to district improvements forced the perimeter wall and benches to be removed and reconstructed approximately five to ten feet inside the playground's original boundary. To open Mother Waldron Playground to its newly-acquired 54,000 square feet southeast, a higher wall running along Lana Lane and intersecting with the rear of the comfort station was removed. The original handball court was also removed.

² Documentation completed in 1985 stated that 8,400 square feet of Mother Waldron Playground would be removed due to Halekauwila Street's realignment; however, following realignment, plat maps indicate approximately 12,700 square feet was removed.

³ State of Hawaii, et al., *Final Supplemental Environmental Impact Statement for the Kakaako Community Development District Plan* (Honolulu: Hawaii Community Development Authority, 1985), IV-45.

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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Areas of Significance

(Enter categories from instructions.)

SOCIAL HISTORY

ENTERTAINMENT/RECREATION

ARCHITECTURE

LANDSCAPE ARCHITECTURE

Period of Significance

1937 – 1945

Significant Dates

1937

Significant Person

(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder

Bent, Harry Sims

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Mother Waldron Playground is an urban park in Honolulu, Hawaii, which is eligible for the National Register of Historic Places. It is significant under Criterion A in the area of social history and entertainment/recreation for its association with the organized play and playground movement in the United States during the early twentieth century, and under Criterion C in the areas of architecture and landscape architecture for its Art Moderne and Art Deco playground design influences. The period of significance spans from 1937, when construction commenced, until 1945, when the playground movement that supported supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks following World War II.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Historical Narrative

Hawaii History

Early History

Polynesian settlers arrived in the isolated and uninhabited Hawaiian Islands as early as 300 A.D., with subsequent migrations taking place from the eleventh century through fourteenth century. Traversing the Pacific Ocean, these settlers brought with them a traditional land-based management system comprised of chiefs and commoners, as well as staple crops like wild ginger, gourds, taro, sugarcane, coconut, and sweet potato. A distinct Hawaiian culture evolved over time, celebrating unique stories and deities, and keeping order through a *kapu* governance system based on a strict code of conduct. By the time captain James Cook came to the islands in 1778, the islands' population was estimated as high as 300,000. Captain Cook named the islands the Sandwich Islands in honor of the Earl of Sandwich.⁴

Hawaiian Kingdom

Originally existing as a collection of independently ruled kingdoms, the Hawaiian Islands were united as a single kingdom in 1810 by King Kamehameha I. Repeated and frequent contact with Western sailing vessels gave the king access to weaponry which enabled him to defeat his rivals.

⁴ Edward Joesting, *Hawaii: An Uncommon History* (New York: W.W. Norton & Co., 1972), 13, 15, 27.

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Early traders to the islands brought diseases that decimated the local population. Whalers soon arrived to take advantage of Hawaii's central Pacific location for commerce and gathering needed supplies. The king's death in 1819 led to the *kapu* system's end, though outside influence began to initiate the old system as early as 1804. Missionaries arriving by 1823 brought Christianity and a written language to the islands. The Hawaiian Kingdom, recognized as a sovereign nation, entered into treaties with foreign nations, and the first such treaty with the United States took place in 1826. In 1840, the Kingdom of Hawaii promulgated its first constitution, creating a government structure that included a representative body. Foreigners, especially Westerners, immigrating to the islands brought changes to Hawaii's economic structure and profited from its lands and ideal trade route location. Sugarcane's rise as Hawaii's staple crop increased demand for labor, saw further demand for workers, bringing immigrants from across the world to Hawaii.

Annexation

By 1885, a group of non-native businessmen formed the Hawaiian League and began planning Hawaii annexation. The group pressured King Kalakaua to sign the Bayonet Constitution which stripped much of the king's authority and transferring it to a legislature comprised of a Hawaiian League majority. The king relented and signed the document on July 6, 1887. In 1891 Queen Liliuokalani assumed the throne and unsuccessfully attempted to repeal the Bayonet Constitution. This power struggle resulted in the Hawaiian League's overthrow of the monarchy. A coup d'etat was facilitated with the assistance of United States Minister to Hawaii John L. Stevens and United States troops. Hearing of the overthrow, President Grover Cleveland ordered an investigation and called for the reestablishment of Hawaii's monarchy. Hawaii's Provisional Government instead pushed for United States annexation but failed to receive the required two-thirds vote in the United States Senate.

When William McKinley became president in 1897, Hawaii's annexation became a priority. The 1898 Joint Resolution annexed strategically located Hawaii during Spanish-American War, and the 1900 Hawaiian Organic Act officially made Hawaii a United States territory. Although many residents continued to disapprove of or resist United States governance during the early territorial years, Hawaii eventually became the fiftieth state in 1959.

Kakaako

The Kakaako district is situated between Honolulu and Waikiki on Oahu. The area long existed as swampland, and during the reign of King Kamehameha I, was used for fishing, landing canoes, producing salt, cultivating taro, and practicing religion. Although Honolulu Harbor experienced rapid growth through the 1800s, few lived in Kakaako during this time. In 1848 much of Hawaii's lands were turned over to private ownership in what was called the Great Mahele; the land in Kakaako became part of the Bernice Pauahi Bishop estate.

Kakaako's lack of development also led the area to become the location of a temporary smallpox quarantine hospital and settlement during a 1853 smallpox epidemic. By 1876 however, a government map of Oahu labeled the area as the "Kakaako Salt Works" with no major roads

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passing through the area. Roads between Honolulu and Waikiki bypassed Kakaako to the north. The identification of leprosy in Hawaii during the mid-nineteenth century eventually led to the construction in 1881 of a lepers' hospital in Kakaako at what is now Coral Street and Ala Moana Boulevard. Aimed to keep leprosy infections at a minimum, the hospital was used largely to house suspected lepers and isolate them from the local population before being sent to the lepers' colony on Molokai. Acting as only a branch of its larger Kalihi operation, the hospital was closed in 1888, dismantled, and materials reused on Molokai.⁵

Maps indicate Kakaako was the location of an early immigration depot constructed prior to 1887, with a new immigration depot constructed near the former lepers' hospital in 1889.⁶ Kakaako was also the location of a saluting battery constructed in 1887. The battery was later enlarged to become Fort Armstrong in 1907 which included the Battery Tiernon in 1911. Honolulu Iron Works also operated near Kakaako, establishing a presence in the mid-nineteenth century and operating until 1973. The iron works grew hand-in-hand with Hawaii's sugar industry, building machinery required for plantation operations. As the industry declined, so did the Honolulu Iron Works, eventually leading to its closure and complete demolition by 1982.⁷

Continued growth in Honolulu eventually forced Kakaako's transition from a sparsely populated industrial area into a densely populated residential and commercial district. Demand for land near Honolulu Harbor led to the filling and development of a shallow reef adjacent to Kakaako, expanding the land comprising Kakaako. Eventually, large tracts of Kakaako land held by the Bishop and Curtis Perry Ward estates were subdivided. With the Honolulu Iron Works and Hawaiian Tuna Packers establishing businesses in Kakaako, other small enterprises soon followed. Residents arrived quickly. Hawaiian, Japanese, Portuguese, Filipino, and Puerto Rican families all found a home in Kakaako. Largely residing within their own housing "camps," these varied cultural groups lived and worked side-by-side in Kakaako, creating what has been referred to as a microcosm of Hawaii.⁸

Originally located at the site of the current Hawaii State Public Library, the Pohukaina School for Girls relocated to Kakaako in 1913. The new school was viewed as centrally located for its students and provided more space for buildings and playgrounds. Over time, the school became a special education facility and later closed in 1980.⁹

By the mid-twentieth century, however, Kakaako's population began to decline as residential areas slowly transitioned to Kakaako's current industrial uses. The area also fell into disrepair, and efforts were made by the Hawaii Community Development Authority (HCDA) to improve

⁵ Cultural Surveys Hawaii, Inc., Final Archaeological Assessment of the Proposed Halekauwila Place Project, Kakaako, Honolulu District, Oahu Island (Kailua, HI: 2009).

⁶ Oahu Government Survey 1876, Registered Map No. 1380 (Hawaii Land Survey Division); Wall, W. A., Honolulu and Vicinity 1887, Hawaiian Government Survey (Library of Congress).

⁷ Cultural Surveys Hawaii, Inc., Final Archaeological Assessment (2009).

⁸ Marsha Gibson, *Kaka'ako As We Knew It* (Honolulu: Mutual Publishing, 2011).

⁹ Cultural Surveys Hawaii, Inc., Final Archaeological Assessment (2009).

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roadway infrastructure within Kakaako, including realignment of Halekauwila Street.¹⁰ Future plans for Kakaako include increased residential housing units, repopulating an area that was once a thriving community.

The Playground Movement

Beginning on the United States mainland during the late nineteenth century, the playground movement developed out of concern for the poor, aiming to help shape children and young adults into law-abiding citizens. Hired playground directors organized activities at the playgrounds and instilled a sense of order to the parks. This early urban reform movement was also seen as a means to help recent immigrants assimilate into American culture. The earliest playgrounds were developed by private investors who built these spaces for public use in the 1880s. In the following decades, cities took a greater role in providing public playgrounds and recreation areas for their residents. In 1906 the Playground Association of America was formed to promote physical and mental well-being through playgrounds across the country. The organization sent members to assess select cities' particular recreational needs. By the 1930s, many cities had created full-fledged recreation departments to deal with recreation management and operations.

Playgrounds were not places where children played freely on their own. Play existed for healthy development, and also as an educational tool that required organization and supervision. Thus, playground directors were employed to monitor the children's activities and acted as role models. The directors helped organize team games, scheduled activities, and restricted playground access to bullies. Through their various activities, playgrounds and recreation centers were seen as alternative choices to youth gangs, delinquency, or wasted time.¹¹

Following World War II, the playground movement largely ceased, as child development experts began recommending unstructured play as more beneficial to child development. Supervised play at parks and playgrounds as it existed prior to the war subsequently ended.

Playground Movement in Honolulu

Honolulu's public playground development followed the national pattern and was promoted early on by the women leaders of the Free Kindergarten and Children's Aid Association. The group established the first public playground in Chinatown at Beretania and Smith streets in 1911. This playground was followed by Kamamalu and Atkinson parks in 1916 and Aala Park in 1917. Over the years, the organization functioned as Honolulu's de facto recreation department until the city's Recreation Commission was created in 1922 through the efforts of Henry Stoddard Curtis. Curtis, a former secretary of the Playground Association of America, surveyed Honolulu and urged the city to create new parks and playgrounds. His 1915 book

¹⁰ State of Hawaii, et al., *Final Supplemental Environmental Impact Statement for the Kakaako Community Development District Plan* (Honolulu: Hawaii Community Development Authority, 1985); Austin, Tsutsumi, and Associates, Inc., *Kakaako Traffic Study* (Honolulu: Hawaii Community Development Authority, 1991).

¹¹ Robert R Weyeneth and Ann K. Yoklavich, *1930s Parks and Playgrounds in Honolulu: an Historical and Architectural Assessment* (Honolulu: Department of Parks and Recreation, 1987).

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Education though Play played an influential role nationwide emphasizing the inherent social value playgrounds and parks played in the lives of the country's children. Curtis also suggested a park on the Kalia wetlands; this would later become Ala Moana Park.

Honolulu established a park board in 1931, hired Harry Sims Bent as park architect in 1933, and by 1936, forty playgrounds and social centers had been built and were supervised by the Recreation Commission. Because the idea of supervised and organized play was fairly new, the Commission published a guide in the 1930s aimed at explaining the concept to its playground directors and the public at large. Along with physical exercise, playgrounds and parks provided a means for mental exercise, team-building, and a desire to "strive for high ideals."¹²

Following World War II, in 1946 Honolulu's Parks Board merged with the Recreation Commission to form the Board of Public Parks and Recreation. The new board was tasked with rehabilitating Oahu's damaged parks.¹³ By the end of the 1940s, American playgrounds began turning their focus to playground equipment aimed at promoting free play and imagination rather than supervised play as had been supported by recreation leaders during the previous two decades.¹⁴

New Deal Involvement in Playground Construction

Much of Honolulu's explosive growth in park, playground, and recreational facilities, including Mother Waldron Playground, can be attributed to increased federal assistance from New Deal programs in response to the Great Depression. Both the Federal Emergency Relief Administration (FERA) and the Civil Works Administration (CWA) provided manpower for Honolulu's park construction initiative. The National Youth Administration (NYA) allowed Honolulu to employ playground directors, while additional manpower, including that used to construct Mother Waldron Playground, was provided by the Works Progress Administration (WPA).

The WPA was established in 1935 as part of Franklin D. Roosevelt's New Deal policies. Lasting for eight years, WPA aimed to create labor-intensive projects with low-cost materials. "Small useful projects" as Executive Order 7034 stated, described the purpose of the WPA. No WPA requirements existed for local project financing, but in 1936, project sponsors averaged about 10% of the costs, and by the 1940s, that number had increased to 30%. In Honolulu, local funding accounted for 64% of the total cost of Mother Waldron Playground, with the WPA providing the remaining amount in addition to labor.¹⁵

¹² Ibid.

¹³ Ann K. Yoklavich, *Overview of Historic Honolulu Parks* (Honolulu: Department of Parks and Recreation, 1987), 4.

¹⁴ Susan G. Solomon, *American Playgrounds: Revitalizing Community Space* (Lebanon, NH: University Press of New England, 2005), 22.

¹⁵ Honolulu Star-Bulletin, "Playground to Open Monday" September 13, 1937.

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Early on, WPA projects focused on infrastructure needs like roads, electricity in rural areas, water, sanitation, and flood control. The 1936 Emergency Relief Appropriations Act added new categories that included public buildings, parks, public utilities, airports, and transit facilities, as well as educational, professional, and women's projects. WPA was prohibited from building on private property and was required to make sure its projects did not become private property.

The WPA's projects varied and included promenades, band shells, parks, waterfront areas developed for recreation, and multi-use recreation centers. During its existence, the WPA added 1,668 parks and improved some 6,524 existing parks, built 900 swimming pools, 9,300 recreational buildings and gymnasiums, 1,200 skating rinks, and 12,800 playgrounds. Across the country, Americans enjoyed the results of this program for decades.¹⁶

Harry Sims Bent

Harry Sims Bent, Mother Waldron Playground's architect, was born in Socorro, New Mexico, in 1896. After graduating from the University of Pennsylvania, Bent began his career working for the prominent New York architectural firm of Bertram Goodhue Associates. Bent's early work consisted primarily of building projects in the Los Angeles, California area, including the Los Angeles Central Library and several buildings at the California Institute of Technology (CalTech).

In the late 1920s Bent arrived in Honolulu assigned the task of supervising construction of the Academy of Arts as a representative and "resident architect" from Bertram Goodhue Associates. Following the Academy of Art's completion, Bent remained in Hawaii, first acquiring work through Bertram Goodhue Associates then later for his own independent practice.

Bent originally volunteered his time working on plans for the Honolulu Park Board in the early-1930s, and ultimately worked on nearly all projects undertaken by the Board through 1939. He was considered one of the most talented architects in Hawaii in the late 1920s-1930s, with Bertram Goodhue Associates and independent works including the C. Brewer Building, Hanahauoli School, the Pineapple Research Institute at the University of Hawaii at Manoa, and several residences.¹⁷

Bent's first task for the Honolulu Park Board was the Ala Moana Park project in 1933. The park's designed features included the canal bridge, entrance portals, sports pavilion, banyan court, and lawn bowling green. Other Bent park projects included Mother Waldron Playground, Kawananakoa Playground, Ala Wai Clubhouse, the Haleiwa Beach Park structures, and the Lanakila Park comfort station. Utilizing popular Art Moderne and Art Deco design elements, he aimed to create a modern look for his park work, a break from typical park and playground design. Bent incorporated these contemporary design aesthetics into his park plans, while earlier, non-Bent playground examples addressed the functional aspects of play.

¹⁶ Leighninger, Robert D., Jr., *Long-Range Public Investment: The Forgotten Legacy of the New Deal*, Columbia, SC: University of South Carolina Press (2007).

¹⁷ Steve Salis, "Playful Architecture," *Hawaii Architect* (June 1985): 12-13.

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Bent returned to the mainland around 1940, and settled in Pasadena, California, where he continued his landscape design work. Major works during his post-Hawaii period included the landscape plan for Hancock Park in Los Angeles and the master plan for the Los Angeles County Arboretum. Bent died in Pasadena on March 19, 1959.

Margaret “Mother” Waldron

Margaret “Mother” Waldron was born on August 12, 1873, in Honolulu of mixed Hawaiian and Irish heritage. Her career began at Pohukaina School where she taught the fourth grade. Mother Waldron’s time outside of school was spent as a volunteer playground director at Atkinson Park, formerly located southwest of Mother Waldron Playground, and as a welfare worker in Kakaako. Her duties included coaching boys’ football and baseball and teaching girls and women household duties and jam-making.

For her fiftieth birthday, the boys and girls of Kakaako gave Mother Waldron a pin bearing the word “mother.” The pin became Mother Waldron’s most prized possession. Mother Waldron was credited with nearly single-handedly ridding Kakaako of its gangs and turning their members into model citizens through her organized activities for the district’s youth. She helped transform the district’s unpleasant reputation and would be greeted with “Aloha Mother” throughout Kakaako.¹⁸

Margaret Waldron died at St. Francis Hospital on May 8, 1936, and was buried on May 10, Mother’s Day that year, in Nuuanu Cemetery.¹⁹

Mother Waldron Playground

Mother Waldron Playground was originally a 1.76 acre site bounded by Coral, Halekauwila, and Pohukaina streets and Lana Lane on a parcel that the 1914 Sanborn Fire Insurance map noted contained the City and County Stables. Honolulu acquired the parkland in 1930 and 1931 through purchases and deeds from the Territory of Hawaii. After several years, the Park Board approved and implemented Harry Sims Bent’s plans for the playground in 1936. WPA labor was used to construct the park and concrete bricks were the chosen material. The choice of concrete brick by Bent contrasted with his earlier use of “boulder concrete,” a concrete he employed at Ala Moana Park and later Haleiwa Beach Park that relied on larger rubble and coral to decrease the amount of cement required.²⁰

The site of the future playground was proposed to be named in 1930 for Margaret “Mother” Waldron, but she refused the honor.²¹ Her name was given to the park following her death in 1936. Costing approximately \$50,000 to construct, Mother Waldron Playground opened

¹⁸ “Guava Class at Kakaako is Waldron Plan,” *Honolulu Star-Bulletin*, February 27, 1930, 4.

¹⁹ “Death Claims Mrs. Waldron, Friend of Poor,” *Honolulu Advertiser*, May 8, 1936, 1.

²⁰ Salis, “Playful Architecture,” 12-13.

²¹ “Playground Given Name of Pioneer,” *Honolulu Advertiser*, February 19, 1930, 1.

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September 20, 1937 to much fanfare, including a performance by the Royal Hawaiian Band.²²

Although the playground was separated by Coral Street from the nearby Pohukaina School, during recess children at the school were allowed to play at the park.

For the Kakaako community, Mother Waldron Playground played a much greater role. Each July, a *Bon* Dance would be held at the playground. Although the *Bon* Dance was a festival for Buddhists honoring deceased relatives, the entire Kakaako community would participate. Festivals like the *Bon* Dance were held continually at Mother Waldron Playground, providing a central location for socializing and entertainment in the Kakaako community. The playground also hosted a number of political rallies usually accompanied by musicians, bands, and hula dancers.²³

Original Appearance of Mother Waldron Playground

Bent planned the playground following his successful design features at Ala Moana Park, implementing contemporary design elements reflecting the Art Moderne style. The symmetrical playground, situated in a dense residential, commercial, and industrial area, was designed to emphasize utility as well as beauty. Bent used concrete bricks to construct Mother Waldron Playground's walls, benches, and comfort station.

A perimeter wall delineated the playground boundaries along Coral, Pohukaina, and Halekauwila streets and Lana Lane. The wall contained horizontal and vertical perforated openings and was comprised of several brick courses, with some courses recessed to create horizontal bands. Each of the park's corners contained a convex curve entry with rounded piers anchoring the walls' ends. Along Coral Street, the wall was executed in a triangular zig-zag form and opened to Coral Street, while Halekauwila and Pohukaina streets provided squared zig-zag walls. Lana Lane's wall was straight and contained no horizontal bands or perforations. The entire perimeter wall was topped by recessed concrete coping with alternating straight and zig-zag edges.

Laid out symmetrically, the park's northeast end was to be used by younger children while the southwest end was to be used by older children. An oval, grassy area and comfort station divided the two halves at the playground's center. The park utilized an Art Moderne style that was increasing in popularity during the time, yet seldom used for parks and playgrounds. Both sides contained volleyball, basketball, and shuffleboard courts. The northeast end contained swings and seesaws, while the southwest end contained handball courts.

Bent's central Art Moderne feature was a comfort station that employed a streamlined and unornamented facade, rounded corners and columns, and covered walkways curving away from the comfort station. The comfort station contained men's and women's restrooms, drinking fountains at the entrances of both restrooms, and changing areas inside. At the comfort station's center, a raised and rounded platform provided an outdoor stage area with a pilaster-lined alcove

²² "Waldron Playground—Kakaako Beauty Spot," *Honolulu Advertiser*, September 20, 1937, 5; "Playground to Open Monday," *Honolulu Star-Bulletin*, September 13, 1937, 12; "\$50,000 Mother Waldron Park Officially Opened," *Honolulu Advertiser*, September 21, 1937, 1.

²³ Gibson, *Kakaako As We Knew It*, 85-87.

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backdrop. The stage, its surrounding area, and floor beneath the covered walkway were paved with the same sandstone flagstone found at the park's Coral Street entrance.

Concrete brick park benches capped with terracotta tile are located within the perimeter wall in alcoves created by the wall's zig-zag as well as in the middle of each play area. Most benches are straight, but the benches along the Coral Street wall curved to fit their alcoves. An additional low wall topped with terracotta was located beneath the comfort station's covered walkway, running parallel to the higher wall along Lana Lane. Trees were planted in openings created by the perimeter wall's zig-zag, providing shade to the park's users.²⁴

Mother Waldron Playground's Use of Contemporary Architectural Styles

Harry Sims Bent's design for Mother Waldron Playground reflected heavy influence from the streamlined Art Moderne style popular at the time. Art Moderne was characterized by horizontal lines, flat roofs, smooth surfaces, and curvilinear edges. The Art Moderne movement, popular from the 1930s through 1940s, and its counterpart, Art Deco, popular from the 1920s through 1940s, were seen as a rejection of classical architectural themes. Unlike Art Moderne's emphasis on horizontality, Art Deco utilized vertical lines and geometric patterns. Both design styles embraced architectural elements deemed appropriate for the modern era. Bent was inspired by these national architectural trends, and desired to create a playground that was viewed as a contemporary design expression, moving beyond mere utility.²⁵ Mother Waldron Playground presents a local, vernacular interpretation of these styles.

Changes to Mother Waldron Playground

According to the 1988 Hawaii Register of Historic Places nomination form that included Mother Waldron Playground, renovations were made to Mother Waldron Playground's comfort station in 1968. The form did not state the extent of the renovations, but a visual inspection indicated that no substantial alterations had occurred, as many original features and finishes remained intact. Additionally, the Department of Parks and Recreation resurfaced the playground in 1978.²⁶ In 1991-1992, Halekauwila Street was realigned through Mother Waldron Playground, removing approximately 12,700 square feet of the original park's northeast end and a small portion along Pohukaina Street. To mitigate this taking, the city added approximately 54,000 square feet of Mother Waldron Playground and removed Lana Lane which greatly enlarged the park. The expansion included extending the park southeast of downtown Honolulu, removing the park's boundary wall along Lana Lane, and reconstructing the park's perimeter walls along Halekauwila and Pohukaina streets.²⁷ In 1994-1995, Coral Street was closed between Halekauwila and Pohukaina streets and right-of-way included in the expansion of Mother Waldron Playground, which added approximately 25,800 square feet to the park. These

²⁴ Research did not provide the specific varieties of trees originally planted at Mother Waldron Playground.

²⁵ Weyeneth and Yoklavich, *1930s Parks and Playgrounds in Honolulu*, 16.

²⁶ Mother Waldron Playground, City & County of Honolulu Art Deco Parks Hawaii Register of Historic Places nomination form, April 20, 1988.

²⁷ See above Architectural and Landscape Description: Alterations.

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additions are now considered non-contributing sites within the greater Mother Waldron Playground site. The surrounding neighborhood's transition to light industrial uses provides little context for the playground, as proximate buildings are not original to the park's construction era.

Prior Documentation of Mother Waldron Playground

Mother Waldron Playground was listed in the Hawaii Register of Historic Places on June 9, 1988, as an element of the thematic group "City & County of Honolulu Art Deco Parks," prior to the extensive 1990s changes.

The playground was documented on a Determination of Eligibility form by Mason Architects, Inc. in 2008. This documentation assessed the property as eligible for listing in the National Register under Criteria A and C and the Hawaii State Historic Preservation Division (SHPD) concurred with this finding.

This nomination has been produced as part of the legal requirements in the *Programmatic Agreement Among the U.S. Department of Transportation Federal Transit Administration, The Hawaii State Historic Preservation Officer, The United States Navy, and the Advisory Council on Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project in the City and County of Honolulu, Hawaii*.²⁸

Information produced from research conducted for this nomination revealed that substantial changes had occurred in the playground in the 1990s which were not described in the 2008 Determination of Eligibility form. This nomination considers those changes.

Significance Evaluation

Mother Waldron Playground is eligible for the National Register of Historic Places under Criterion A for its association with the national playground movement, which aimed to provide supervised play and character-molding opportunities. The property correlates with the rise of playground construction in urban areas throughout the United States.

Mother Waldron Playground is not eligible under Criterion B. Although the park is named in honor of Margaret "Mother" Waldron, the property is not associated with her productive life or her lasting contributions to the Kakaako community.

This property is also eligible under Criterion C for its architectural and landscape design by Harry Sims Bent. The property displays a streamlined Art Moderne appearance with some Art Deco elements, a modern approach and a display of Harry Sims Bent's desire to create a pleasing environment for park users. Contributing features to Mother Waldron Playground include the

²⁸ *Programmatic Agreement Among the U.S. Department of Transportation Federal Transit Administration, The Hawaii State Historic Preservation Officer, The United States Navy, and the Advisory Council on Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project in the City and County of Honolulu, Hawaii*, (January 2011).

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remaining original Art Moderne playground site and the streamlined comfort station building. Non-contributing features include an approximately 1.5 acre site which nearly doubled the size of the remaining Mother Waldron Playground original site as well as the former Coral Street area. These non-contributing sites became an extension of Mother Waldron Playground following Halekauwila Street improvements in 1991-1992 and continued Kakaako district improvements made from 1994-1995. Still, the retention of the playground's prominent Bent-designed features, including the zig-zag wall and comfort station, allows Mother Waldron Park to remain eligible under Criterion C.

In addition, the property retains its original historic function. The period of significance for Mother Waldron Playground spans from its construction date in 1937 through 1945, when supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks after World War II.

Social History

Mother Waldron Playground is associated with the playground movement across the United States and Honolulu's need for recreational facilities within urban areas. Playgrounds were viewed as a means to reform urban youth and help create law-abiding citizens through structured play.

Entertainment/Recreation

Mother Waldron Playground provided recreational facilities for urban youth. Park employees did not allow children to play freely. Instead, accepted views of recreation at the time required organized play for children to be overseen by a playground director.

Architecture and Landscape Architecture

Mother Waldron Playground is an example of Harry Sims Bent's architecture and landscape architecture work. At the time, Bent acted as the Honolulu Park Board's chief designer, planning parks and playgrounds throughout the 1930s. His Art Moderne with Art Deco designs represented a modern approach for Mother Waldron Playground. Bent's design fulfilled the needs required for "organized play" by dividing the park into two halves for different age groups and also providing a comfort station for users. The park demonstrates Bent's desire to create a functional yet aesthetically pleasing urban playground.

Period of Significance

The period of significance for Mother Waldron Playground spans from 1937, when construction commenced, until 1945, when the playground movement that supported supervised play largely ceased and Honolulu's Board of Parks and Recreation was formed to rehabilitate Oahu's parks following World War II.

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Integrity Evaluation

Mother Waldron Playground retains a moderate level of integrity of location. Original portions of the playground remain in place, but other areas originally associated with the playground are no longer part of the site, and other areas not historically part of the playground have been added. The playground has a low level of integrity of materials, design, and workmanship. Halekauwila Street's realignment and the widening of Pohukaina Street have compromised the park's design, removing over 12,700 square feet of the original park boundaries and demolishing and replacing original features, diminishing the integrity of workmanship and materials. However, although many original features of the park have been removed and replaced, the playground retains a modest amount of original features, including most of the zig-zag wall and the comfort station, to demonstrate a low integrity of materials and workmanship. Mother Waldron Playground does not retain integrity of setting outside of the park; within the park open spaces and a general playground appeal contribute to a moderate level of integrity of setting. The Kakaako area has transitioned over time from a mix-use commercial and residential district to a largely industrial area. Mother Waldron Playground is now surrounded by these industrial uses. Mother Waldron Playground retains its integrity of feeling as an Art Moderne-designed playground and its integrity of association with the early-1900s playground movement. Therefore, the playground retains integrity of feeling and association.

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

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Weyeneth, Robert R., and Ann K. Yoklavich. *1930s Parks and Playgrounds in Honolulu: an Historical and Architectural Assessment*. Honolulu: Department of Parks and Recreation, 1987.

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
 previously listed in the National Register
 previously determined eligible by the National Register
 designated a National Historic Landmark

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___ recorded by Historic American Buildings Survey # _____
___ recorded by Historic American Engineering Record # _____
___ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

___ State Historic Preservation Office
___ Other State agency
___ Federal agency
___ Local government
___ University
___ Other
Name of repository: _____

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property 3.76

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates

Datum if other than WGS84: _____
(enter coordinates to 6 decimal places)

- | | |
|------------------------|------------------------|
| 1. Latitude: 21.299251 | Longitude: -157.858407 |
| 2. Latitude: | Longitude: |
| 3. Latitude: | Longitude: |
| 4. Latitude: | Longitude: |

Or

UTM References

Datum (indicated on USGS map):

NAD 1927 or NAD 1983

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- | | | |
|----------|-----------|-----------|
| 1. Zone: | Easting: | Northing: |
| 2. Zone: | Easting: | Northing: |
| 3. Zone: | Easting: | Northing: |
| 4. Zone: | Easting : | Northing: |

Verbal Boundary Description (Describe the boundaries of the property.)

See Map Attachment

Boundary Justification (Explain why the boundaries were selected.)

Mother Waldron Playground's boundary includes the entire area presently called Mother Waldron Playground. This footprint includes a portion of the original playground, its southeast expansion, and the former Coral Street right-of-way between Halekauwila and Pohukaina streets. Although the playground's size was altered in the 1990s, these changes did not affect the playground's use as a public playground. This boundary corresponds to the boundary concurred to by the Hawaii State Historic Preservation Division in an earlier 2008 eligibility assessment, despite 1990s changes to the playground.

The boundary encompasses all of the remaining original resources and features that comprise the property, as well as more recent additions. The National Register boundary has been prepared in accordance with guidelines established by the National Register Bulletin, "Defining Boundaries for National Register Properties."²⁹

11. Form Prepared By

name/title: G. Blanchard/Cultural Resources Team
organization: Honolulu Authority for Rapid Transportation
street & number: 1099 Alakea Street, 17th Floor
city or town: Honolulu state: Hawaii zip code: 96813
e-mail: _____
telephone: (808) 566-2299
date: 2/1/2013

²⁹ National Park Service, *National Register Bulletin: Defining Boundaries for National Register Properties* (Washington, D.C.: United States Department of the Interior, 1997).

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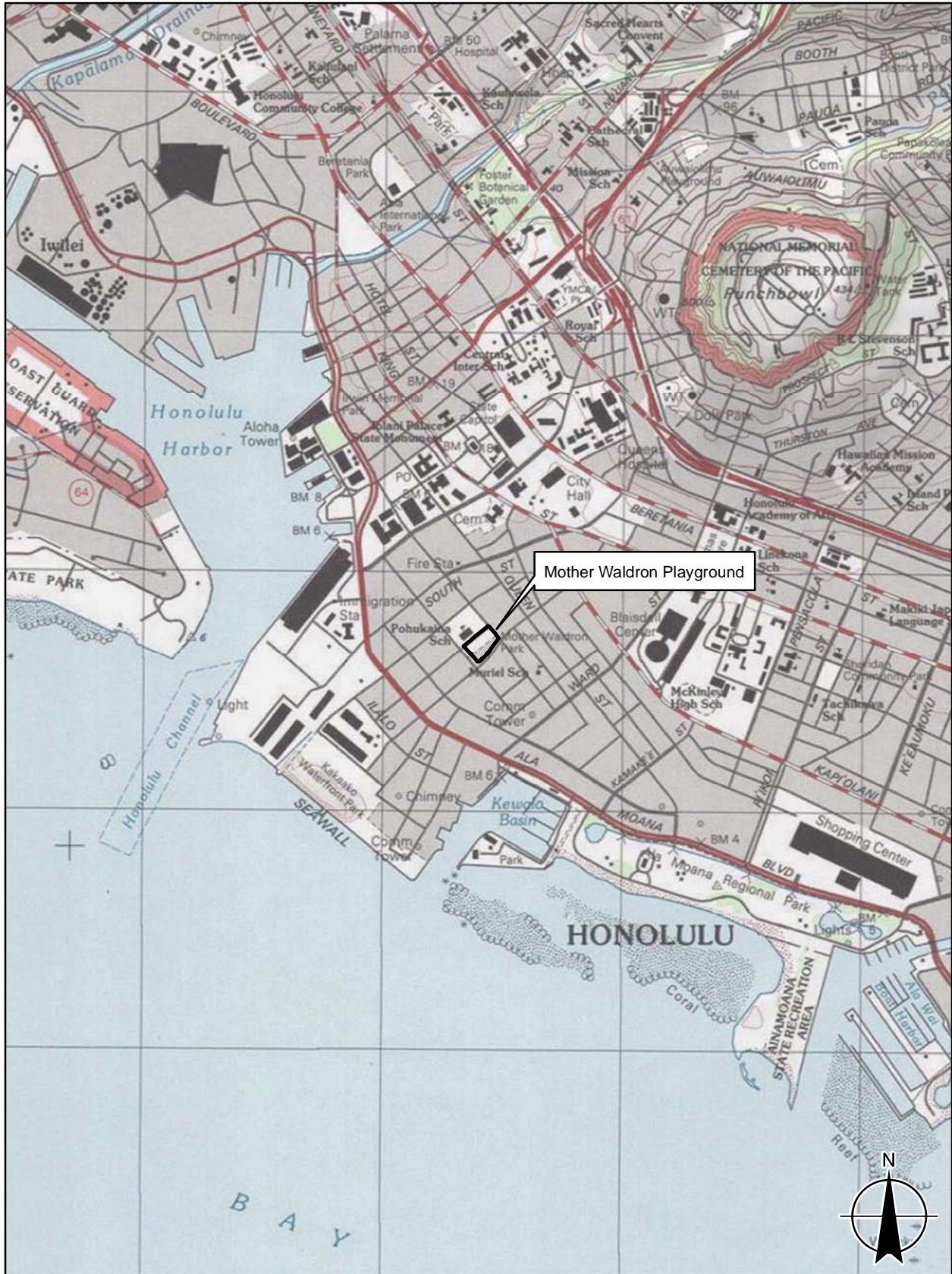
Additional Documentation

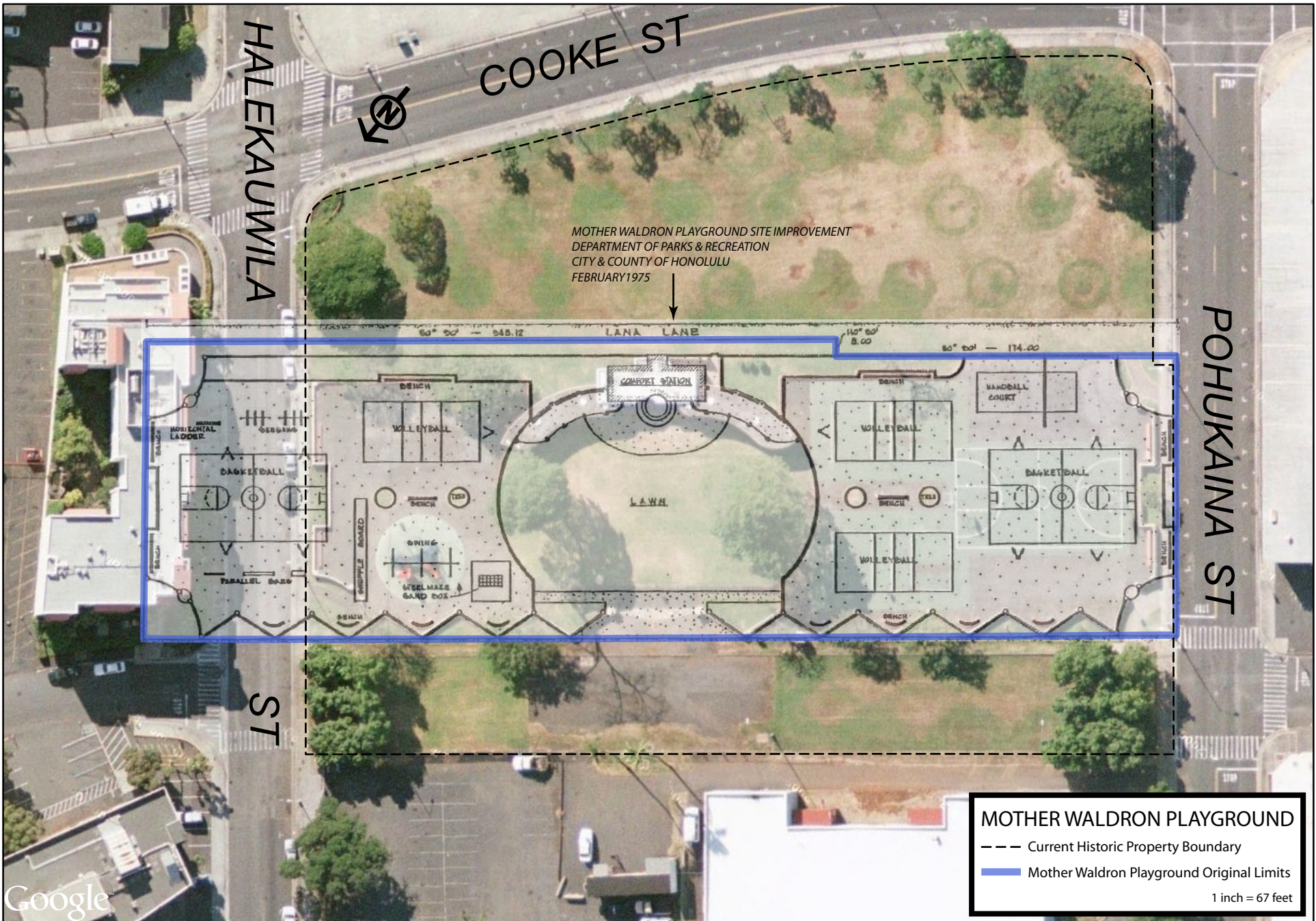
Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)
 - Plan of Mother Waldron Playground, 1973
 - USGS aerial photograph of Mother Waldron Playground and vicinity, 1952

Mother Waldron Playground
Bounded by Coral Street, Halekauwila Street, Pohukaina Street, and Cooke Street
City and County of Honolulu, Hawaii
Hawaii Register of Historic Places, No. 80-14-1388

Mother Waldron Playground





HALEKAUWILA

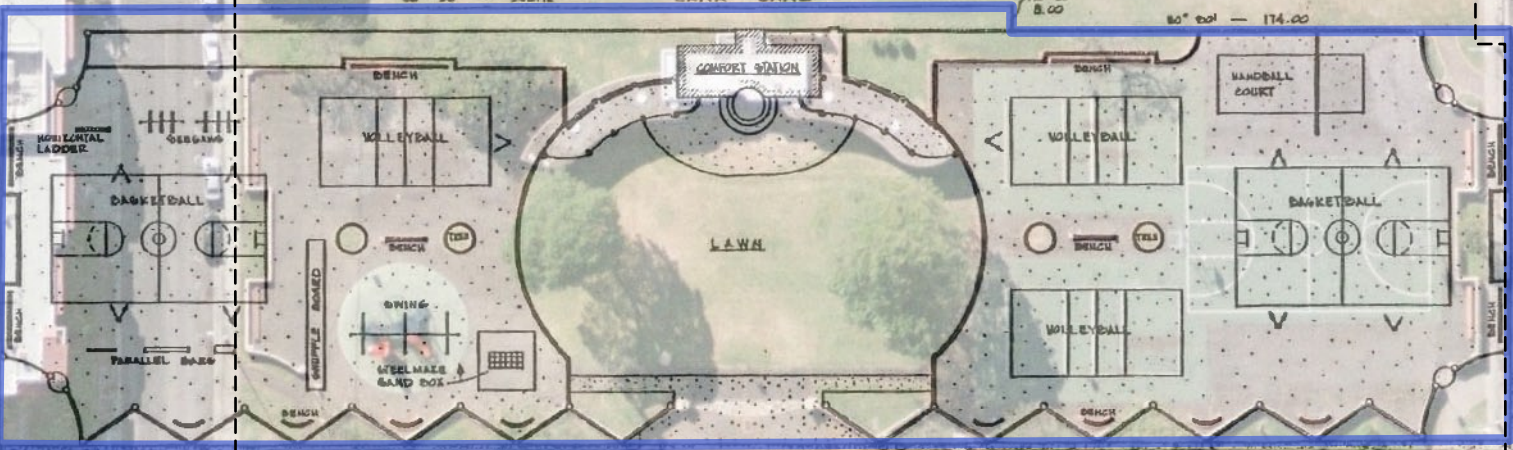
COOKE ST

POHUKAINA ST

ST

MOTHER WALDRON PLAYGROUND SITE IMPROVEMENT
DEPARTMENT OF PARKS & RECREATION
CITY & COUNTY OF HONOLULU
FEBRUARY 1975

LANA LANE



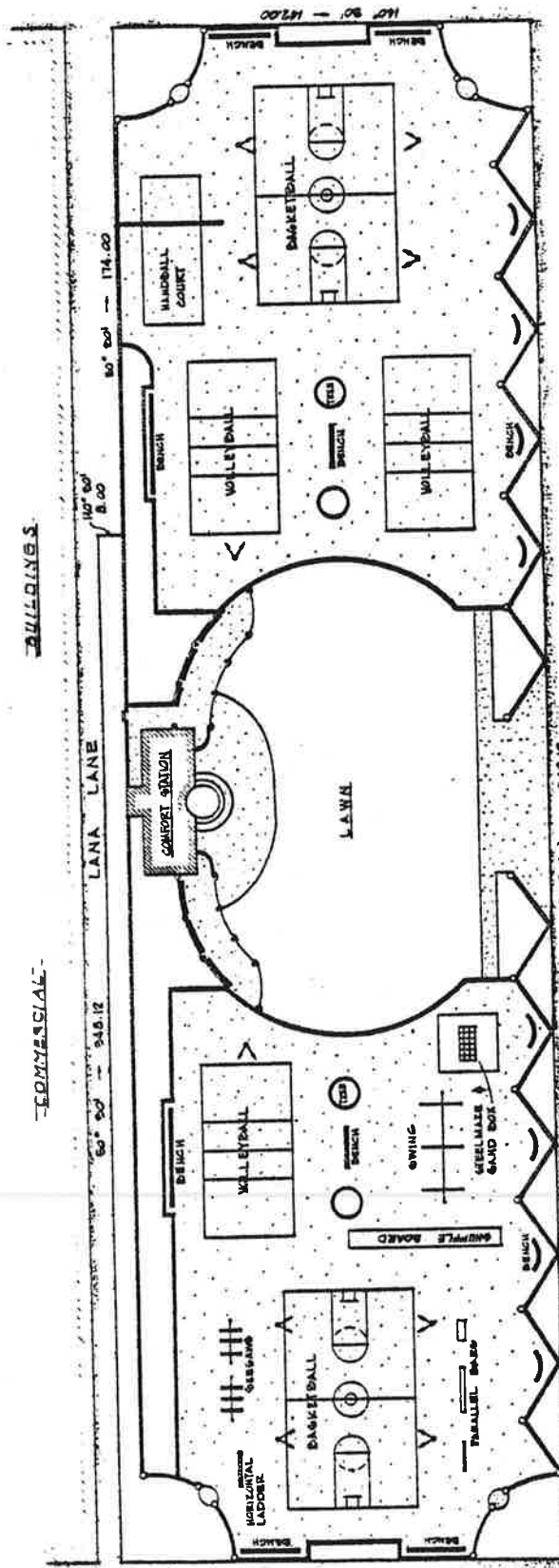
MOTHER WALDRON PLAYGROUND

- Current Historic Property Boundary
- Mother Waldron Playground Original Limits

1 inch = 67 feet

POHUKAINA STREET

117' 50" - 117.00



COMMERCIAL BUILDINGS

LANA LANE

COMMERCIAL BUILDINGS

CORAL STREET

HALEKAUWILA STREET

117' 50" - 117.00

PROJECT NO.	17754	REPORTED IMPROVEMENTS	SIC
DATE			
DEPARTMENT OF PARKS & RECREATION CITY & COUNTY OF HONOLULU			
MOTHER WALDRON PLAYGROUND SITE IMPROVEMENT			
DRAWN BY: GZ /	DESIGNED BY: /	DATE: 2/8/75	
RECOMMENDED BY:		EST. NO.	
		OFF.	
		FIELD WORKER	
		FIELD WORKER PHONE	
		FIELD WORKER ADDRESS	
		FIELD WORKER PHONE	



AREA: 1.76 ACRES



USGS aerial photograph of Mother Waldron Playground and vicinity, 1952.

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Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: Mother Waldron Playground

City or Vicinity: Honolulu

County: Honolulu

State: Hawaii

Photographer: Charles Greenleaf

Date Photographed: 11/17/2012

Description of Photograph(s) and number, include description of view indicating direction of camera:

- 1 of 8. View south toward Mother Waldron Playground from Halekauwila Street and Coral Street into original playground area
- 2 of 8. View north from Pohukaina Street and the former Lana Lane into original playground area
- 3 of 8. View northeast from wall along Pohukaina Street into original playground area
- 4 of 8. View southwest from Halekauwila Street and 1991-1992 expansion area toward original playground area
- 5 of 8. View north from Pohukaina Street toward original playground area and its former handball court
- 6 of 8. View northeast from Pohukaina Street toward original playground area and 1991-1992 expansion area
- 7 of 8. View northeast toward comfort station
- 8 of 8. View east toward comfort station from original playground entrance at Coral Street

Mother Waldron Playground
Name of Property

Honolulu County, Hawaii
County and State

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



Photo 1.



Photo 2.



Photo 3.



Photo 4.



Photo 5.



Photo 6.



Photo 7.



Photo 8.

***Appendix E— Section 4(f) Evaluation of
Previously Unidentified Traditional Cultural
Properties for the Honolulu Rail Transit Project***

Section 4(f) Evaluation of Previously Unidentified Traditional Cultural Properties in the Honolulu Rail Transit Project

September 30, 2013

1.0 Introduction

In June 2010, a Final Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the Honolulu Rail Transit Project (the Project), was completed and approved. The Record of Decision (ROD) was signed in January 2011. Since that time, the Honolulu Authority for Rapid Transportation (HART) completed additional studies of traditional cultural properties (TCPs), pursuant to Stipulation II of the project's Section 106 Programmatic Agreement

The project completed its evaluation of TCPs (Figures 1 and 2). On June 6, 2012, the Federal Transit Administration (FTA) and HART submitted technical reports (Kumu Pono 2012, SRI and Kumu Pono 2012) and a determination of eligibility and finding of effect (FTA 2012) to the Hawai'i State Historic Preservation Officer (SHPO) regarding Sections 1-3 of the Project. Technical reports (Kumu Pono 2013, SRI and Kumu Pono 2013) and a determination of eligibility and finding of effect (FTA 2013) for Section 4 were submitted to the SHPO on August 29, 2013.

FTA and HART identified 46 sites, within the Area of Potential Effect (APE) of the Project, in their technical studies, and determined one, Huewaipī, to be eligible for nomination to the National Register of Historic Places (NRHP). One additional site, Kūki'iahu, was found to be a non-contributing element to an historic property (*i.e.*, Sumida Watercress Farm) that was already determined eligible for the NRHP. Kūki'iahu is co-located with (falls within the boundaries of) the Sumida Watercress Farm. Both Huewaipī and Kūki'iahu are located within the Kamehameha Guideway Section (Section 2) of the Project.

For Sections 1-3, FTA and HART found that the Project would have No Adverse Effect on Huewaipī. In addition, FTA and HART found that Kūki'iahu is a non-contributing element of the Sumida Watercress Farm. Thus, the prior determination that the Project would have No Adverse Effect on the Sumida Watercress Farm remains unchanged. SHPO concurred with all of the FTA's determinations of eligibility and findings of effect for Sections 1-3 on July 3, 2012. For Section 4, FTA determined the Project would have No Adverse Effect on any previously unidentified NRHP-eligible TCPs because no such properties were identified through the TCP studies. SHPO concurred with FTA's Section 4 determinations on September 27, 2013.

This Section 4(f) evaluation considers the potential for the Project to use, as defined in 23 CFR 774.17, any previously unidentified TCPs within the APE of the Project that are eligible for the NRHP. Although Kūki'iahu is not a Section 4(f) property, it is also discussed below because it is co-located with (falls within the boundaries of) the Sumida Watercress Farm, a previously evaluated NRHP-eligible property. This Section 4(f) evaluation was conducted pursuant to Section 4(f) of the Department of Transportation Act and in accordance with 23 CFR Part 774. Additional guidance was obtained from the revised FHWA Section 4(f) Policy Paper (2012).

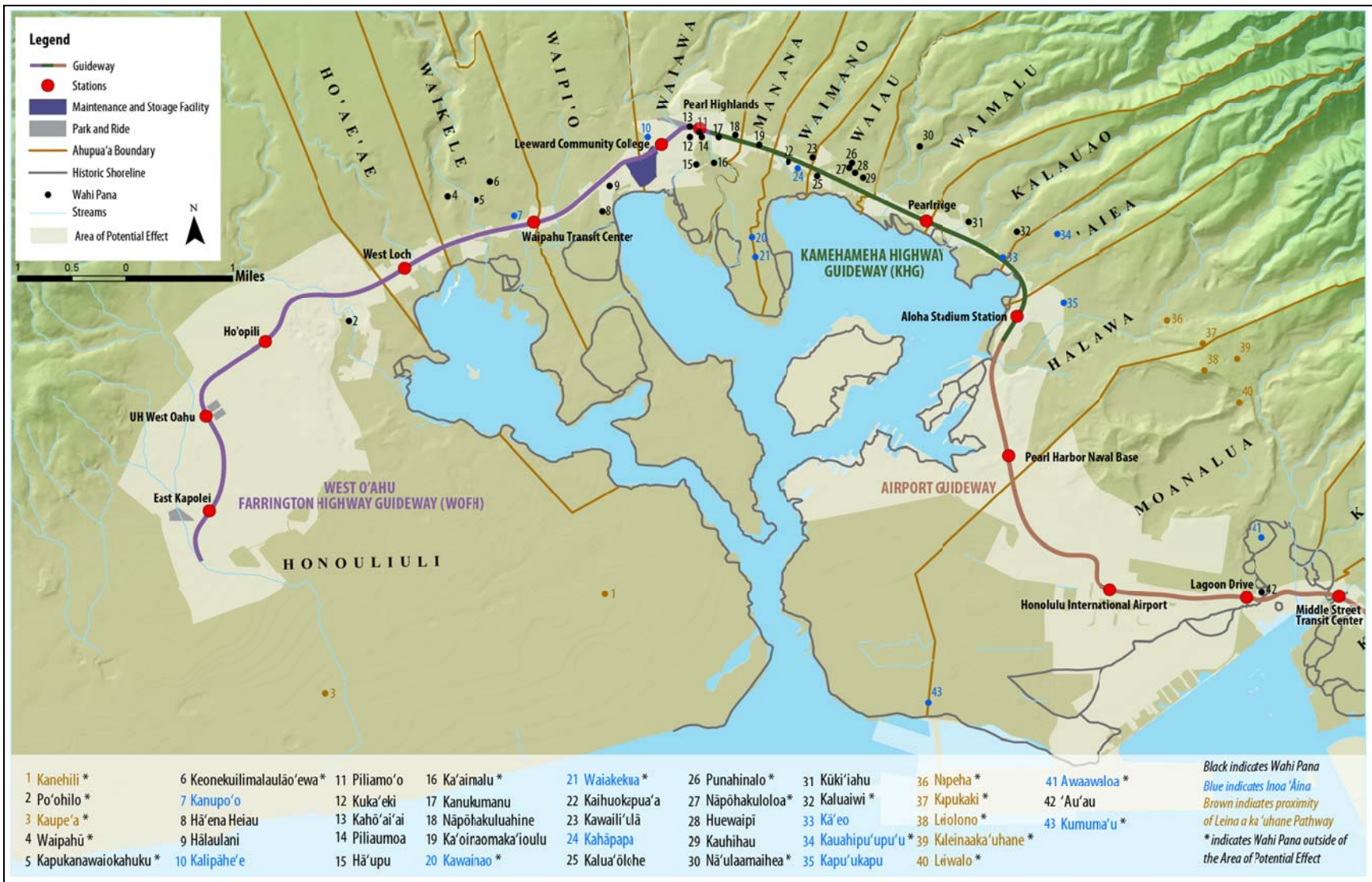


Figure 1. Sites identified in Sections 1-3 of the HRTP

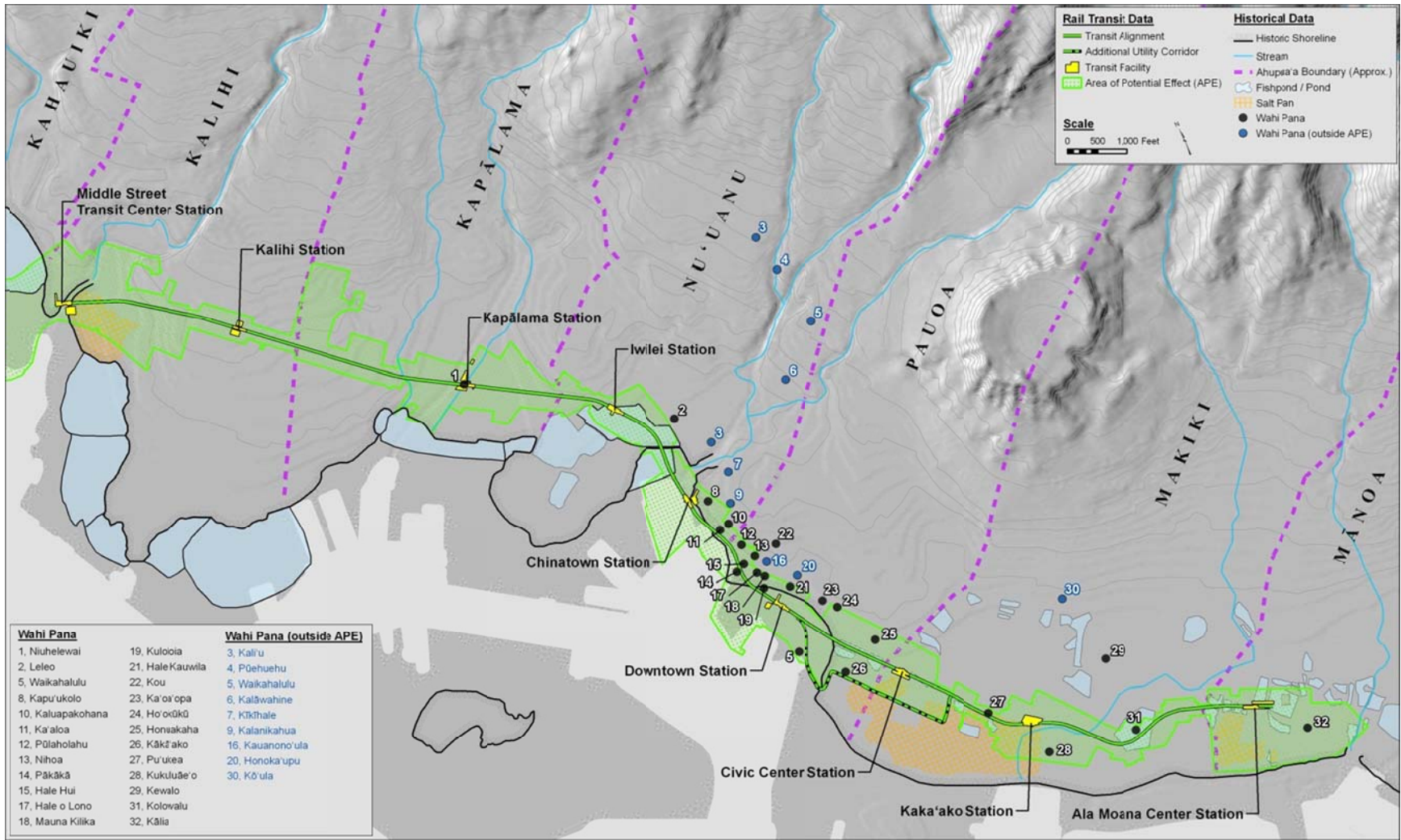


Figure 2. Sites identified in Section 4 of the H RTP

2.0 Regulatory Context

23 CFR 774.17 defines a Section 4(f) property as “publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance.”

FTA may not approve the use of a Section 4(f) property, unless it determines the following:

- There is no feasible and prudent avoidance alternative, as defined in Section 774.17, to the use of land from the property.
- The action includes all possible planning, as defined in Section 774.17, to minimize harm to the property resulting from such use.

A use occurs when:

- When land is permanently incorporated into a transportation facility;
- When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in § 774.13(d); or
- When there is a constructive use of a Section 4(f) property as determined by the criteria in § 774.15.

However, the Administration may approve a use if it determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in § 774.17, on the property.

For historic sites, *de minimis* impact is defined in 23 CFR 774.17 as follows:

For historic sites, *de minimis* impact means that the FTA has determined, in accordance with 36 CFR 800, that no historic property is affected by the project or the project would have “no adverse effect” on the property in question. SHPO and Advisory Council on Historic Preservation (ACHP), if involved, must be notified that the FTA intends to enter a *de minimis* finding for properties where the project results in “no adverse effect.”

3.0 The Proposed Action

The Project is the construction and operation of a 20-mile, elevated fixed guideway transit system from East Kapolei to Ala Moana Center. The details of the route are provided in the Final EIS.

Both Huewaiḗ and Kūki‘iahu are located along Kamehameha Highway, Section 2 of the Project (Figures 3 and 4). In this vicinity, the Project will be built entirely within Kamehameha Highway, with the top of the rail being approximately 40 feet above grade. The Project within Section 2 will consist of guideway columns supporting the fixed guideway. No stations or ancillary buildings are planned within the vicinity of Huewaiḗ and Kūki‘iahu. All utility work will stay within Kamehameha Highway.

4.0 Section 106 Consultation

Section 106 consultation has been on-going since the beginning of the Section 106 process. Consultation particular to this effort has solicited input regarding previously unidentified TCPs and the Project's potential effects on those types of TCPs. The consultation effort included six meetings held on:

- February 12, 2011
- June 23, 2011
- April 13, 2012
- May 4, 2012
- May 8, 2013
- May 9, 2013

In addition to these specific meetings, HART and FTA held quarterly meetings on the Section 106 PA in general. All consulting parties were invited to those quarterly meetings. The April 13, 2012 quarterly meeting included a presentation and discussion of the TCP effort. An informal Kako'o meeting was held on September 19, 2013 which provided a status update of the TCP effort in Section 4 and directed people to the website for all of HART's TCP information.

The TCP analysis for Sections 1 through 3 of the Project is documented in: (1) Honolulu Rail Transit Project, Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3, May 25, 2012; (2) Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Sections 1-3 for the Honolulu Rail Transit Project, Management Summary, SRI Foundation & Kumu Pono Associates LLC, April 20, 2012; and (3) He Mo 'olelo 'Aina – Traditions and Storied Places in the District 'Ewa and Moanalua (in the District of Kona), Island of O'ahu; A Traditional Cultural Properties Study – Technical Report, Kumu Pono Associates LLC, April 20, 2012. The TCP analysis for Section 4 of the Project is documented in: (1) Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project; (2) Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project, Management Summary, The SRI Foundation and Kumu Pono Associates LLC, April 24, 2013; and (3) He Mo 'olelo 'Aina – Traditions and Storied Places in the District of Kona – Honolulu Region (Lands of Kalihi to Waikiki), Island of O'ahu; A Traditional Cultural Properties Study – Technical Report, Kumu Pono Associates LLC Study No. 131, March 28, 2013. All of these reports were made available for review and comment by public, including representatives of the Native Hawaiian community, ACHP and other consulting parties identified in the Programmatic Agreement. Further, as discussed, meetings were held, consistent with 36 CFR 800.4 and 800.5.

For Section 1-3, FTA determined, on June 6, 2012, that there was one TCP within the APE that was eligible for the NRHP (Huewaipī), but that the Project would have no adverse effect on that property. Another potential TCP (Kūki'iahu), co-located with the NRHP-eligible Sumida Watercress Farm, was identified through the TCP analysis, but FTA determined that Kūki'iahu lacked integrity. SHPO concurred with those determinations. For Section 4, FTA determined, on August 28, 2013, that there were no previously unidentified TCPs within the APE that were eligible for the NRHP and, thus, the Project would have no adverse effect on any such TCPs. SHPO concurred with those determinations.

5.0 Section 4(f) Evaluation

The TCP studies discussed above resulted in the identification of one property as eligible for the NRHP. That property, Huewaiḡī, is a Section 4(f) property. A second site, Kūki‘iahu, is not a Section 4(f) property, but it is discussed here because it is co-located with (within the boundaries of) an existing, previously evaluated Section 4(f) property, the Sumida Watercress Farm.

5.1 Huewaiḡī

Huewaiḡī includes the spring that feeds Waiau wetlands in Waimalu, and is currently used for subsistence farming and gardening. Historic maps indicate that the wetland site was also once a lo‘i. The spring, wetland and lo‘i are make up one larger, single site. The SHPO concurred with FTA’s determination that the Project would have No Adverse Effect on Huewaiḡī.

At Huewaiḡī the Project would construct piers within the median of Kamehameha Highway to support the guideway. There would be no acquisition of right-of-way and no station or ancillary buildings in or near the site. The site has been marked as a no work zone, and so no temporary staging will occur at the site.

Thus, no land will be permanently incorporated into a transportation facility and no temporary occupancy of land will occur. Further, the Project will not result in a constructive use of Huewaiḡī. Under 23 CFR 774.15(f)(1), “[t]he Administration has reviewed the following situations and determined that a constructive use does not occur when: (1) Compliance with the requirements of 36 CFR 800.5 for proximity impacts of the proposed action, on a site listed on or eligible for the National Register, results in an agreement of ‘no historic properties affected’ or ‘no adverse effect;’” As discussed, the SHPO concurred with FTA’s determination that the Project would have No Adverse Effect on Huewaiḡī. Therefore, the Project will not result in the constructive use of Huewaiḡī; the Project will not create proximity impacts so severe that the activities, features or attributes that qualify Huewaiḡī for protection under Section 4(f) are substantially impaired. This “no use” determination is also consistent with Question 7D of the FHWA 2012 Section 4(f) Policy Paper.

For these reasons, the Project will not result in a Section 4(f) use of Huewaiḡī.

5.2 Kūki‘iahu & Sumida Watercress Farm

Kūki‘iahu is the site of a 1794 battle between the warriors of Kā‘eokūlani and Kalanikūpule. Kā‘eokūlani was killed in this battle. The dead were gathered and taken down to the shore at Pa‘aiau. Although the site meets other NRHP criteria, the SHPO concurred that it does not retain integrity. Because it does not retain integrity, Kūki‘iahu is not eligible for the NRHP. Therefore, Section 4(f) does not apply to Kūki‘iahu because it is not a Section 4(f) property. Kūki‘iahu is, however, co-located with (within the boundaries of) the Sumida Watercress Farm, which was previously identified as NRHP-eligible and evaluated under Section 4(f) in the original EIS and prior Section 4(f) evaluation. But, Kūki‘iahu is a non-contributing element of the Sumida Watercress Farm. As a result, the prior determination that the Project would have No Adverse Effect on and would not result in a Section 4(f) use of the Sumida Watercress Farm remains unchanged.



Figure 3. Huewaiḡ (Site 28).

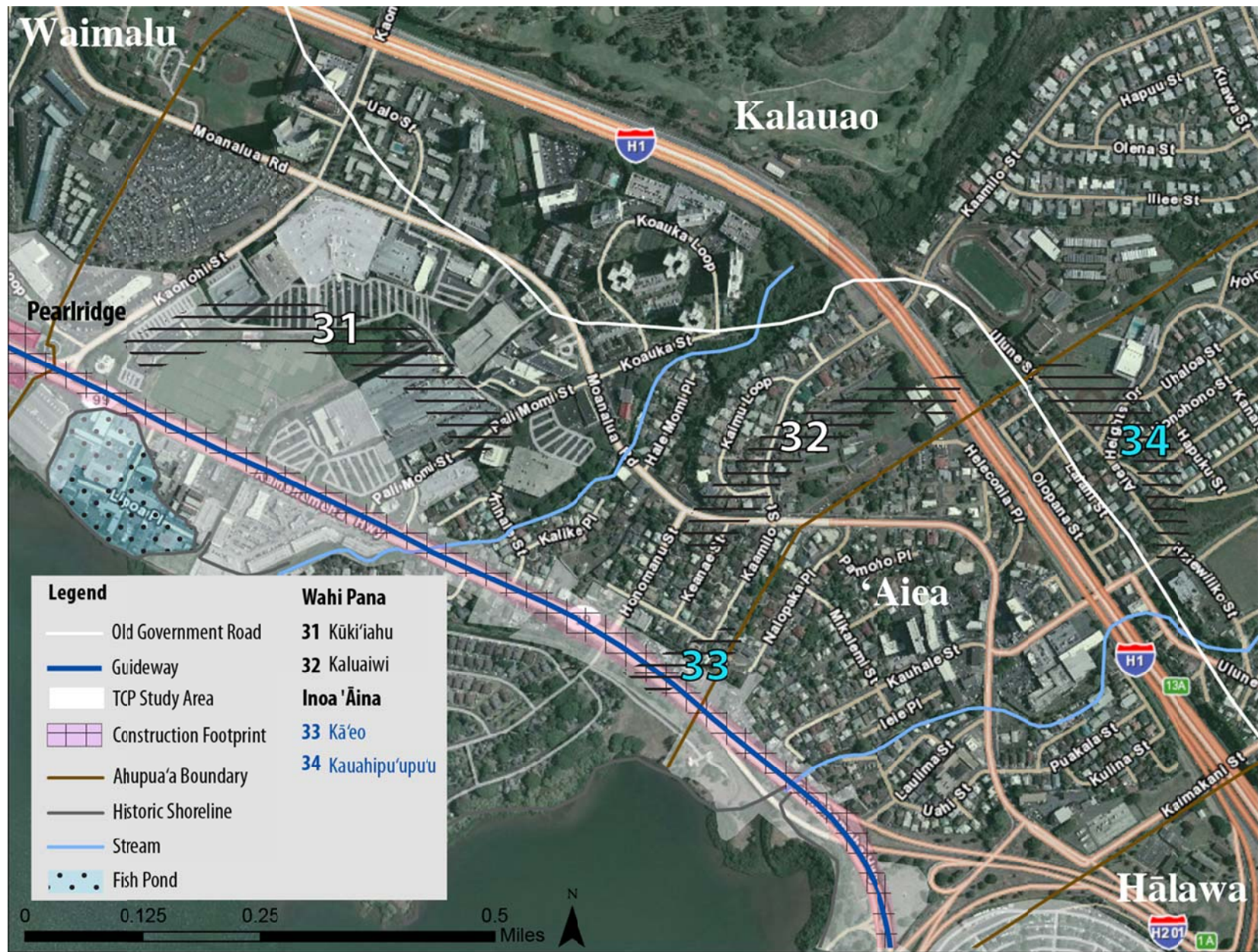


Figure 4. Kūki'iahu (Site 31)

6.0 References

- FTA 2012 Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3, Honolulu Rail Transit Project, May 25, 2012.
- FTA 2013 Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project.
- Kumu Pono 2012 Mo‘olelo ‘aina –Traditions and Storied Places in the District of ‘Ewa And Moanalua (In The District of Kona), Island of O‘ahu. A Traditional Cultural Properties Study – Technical Report. Kumo Pono Associates, LLC. April 20, 2012.
- Kumu Pono 2013 He Mo‘olelo ‘Āina – Traditions And Storied Places In The District of Kona — Honolulu Region (Lands Of Kalili To Waikīkī), Island Of O‘ahu. A Traditional Cultural Properties Study – Technical Report. Kumo Pono Associates, LLC. April 24, 2013
- SRIF and Kumo Pono 2012 Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Sections 1-3 for the Honolulu Rail Transit Project. Management Summary. The SRI Foundation, Rio Rancho New Mexico and Kumo Pono Associates, LLC, Kane‘ohe, Hawai‘i. April 20, 2012.
- SRIF and Kumo Pono 2013 Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project. Management Summary. The SRI Foundation, Rio Rancho New Mexico and Kumo Pono Associates, LLC, Kane‘ohe, Hawai‘i. April 24, 2013.

Appendix F—Amended Record of Decision

**Amended Record of Decision
on the
Honolulu High Capacity Transit Corridor Project
in
Metropolitan Honolulu, Hawai‘i
by the
Federal Transit Administration**

This Amended Record of Decision (ROD) amends the ROD previously issued in January 2011 (January 2011 ROD). The ROD has been supplemented in the section below titled “Supplemental EIS/Section 4(f) Evaluation” pertaining to the supplemental environmental review conducted in compliance with the Judgment and Partial Injunction of the District Court for the District of Hawai‘i, dated December 27, 2012, in *HonoluluTraffic.com, et al. v. Federal Transit Administration, et al.*, Civ. No. 11-00307 AWT. Except for the findings and decisions referenced in the section below titled “Supplemental EIS/Section 4(f) Evaluation”, the findings and determinations made in the January 2011 ROD are unaltered.

The environmental record for the Project consists of the Draft and Final EIS, Draft and Final Supplemental EIS/Section 4(f) Evaluation and this Amended ROD, which includes the mitigation monitoring program (Attachment A) and the Section 106 Programmatic Agreement (Attachment B). Attachment C responds to public and agency comments on the Final EIS. Attachment D includes relevant correspondence.

Decision

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related Federal environmental statutes, regulations, and executive orders have been satisfied for the Honolulu High-Capacity Transit Corridor Project (the Project) located in metropolitan Honolulu, Hawai‘i.

This environmental Record of Decision (ROD) applies to the fixed guideway transit alternative from downtown Honolulu to the University of Hawai‘i – West O‘ahu via the Airport, which was described and evaluated as the preferred alternative in the *Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement/Section 4(f) Evaluation*, dated June 2010 (the Final EIS). The Project sponsor, the City and County of Honolulu Department of Transportation Services (the City), seeks financial assistance from the FTA for the Project. If FTA provides financial assistance for the final design or construction of the Project, FTA will require that the City and County of Honolulu, and any successor agency to the City and County of Honolulu sponsoring or managing the Project, design and build it as presented in the Final EIS and this ROD. Any proposed change by the City or its successor must be evaluated in accordance with 22 CFR § 771.130 and must be approved by the FTA in writing before the agency requesting the change can proceed with the change.

Background

The Project is a 20-mile grade-separated fixed guideway rail system that begins at the University of Hawai‘i – West O‘ahu near the future Kroc Center and proceeds east via Farrington Highway and Kamehameha Highway adjacent to Pearl Harbor to Aolele Street serving the Airport, to Dillingham Boulevard, to Nimitz Highway, to Halekauwila Street, and ending at Ala Moana Center. The entire system will operate in an exclusive right-of-way and will be grade-separated except in a location near Leeward Community College. The Project will include 21 transit stations, a vehicle maintenance storage facility near Leeward Community College, park-and-ride lots at some stations, traction power substations, and the acquisition of rail vehicles and maintenance equipment.

As the Project sponsor and potential recipient of FTA financial assistance for the Project, the City served as a co-lead agency with FTA in conducting the environmental review process. The U.S. Army Garrison – Hawai‘i, the U.S. Naval Base – Pearl Harbor, the Federal Aviation Administration, and the Federal Highway Administration served as NEPA cooperating agencies. Each of these Federal agencies may have a Federal action associated with the Project. The State of Hawai‘i Department of Transportation also served as a cooperating agency.

Planning for the Project

The purpose of the Project is to improve transit in the congested east-west transportation corridor confined by the mountains to the north and the sea to the south, a fairly linear urban configuration where the population and employment levels warrant a high capacity rapid transit system. Improved transit in this east-west corridor has been studied in detail numerous times by the City and the federal government since the early 1960s. More recent planning studies leading to this Project include the 2030 O‘ahu Regional Transportation Plan and the 2005-2006 Alternatives Analysis.

In 2004 and 2005, the O‘ahu Metropolitan Planning Organization identified the need for a fixed guideway transit system in its *O‘ahu Regional Transportation Plan 2010* (ORTP 2030). Development of the ORTP 2030 was a public process and system-planning effort that identified and prioritized the east-west H-1 travel corridor as having the greatest need for improved transit service. A range of transportation scenarios for O‘ahu were evaluated, including fixed guideway transit in various corridors and alternatives that did not include a fixed guideway. The ORTP 2030 envisions that the fixed guideway rail system will become the backbone of the transit system – connecting the major employment and residential centers to each other and Downtown Honolulu (Downtown).

In 2005, the State Legislature recognized the need and public support for the high-capacity transit system on O‘ahu and passed Act 247, Session Laws and Hawai‘i 2005, *Relating to County Surcharge on State Tax*. Act 247 authorized the City to levy a general excise and use tax (GET) surcharge to conduct and operate a mass transit system serving O‘ahu. The City Council subsequently adopted Ordinance 05-027 to levy a tax surcharge to fund public transportation. With dedicated, secure local funding established for the first time, the City began the Alternatives Analysis process to evaluate high-capacity transit alternatives in the study corridor.

The *Honolulu High-Capacity Transit Corridor Project Alternatives Analysis Report* (City and County of Honolulu Department of Transportation Services [DTS], 2006b) completed in November 2006 documented the evaluation of three build alternatives that would provide transit service in the study corridor between Kapolei and UH Mānoa. In accordance with FTA guidance, the Alternatives Analysis evaluated and screened a range of transit modes and general alignment alternatives in terms of their cost, benefits, and impacts.

After the review of the Alternatives Analysis and consideration of comments received from the public, the City Council identified a Fixed Guideway Transit System Alternative as the locally preferred alternatives on December 22, 2006 in Ordinance 07-001. FTA and the City proceeded with the NEPA review of this proposed action.

FTA published the Notice of Intent to prepare an EIS for this Project in the *Federal Register* on March 15, 2007, and the EIS scoping process was concluded in April 2007.

On November 4, 2008, the voters of O‘ahu passed a charter amendment declaring that the City should establish a steel-wheel on steel-rail transit system. The Notice of Availability of the Draft EIS was published in the *Federal Register* on November 21, 2008 with the extended public comment period ending on February 6, 2009. The City Council passed resolution 08-261 on January 28, 2009, which resolved that the Airport Alternative best meets the City’s financial and transportation objectives for the project. The Airport Alternative was evaluated in the Final EIS as the NEPA preferred alternative.

FTA approved distribution of the Final EIS on June 14, 2010, and a Notice of Availability of the Final EIS was published by the U.S. Environmental Protection Agency (EPA) on June 25, 2010 in the *Federal Register*. FTA extended the public review period for the Final EIS to August 26, 2010.

Alternatives Considered

FTA and the City considered a broad range of alternatives in various studies prior to the initiation of the NEPA process and continuing through the Draft and Final EIS.

Alternatives Analysis Process

During 2005 and 2006, the City conducted an Alternatives Analysis that considered a variety of highway, bus, and fixed guideway options. Both modal technology and alignment options were combined to create a number of alternatives for consideration. The Alternatives Analysis evaluated and screened these alternatives in terms of their cost, benefit, and impacts and their ability to meet the Project’s purpose and need. The alternatives were identified through previous transit studies, field reviews of the study corridor, analysis of current population and employment data for the study corridor, a literature review of technology modes, work completed for the ORTP 2030, and public and agency comments received.

Transit Technologies Considered: As documented in the *Final Technology Options Memo (DTS 2000)*, a variety of alternative transit technologies were considered during the alternatives

analysis and EIS processes. Certain technologies that were eliminated from further consideration and the primary reason for elimination are:

- *Personal rapid transit* was eliminated based on lack of technical maturity and low cruise speeds.
- *Commuter rail* was eliminated based on poor operating performance and because the study corridor needs short station spacing, especially in the urban core, spacing that commuter rail cannot provide.
- *Waterborne ferry service* was eliminated because it could not meet line capacity requirements nor did it have the ability to service many of the key activity centers in the corridor.
- *Rubber-tired guided* vehicles were eliminated due to its being a propriety technology (lack of supplier competition) and technical immaturity.
- *Diesel Multiple Unit (DMU)* was eliminated due to its moderate technical maturity and lack of supplier competition.
- *Magnetic levitation* was eliminated due to its being a proprietary technology unproven in the U.S.
- *Monorail* was eliminated due to proprietary technology.

Alternative Alignments Considered: The following alternatives were considered but eliminated from further consideration for the reasons described below:

- *Tunnel Crossing* – The tunnel crossing beneath Pearl Harbor was rejected because it would not improve connectivity within the study corridor.
- *At-grade Light-rail Transit and At-Grade Alternatives in Downtown* – The process considered 15 combinations of tunnel, at-grade, or elevated alignments between Iwilei and Ward Avenue and five different alignments through Downtown. Some of the technical considerations associated with an at-grade versus elevated alignment through Downtown included: (1) System Capacity, Speed, and Reliability – The short, 200-foot (or less) blocks in Downtown would permanently limit an at-grade system to two-car trains to prevent stopped trains from blocking vehicular traffic on cross-streets; (2) Mixed-Traffic Conflicts – An at-grade system would have prevented effective coordination of traffic signals in the delicately balanced signal network in Downtown. An at-grade light rail system with continuous tracks in-street would have created major impediments to turning movements; (3) Construction Impacts – An at-grade rail system would have increased utility conflicts and impacts to sensitive cultural resources; (4) Purpose and Need – An at-grade system would not have met the Project's Purpose and Need because it would not have satisfied the mobility and reliability needs of the Project.

- *Various Fixed Guideway Options* – A total of 75 fixed guideway alignment options were considered and screened to a smaller number to be evaluated in more detail. The corridor was divided into eight geographic sections and between 4 and 16 alignment options were evaluated for each of these sections. Within each section, the alignments retained for further evaluation were those that demonstrated the best performance related to mobility and accessibility, smart growth and economic development, constructability and cost, community and environmental quality, and consistency with adopted plans.
- *Transportation System Management Alternative (TSM)* – This alternative was developed to evaluate how well a combination of relatively low-cost transit improvements could meet the study area’s transit needs. Bus service was optimized by increasing bus service but without building a new fixed guideway for transit.
- *Managed Lane Alternative* – This alternative would have provided a two-lane elevated toll facility between Waipahu and Downtown, with variable pricing strategies for single-occupant vehicles to maintain free-flow speeds for transit and high-occupancy vehicles. This alternative would not have supported forecasted population and employment growth in plans previously adopted by the City pursuant to the *Hawai‘i State Planning Act* (HRS Chapter 226). This alternative would have provided very little transit benefit at a high-cost. The cost-per-hour of transit-user benefits for the alternative would have been two to three times higher than that for the Fixed Guideway Alternative and would have substantially improved service or access to transit for transit-dependent communities. In sum, the Managed Lane Alternative failed to meet the Project’s Purpose and Need as it would not have improved corridor mobility or travel reliability.

EIS Process

During the scoping of the EIS, the results of the planning Alternatives Analysis was presented for public and agency comment. The EIS incorporated by reference the Alternatives Analysis and its results. Building on the Alternative Analysis, four alternatives including the proposed action (i.e., the locally preferred alternative) were carried forward and were further evaluated in the Draft EIS. They included the No-Build Alternative and three build alternatives as described below:

- *No Build Alternative* – This alternative was evaluated to provide a comparison of what the future conditions would be if none of the Build Alternatives were implemented. Due to increasing traffic congestion and slower travel times, transit service levels and passenger capacity under the No Build would remain about the same as they are today.
- *Airport Alternative* – The NEPA preferred alternative, referred to in the Final EIS as the Project or the Airport Alternative, was one of three build alternatives evaluated in the Draft EIS. The Airport Alternative will carry the most passengers and provide the greatest transit-user benefits. It will provide access to employment centers at Pearl Harbor Naval Base and Honolulu International Airport and will have substantially greater ridership to those areas than the Salt Lake Alternative. The Airport Alternative will have

slightly lower potential for encountering archaeological resources but will affect more historic resources than the Salt Lake Alternative.

- *Salt Lake Alternative* – This alternative would have included the construction and operation of a grade-separated elevated fixed guideway transit system with the same characteristics described for the Project. At the west end, the guideway would have followed the same alignment as described for the Project. However, in the vicinity of Aloha Stadium, the guideway would have left Kamehameha Highway immediately west of Aloha Stadium, crossed the Aloha Stadium main parking lot, and continued east along Salt Lake Boulevard. It would have followed Pūkōloa Street through Māpunapuna before crossing and following Moanalua Stream to cross over the H-1 Freeway and continued to the Middle Street Transit Center. From this point, the guideway would have followed the same alignment as described for the Project to Ala Moana Center.
- *Airport & Salt Lake Alternative* – This alternative would have been identical to the Salt Lake Alternative, with an additional segment that would have followed Kamehameha Highway and Aolele Street from Aloha Stadium to Middle Street. This alternative would have followed the same alignments described for both the Salt Lake Alternative and the Airport Alternative. The Aloha Stadium Station on Kamehameha Highway would have been relocated north to provide an Arizona Memorial Station instead of a second Aloha Stadium Station. At the Middle Street Transit Center Station, each line would have had a separate platform with a concourse providing a pedestrian connection between them to allow passengers to transfer. This alternative would have resulted in greatest impact because the most resources would have been affected.

The Final EIS identified the Airport Alternative as the Preferred Alternative which is the subject of this ROD. This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments received on the Draft EIS, and the City Council action under Resolution 08-261 identifying the Airport Alternative as the Project. The Final EIS included additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS.

Description of the Project

The Project as described in the Final EIS is the subject of this ROD.

It consists of the 20-mile elevated guideway with 21 stations and supporting facilities. Supporting facilities include: a vehicle maintenance and storage facility (MSF), transit centers, park-and-ride lots, traction power stations approximately every mile, a parking structure, and an access ramp from the H-2 Freeway to the Pearl Highlands park-and-ride. The MSF will be located near Leeward Community College. This site was selected over an alternate site at Ho‘opili due to its central location on the rail line, the guideway being at-grade at this location, its better access to the mainline, and its being the least costly option since there is no need for access tracks. By comparison, the Ho‘opili site would have been further away from the guideway, been more costly to design and construct approximately one mile of elevated access

tracks to connect the site to the guideway, and required zoning of State agricultural land. For these reasons, the MSF site near Leeward Community College was selected.

From Wai'anae to Koko Head (west to east), the guideway will follow North-South Road and other future roadways to Farrington Highway. The guideway will follow Farrington Highway east on an elevated structure and continue along Kamehameha Highway to the vicinity of Aloha Stadium. The guideway will continue past Aloha Stadium along Kamehameha Highway north to Nimitz Highway and turn north onto Aolele Street. It will then follow Aolele Street, Ualena Street, and Waiwai Loop east to reconnect to Nimitz Highway near Moanalua Stream and continue to the Middle Street Transit Center.

East of Middle Street, the guideway will follow Dillingham Boulevard to the vicinity of Ka'aahi Street and then turn east to connect to Nimitz Highway near Iwilei Road. The guideway will follow Nimitz Highway east to Halekauwila Street, and then proceed along Halekauwila Street past Ward Avenue, where it will transition to Queen Street. The guideway will cross from Waimanu Street to Kona Street in the vicinity of Pensacola Street. The guideway will run above Kona Street to Ala Mona Center.

Construction staging will occur on sites that will be permanently used by the Project and whose environmental disturbance was evaluated in the Final EIS for that reason. Pre-casting of concrete sections of the guideway and other concrete elements will occur at a commercial site identified in the letter from the City included in Attachment D.

Basis for Decision

FTA has determined that the Project meets the Purpose and Needs of the proposed action as discussed below.

Improves Corridor Mobility – The Project will substantially improve corridor mobility in the most highly congested corridor in the City. Transit ridership will increase by approximately 56,200 trips per day or 25 percent by 2030, and transit users will save more than 20 million equivalent hours of travel time per year by 2030.

Improves Corridor Travel Reliability – Predictable travel time for transit riders will increase substantially as trips were moved from buses operating on streets in mixed traffic and congested freeways to the fixed guideway. Transit trips on the exclusive fixed guideway will not be subject to traffic delay.

Support for Transit Oriented Development – The Project will support development and redevelopment around stations by enhancing access and supplying a daily influx of transit riders and potential customers for businesses. Although the construction of the Project does not directly cause development to occur, land use plans and policies will encourage new development to be located near transit stations to take advantage of the transportation infrastructure and increased accessibility afforded by the Project. With the Project, approximately 60,000 additional residents and 27,000 new jobs will be located within walking distance of stations in 2030.

Improves Transit Equity – The Project will provide service in the area of the City where the transit need is greatest. The Project will connect areas that have the highest transit dependency, which includes “communities of concern” designated by the City. Based on demographics within the study corridor, the demand and need for public transit on O‘ahu is greatest within the areas served by the Project.

Measures to Mitigate the Adverse Effects of the Project

Measures to mitigate the effects of the Project were considered during the Project’s development in coordination with the interested agencies. All reasonable means to avoid and minimize the adverse effects of the Project have been adopted. The mitigation commitments are briefly described in Attachment A, *Mitigation Monitoring Program to Ensure Fulfillment of All Environmental and Related Commitments in the Final EIS and Section 106 Programmatic Agreement*, which also describes the monitoring and enforcement program. Most mitigation measures were detailed in the Final EIS, though a few were added in this ROD in response to comments received or final consultations. For mitigation described in the Final EIS and mentioned in this ROD, the detailed description of the mitigation measure provided in the Final EIS will require a review in accordance with 23 CFR § 771.130 and must be approved by FTA in writing.

Public Involvement and Outreach

Development of the Project has included public outreach using different venues and techniques for participation by the public and other agencies, as summarized below:

- Various printed informational materials were produced that included newsletters, fact sheets, brochures, media releases, public meeting announcements, and project handouts.
- Informational radio and video segments were produced and broadcast on commercial stations, public access, and the Internet.
- A Project website (www.honolulutransit.org) was created to post project information and to receive public input.
- Electronic versions of the Draft EIS and Final EIS were uploaded to the Project website.
- An interactive DVD on the Draft EIS, a 28-minute video guide to the Draft EIS, and a computer animated fly-through of the Airport and Salt Lake Alternatives were sent to all recipients of the Draft EIS.
- A telephone information line (808-566-2299) was established.
- The City participated in radio programs and a monthly show on public access television.
- Islandwide community updates were held to share information and gather input on significant milestone decisions.
- The City attended neighborhood board meetings.
- The City participated in Speakers Bureaus, community events and coffee hours to provide Project information to community groups, agencies, and organizations.
- Feedback was solicited from various government and other agencies through direct contact with elected officials, neighborhood boards, the Transit Solutions Advisory Committee, stakeholders, and interested organizations.

- NEPA scoping meetings were held in March and April 2007 and an agency scoping meeting in March 2007. Comments were received via mail, website, and the telephone line and at scoping meetings.
- The City participated in town hall meetings.
- Approximately 20 half-hour information shows about the Project have been produced and broadcast on local 'Ōlelo television.
- The City participated in approximately 800 community events such as the Hawaiian Products Show, Annual Splendor of China event, Energy Expo, Job Quest Job Fair, Seniors & Disabilities Workshop, Asia Pacific Clean Energy Expo, Hawai'i Lodging, Hospitality & Foodservice Expo, Dragon Boat Race, and Workforce Job Fair to present and discuss the Project.
- Station design workshops were held to solicit community input and ideas about station design elements and the interface between each station and the surrounding community.
- Public hearings on the Draft EIS were advertised in major local newspapers, on local radio and television, and in ethnic and cultural newspapers in several languages. The hearings and the document's availability were also announced through the Project's website, hotline, newsletters, and a postcard mailed to area residents, agencies and organizations on the Project's mailing list.
- A public information meeting was held by the City Council on July 14, 2010, after the first Notice of Availability of the Final EIS was published in the Federal Register. Both oral and written testimony was accepted from the public and submitted to FTA and the City for consideration.
- Consultation occurred with various consulting parties as required by Section 106 of the National Historic Preservation Act. Extensive effort was made to identify, contact and consult with groups entitled to be consulting parties relating to archaeological, cultural, and historic resources adversely affected by the Project. The City and FTA consulted with over 30 organizations and agencies, including a number of Native Hawaiian organizations. Between July 28, 2009 and November 14, 2009, FTA and the City participated in a series of consulting meetings to develop the Section 106 Programmatic Agreement (Appendix B). FTA and the City continued correspondence with these consulting parties over the next year, including a meeting on January 3, 2011, as the Programmatic Agreement was refined with the assistance of the Signatories and Invited Signatories.
- Agency coordination occurred throughout the planning and environmental processes, as described in Section 8.4.2 of the Final EIS. Cooperating agencies were offered the opportunity to be briefed on the Project and given an opportunity to comment on preliminary copies of both the Draft EIS and Final EIS.

Determinations and Findings

Section 106 of the National Historic Preservation Act

FTA determined that the Project would have an adverse effect on historic properties. The Section 106 Programmatic Agreement is included as Attachment B of this ROD.

Air Quality Conformity

The entire State of Hawai'i is designated by EPA as in attainment of the health standards for the transportation-related air pollutants: carbon monoxide (CO), ozone (O₃), and particulate matter (PM and PM₁₀ and PM_{2.5}). Therefore, the EPA requirements for conformity with air quality plans do not apply to this Project.

Section 4(f) Findings

The Project will result in the direct use of 11 Section 4(f) historic properties, use with *de minimis* impacts on two historic properties; use with *de minimis* impacts on three park and recreational properties; and temporary occupancy of two recreational properties. Chapter 5 of the Final EIS evaluates these issues and resources.

Regarding the use of Afuso House, Higa Four-Plex, Teixeira House, Lava Rock Curbs, Kalama Canal Bridge, Six Quonset Huts, True Kamani Trees, O'ahu Railway & Land Company Terminal Building, O'ahu Railway & Land Company Office/Document Storage Building, Chinatown Historic District, Dillingham Transportation Building, HECO Downtown Plant and Leslie A. Hicks Building, FTA has determined that: (1) there is no feasible and prudent avoidance alternative, as defined in 23 C.F.R. § 774.17, to the use of lands from these properties; and (2) the Project includes all possible planning, as defined in 23 C.F.R. § 774.17, to minimize harm to the property resulting from such use. The basis for these findings is discussed in Section 5.4 and 5.5 of the Final EIS.

Regarding *de minimis* impacts to Boulevard Saimin, O'ahu Railway & Land Company basalt paving blocks, O'ahu Railway & Land Company former filing station, FTA has received written concurrence from the SHPO and the ACHP in a finding of "no adverse effect" in accordance with 36 C.F.R. part 800, as indicated by their signing of the Section 106 Agreement in Appendix B. FTA hereby determines that the Project will have a *de minimis* impact on these historic properties.

Regarding *de minimis* impacts to Aloha Stadium, Ke'ehi Lagoon Beach Park, and Pacific War Memorial Site, FTA informed the officials with jurisdiction of its intent to make a *de minimis* impact finding for the use of these parks and recreational resources. Following an opportunity for public review and comment, no comments were received from the public and one comment was received from the Department of Accounting and General Services re-affirming that they had no objection to the *de minimis* impact finding for Aloha Stadium. Comment also was received from City's Department of Parks and Recreation in regard to preparation of an agreement for the use of Ke'ehi Lagoon Beach Park and the Pacific War Memorial site properties. As such, the officials with jurisdiction over the Section 4(f) resources concurred, in writing, that the Project will not adversely affect the activities, features, or attributes that make these properties eligible for Section 4(f) protection. (Appendix F in the Final EIS, Agency Correspondence and Coordination). FTA hereby determines that the Project will not adversely affect the features, attributes, or activities qualifying these properties for protection under Section 4(f); therefore, the Project will have a *de minimis* impact on these properties.

Regarding temporary occupancy of Pearl Harbor Bike Path and Future Middle Loch Park, FTA hereby determines that, pursuant to 23 C.F.R. § 774.13(d), these temporary occupancies of land are so minimal as to not constitute a use within the meaning of Section 4(f). The conditions for satisfying a temporary occupancy and the basis for this determination are discussed in Section 5.7 of the Final EIS.

In Section 5.8, FTA evaluated two feasible and prudent alternatives (Airport alignment and Salt Lake Alternative alignment) to determine which one resulted in the least overall harm in light of Section 4(f)'s preservation purpose. In this evaluation, FTA found that there were few differences between the Airport Alternative and the Salt Lake Alternative alignments in terms of use of Section 4(f) properties except in the center portion of the project corridor. In this portion of the corridor, where the two alternative alignments diverge, the Salt Lake Alternative would have had a direct use of Aloha Stadium and a possible direct use at Radford High School. The Airport Alternative would not result in a direct use to properties within this same corridor and therefore, would have the least overall harm in light of Section 4(f)'s preservation purposes.

Endangered Species Act

Ko'olo'ula (*Abutilon menziesii*), an endemic plant species, was not observed during the field surveys; however, the Project is known to be in close proximity to extant plant clusters and within approximately 200 feet of the northern edge of an established contingency reserve. Ko'olo'ula is an endangered Hawaiian hibiscus that grows in dryland forests. In October 2010, the U.S. Fish and Wildlife Service (USFWS) concurred in the FTA determination that the Project is not likely to adversely affect any threatened or endangered species, in accordance with Section 7 of the Endangered Species Act, as amended (7 U.S.C. § 136; 16 U.S.C. § 1531 et seq.). The City will implement the minimization measures described in FTA's letter to USFWS, dated September 15, 2010 (Attachment D). These commitments also are included in Attachment A, the Mitigation Monitoring Program.

Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

Coordination with federal, state and local agencies was conducted in compliance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act as described in Section 4.14.1 of the Final EIS. The Project will permanently encroach upon approximately 0.08 acre of waters of the U.S. These impacts are from placing piers in Waiawa Springs, Moanalua Stream, Kapalama Canal Stream, and Nu'uaniu Stream and Waiawa Streams. Permanent mitigation features are proposed at Waiawa Stream, within the Pearl Highlands Station area and are included in Attachment A, the Mitigation Monitoring Program.

Executive Order 11988: Floodplain Management

The guideway will cross several floodplains but will not cause significant floodplain encroachment as defined by U.S. Department of Transportation Order 5650.2, *Floodplain Management and Protection*, which implements Executive Order 11988. Any changes caused by the Project will be mitigated through design to comply with current flood zone regulations.

With mitigation, which is included in Attachment A (Mitigation Monitoring Program), the Project will not raise base flood elevations.

Executive Order 12898: Environmental Justice

The Pearl Highlands Station will displace the Banana Patch community which is made up of people of Asian descent who depend on a simple agrarian lifestyle in their present location. FTA has now concluded, in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, that this community would be subject to disproportionately high and adverse human health or environmental effects as a result of the Project, unless mitigation actions beyond those required by the *Uniform Relocation Assistance and Real Property Acquisition Policies Act* are incorporated into the Project. To the extent that the community so desires, it will be relocated as a community to a location where its unique lifestyle can be maintained. This mitigation commitment is included in Attachment A (Mitigation Monitoring Program) to ensure that it is carried out. With this mitigation, the disproportionate adverse impact on this community is eliminated.

Supplemental EIS/Section 4(f) Evaluation

The Judgment and Partial Injunction of the United States District Court for the District of Hawai'i (Court) in *HonoluluTraffic.com, et al. v. Federal Transit Administration, et al.*, Civ. No. 11-00307 AWT, filed December 27, 2012, remanded the matter to the FTA, and required the FTA and the City to undertake an additional Section 4(f) analysis as described in the Court's Order on Cross-Motions for Summary Judgment (Summary Judgment Order) dated November 1, 2012. The Court's Summary Judgment Order granted the Motions for Summary Judgment of the FTA and the City with regard to the Plaintiffs' claims under the NEPA and the National Historic Preservation Act, as well as under Section 4(f) of the Department of Transportation Act (Section 4(f)), with the exception of three Section 4(f) claims. In the Summary Judgment Order, the Court concluded that the FTA and the City were required to conduct additional analyses (1) regarding whether the Beretania Street Tunnel Alternative was a feasible and prudent alternative under Section 4(f), (2) regarding whether the Project would "constructively use" Mother Waldron Neighborhood Park under Section 4(f), and (3) to identify traditional cultural properties (TCP) and, for any TCPs identified as eligible for inclusion on the National Register of Historic Places (NRHP), complete a Section 4(f) analysis. The Summary Judgment Order required the FTA and the City to supplement the FEIS and ROD to reflect the additional analysis regarding the feasibility and prudence of the Beretania Street Tunnel Alternative. (Summary Judgment Order, page 27.) The Summary Judgment Order also stated that the Final EIS "must also be supplemented to the extent that [the analysis of the constructive use of Mother Waldron Neighborhood Park] affects the analysis or conclusions." (Summary Judgment Order, page 21.)

The Final Supplemental EIS/Section 4(f) Evaluation was prepared in accordance with the Judgment and Partial Injunction and the Summary Judgment Order. In addition, FTA conducted a "least overall harm" analysis as required by 23 CFR § 774.3(c), in any instance where FTA finds that there is no feasible and prudent avoidance alternative to the use of Section 4(f) properties. The Draft Supplemental EIS/Section 4(f) Evaluation was issued for public review and comment on May 31, 2013, and notice of availability appeared in the Federal Register on June 7, 2013. A public hearing on the Draft Supplemental EIS/Section 4(f) Evaluation was held on July 9, 2013, in Honolulu, Hawai'i. The comment period for the Draft Supplemental EIS/Section 4(f) Evaluation ended on July 22, 2013. The Final Supplemental EIS/Section 4(f) Evaluation includes all comments received on the Draft Supplemental EIS/Section 4(f) Evaluation and responses to each comment. The Final Supplemental EIS/Section 4(f) Evaluation was issued concurrently with this Amended ROD per Pub. L. 112-141, 126 Stat. 405, Section 1319(b).

FTA finds that the Beretania Street Tunnel Alternative is not a feasible and prudent avoidance alternative. The Beretania Street Tunnel Alternative is not an avoidance alternative because it results in a use of Section 4(f) properties. The Beretania Street Tunnel Alternative is feasible to construct as a matter of engineering, but it is not prudent because of its extraordinary cost, and other factors such as environmental and long-term construction impacts. The impacts on parks and historic properties; settlement risks from tunnel construction; visual impacts; traffic and business access disruption during construction; and delayed benefits from this alternative contribute to the imprudence of the Beretania Street Tunnel Alternative. The overall extraordinary increase in the cost of the alternative alone makes the alternative imprudent.

Further, pursuant to 23 CFR § 774.3(c), FTA evaluated the Project and the Beretania Street Tunnel Alternative on the following seven factors to determine which of those alternatives causes the least overall harm: (1) ability to mitigate impacts; (2) relative severity of the remaining harm after mitigation; (3) relative significance of Section 4(f) properties; (4) views of the officials with jurisdiction over Section 4(f) properties; (5) degree to which purpose and need are met; (6) magnitude of adverse impacts, after mitigation, to non-Section 4(f) properties; and (7) cost. After evaluating those factors, FTA finds that the Project, when compared to the Beretania Street Tunnel Alternative, causes the least overall harm in light of the statute's preservation purpose.

Section 4(f) applies to Mother Waldron Neighborhood Park and Playground as both a public park and as a historic site. The Project will not result in a direct use or temporary occupancy of Mother Waldron Neighborhood Park and Playground. The guideway would introduce a new visual element into Mother Waldron Playground's setting. However, the introduction of that visual element does not substantially impair the historic attributes and features that cause the playground to be eligible for the NRHP. Moreover, the Project will not create proximity impacts so severe that the protected activities, features, or attributes that qualify Mother Waldron Neighborhood Park and Playground for protection under Section 4(f) are substantially impaired. As a result, there will be no constructive use of the Mother Waldron Neighborhood Park and Playground. The City and FTA consulted with the agency with jurisdiction and management responsibility regarding Mother Waldron Park (the City and County of Honolulu Department of Parks and Recreation) regarding the Section 4(f) evaluation of Mother Waldron Park. The Department of Parks and Recreation concurred in the FTA finding that the Project as planned will not constructively use Mother Waldron Park.

The SHPO, a division within the Hawaii Department of Land and Natural Resources (DLNR), and the ACHP were provided copies of the Draft Supplemental EIS/Section 4(f) Evaluation for review and comment on May 31, 2013. The SHPO previously concurred in the effect determination for the Mother Waldron Park in 2011. The SHPO and ACHP are parties to the Programmatic Agreement executed on January 18, 2011, regarding Project mitigation for Mother Waldron Park and other historic properties. The DLNR submitted a reply on the request for comments to the Draft Supplemental EIS/Section 4(f) Evaluation, but did not submit any comments on behalf of the SHPO. The SHPO and ACHP did not submit any comments on the Supplemental EIS/Section 4(f) Evaluation.

Under 23 C.F.R. § 774.3(a)(1), an evaluation of feasible and prudent avoidance alternatives is required if the alternative results in a use of a Section 4(f) property. Despite the conclusion of the Supplemental EIS/Section 4(f) Evaluation, and the concurrence of the Department of Parks and Recreation, that the Project will not constructively use Mother Waldron Park, the City and FTA evaluated whether there were any alternatives that would avoid the impacts to Mother Waldron Park. After that evaluation, the FTA determined that a shift of the alignment to Queen Street would not avoid impacts on other Section 4(f) properties. Other alternative alignments would have impacts on Mother Waldron Park similar to the impacts of the Project.

The Final Supplemental EIS/Section 4(f) references additional analyses conducted by the City and FTA regarding TCPs within the Project's area of potential effect (APE). The TCP analysis for Sections 1 through 3 of the Project is documented in: (1) Honolulu Rail Transit Project, Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3, May 25, 2012; (2) Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Sections 1-3 for the Honolulu Rail Transit Project, Management Summary, SRI Foundation & Kumu Pono Associates LLC, April 20, 2012; and (3) He Mo 'olelo 'Aina – Traditions and Storied Places in the District 'Ewa and Moanalua (in the District of Kona), Island of O'ahu; A Traditional Cultural Properties Study – Technical Report, Kumu Pono Associates LLC, April 20, 2012. These reports were made available for review and comment by the public, including representatives of the Native Hawaiian community, ACHP and other consulting parties identified in the Programmatic Agreement. On June 6, 2012, FTA determined that there was one TCP within the APE of Sections 1-3 that was eligible for the NRHP (Huewaipi), but that the Project would have no adverse effect on that property. Another potential TCP (Kuki' iahu), co-located with the NRHP-eligible Sumida Watercress Farm, was identified through the TCP analysis, but FTA determined that Kuki' iahu lacked integrity. SHPO concurred with those determinations. See Attachment D for SHPO concurrence.

Kuki' iahu lacks integrity and, thus, is not NRHP-eligible. Accordingly, Kuki' iahu is not a Section 4(f) property. FTA and City conducted a Section 4(f) analysis of the NRHP-eligible TCP within the APE of Sections 1-4. See Section 4(f) Evaluation of Previously Unidentified Traditional Cultural Properties in the Honolulu Rail Transit Project (2013). Huewaipi includes the spring that feeds Waiau wetlands in Waimalu, and is currently used for subsistence farming and gardening. Historic maps indicate that the wetland site was also once a lo'i. The spring, wetland and lo'i make up one larger, single site. The Kamehameha Highway transects Huewaipi. At Huewaipi, the Project would construct piers within the median of that highway to support the guideway. There would be no acquisition of right of way and no station or ancillary buildings in or near the site. The site has been marked as a no work zone, and so no temporary staging will occur at the site. Thus, no land from Huewaipi will be permanently incorporated into a transportation facility and there will be no temporary occupancy of Huewaipi. Further, the Project will not constructively use Huewaipi because the Project will not create proximity impacts so severe that the activities, features or attributes that qualify Huewaipi for protection under Section 4(f) are substantially impaired. Based on that analysis, FTA finds that the Project will not use, as that term is defined in 23 C.F.R. § 774.17, Huewaipi. This finding is also consistent with Question 7D of the FHWA 2012 Section 4(f) Policy Paper.

The TCP analysis for Section 4 of the Project is documented in: (1) Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project; (2) Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project, Management Summary, The SRI Foundation and Kumu Pono Associates LLC, April 24, 2013; and (3) He Mo 'olelo 'Aina – Traditions and Storied Places in the District of Kona – Honolulu Region (Lands of Kalihi to Waikiki), Island of O'ahu; A Traditional Cultural Properties Study – Technical Report, Kumu Pono Associates LLC Study No. 131, March 28, 2013. These reports were made available for review and comment by public, including representatives of the Native Hawaiian community, ACHP and other consulting parties identified in the Programmatic Agreement. On August 28, 2013, the FTA determined that there were no new TCPs within the APE for Section 4 that were eligible for the NRHP and, thus, the Project would have no adverse effect on any previously unidentified TCPs within the APE for Section 4 that are eligible for the NRHP. SHPO concurred with those determinations. See Attachment D for SHPO concurrence. Because there are no new NRHP-eligible TCPs within the APE for Section 4, there is no new Section 4(f) use of NRHP-eligible TCPs within the APE for Section 4.



Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX

SEP 30 2013

Date

Attachments:

- Attachment A: Mitigation Monitoring Program
- Attachment B: Section 106 Programmatic Agreement
- Attachment C: Comments on the Final EIS and Responses
- Attachment D: Relevant Correspondence

Attachment A

Mitigation Monitoring Program to Ensure Fulfillment of All Environmental and Related Commitments in the Final EIS, the Record of Decision, and the Section 106 Programmatic Agreement

Honolulu High-Capacity Transit Corridor Project

January 2011

Introduction to Mitigation Monitoring Program

This Attachment describes the environmental Mitigation Monitoring Program that will be conducted by the City and County of Honolulu (City), or its successor agency, and the FTA for the Project that is the subject of this environmental Record of Decision (ROD). The purpose of the Mitigation Monitoring Program is to ensure the execution of all environmental and related commitments made in the Final EIS, in this ROD, and in the Section 106 Programmatic Agreement (PA) for the Project. The mitigation commitments identified for the Project in the Final EIS, ROD, and PA must be implemented by the City (or its successor agency) if the Project proceeds with any FTA financial assistance. These mitigation measures are now incorporated into the definition of the Project. The City (or its successor agency) is prohibited from withdrawing or substantially changing any of the mitigation commitments identified in the Final EIS, ROD, and PA for the Project without express written approval by FTA. In addition, any change to the Project that may involve new or changed environmental or community impacts not yet considered in the existing environmental record must be reviewed in accordance with FTA environmental procedures (23 CFR Part 771.130) and approved by FTA.

Upon FTA's signing of the ROD, the City (or its successor agency) will immediately initiate the Mitigation Monitoring Program and continue it during final design, construction, and start-up of the Project. The purposes of the Mitigation Monitoring Program are: (1) to assist City (or its successor agency) in fulfilling its commitments set forth in the Final EIS, ROD, and PA; and (2) to give FTA a means of checking that its mitigation commitments are, in fact, being met. The Mitigation Monitoring Program will consist of three activities:

- The City (or its successor agency) shall maintain and update the list or database of mitigation commitments provided in this Attachment. Updates shall add to the list or database any environmental commitment resulting from the consultations required in the environmental record, from permits issued by Federal, State, or City agencies, and from new information that may become available as archaeological investigations and construction proceed.
- Tracking the status of the implementation of each mitigation measure by the City (or its successor agency).
- Quarterly review of the Program by the City (or its successor agency) and FTA.

This Attachment is also intended to assist the City (or its successor agency) in meeting its commitments and responsibilities by providing a summary list of the environmental commitments, consultations, and mitigation measures stipulated in the Project's

environmental record. The Final EIS, the PA, and other parts of the ROD provide the needed details about each item listed in this Attachment. The City (or its successor agency) can use this Attachment to incorporate the environmental commitments and mitigation requirements into the Project's plans and specifications and contract documents.

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Property Acquisition and Displacements				
A01 FEIS Sec.4.4	Where relocations will occur, the City will compensate the affected property owners, businesses, and residents in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR part 24).	Design and right-of-way acquisition	City with the right-of-way (ROW) team	
A02 FEIS Sec.4.4	The City will assist all persons and businesses displaced by the Project in locating suitable replacement housing and business sites within an individual's or business's financial means.	Design and right-of-way acquisition	City with the ROW team and General Engineering Contractor (GEC)	
A03 FEIS Sec.4.4	The City will acquire any real property or real property rights needed for the Project in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR part 24). The Real Estate Acquisition Management Plan (RAMP) approved by FTA will be used to monitor compliance parcel by parcel.	Design and right-of-way acquisition	City with the ROW team and GEC	
A04 FEIS Sec.4.4	The City will provide relocation services to all displaced business and residential property owners and tenants without discrimination; persons, businesses, and organizations displaced as a result of the Project will be treated fairly and equitably.	Design and right-of-way acquisition	City with the ROW team	
A05 FEIS Sec.4.4	Where landscaping, sidewalks, or driveway access will be affected by the Project, coordination will occur with the landowner, and these property features will be replaced, or the property owner will be compensated in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR part 24).	Design and Construction	City with the GEC and, design and construction contractors	
A06 FEIS Sec. 4.4	For ceded lands within the Project right-of-way, ownership of these lands will not change. The City will obtain the appropriate permissions from the State for any ceded lands needed for the Project.	Design and right-of-way acquisition	City with the ROW team	
A07 ROD	To the extent that the Banana Patch community so desires, it will be relocated as a community to a location where its unique lifestyle can be maintained. This mitigation exceeds the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and is needed to comply with Executive Order 12898.	Design and right-of-way acquisition	City with the ROW team	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Community Facilities				
CF01 FEIS Sec. 4.5	The City will negotiate partial acquisition or a property use agreement with the University of Hawai'i System. The City will replace light posts that are removed at Honolulu Community College.	Design and construction	City with the Segment IV contractors	
CF02 FEIS Sec. 4.5	The City will replace or relocate on school property the affected portable buildings at Waipahu High School. The City will construct a retaining wall and a new access road to the football field.	Design and construction	City with the Segment I contractors	
CF03 FEIS Sec. 4.5	The City will relocate the portable administration buildings and parking spaces at Leeward Community College. The City will negotiate partial acquisition or a property use agreement with the University of Hawai'i System for the needed land under its control.	Design and construction	City with the Segment I contractors	
CF04 FEIS Sec. 4.5	For the land needed at the UH Manoa Urban Garden Research Center, the City will negotiate partial acquisition or a property use agreement with the University of Hawai'i System.	Design and construction	City with the Segment I contractors	
CF05 FEIS Sec. 4.5	The City will negotiate a partial acquisition or a property use agreement with the Federal government for the following properties: Nimitz Field Pearl City Post Office Honolulu Post Office Prince Kūhiō Kalaniana'ole Federal Building/Courthouse Pearl Harbor Complex	Design and right-of-way acquisition	City with the GEC	
CF06 FEIS Sec. 4.5	The City will negotiate a partial acquisition or a property use agreement with the State for: O'ahu Community Correctional Center and Honolulu International Airport.	Design and right-of-way acquisition	City with the GEC	
CF07 FEIS Sec. 4.5	The City will coordinate with other agencies and stakeholders on the design of the streetscape affected by the Project.	Design and construction	City with the Design contractors	
CF08 FEIS Sec. 4.17	The City shall require the design of the vehicle storage and maintenance facility to achieve a LEED certification at the "Silver" level.	Design and construction	City with the Design contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Visual				
V01A FEIS Sec. 4.8	The City shall develop and apply design guidelines that will establish a consistent design framework for the Project with consideration of local context. The City will ensure that the Project's design guidelines are followed.	Design and Construction	City with the Design and Construction contractors	
V01B FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that guideway materials and surface textures be selected in accordance with generally accepted architectural principles to achieve integration between the guideway and its surrounding environment.	Design	City with the Design contractors	
V01C FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that stations and park-and-ride facilities be designed in a manner that is compatible with the surroundings and are well integrated into the existing urban fabric.	Design	City with the Design contractors	
V01D FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the Project's lighting fixtures incorporate directional shielding where needed to avoid the intrusion of light into sensitive land uses.	Design	City with the Design contractors	
V01E FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that landscaping is used to screen traction power substations in sensitive areas such as residential areas.	Design	City with the Design contractors	
V01F FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that traction power substations be integrated into larger structures in the central business district, to the extent possible.	Design	City with the Design contractors	
V01G FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the Project's signage, materials, street furniture, landscaping, and other detailed design elements enhance the visual environment to the extent possible.	Design	City with the Design contractors	
V01H FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the physical form of the Project stations and support facilities embody Honolulu's and Hawaii's rich cultural heritage.	Design	City with the Design contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
V01I FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the station designs be context-sensitive, and that each station be functionally integrated with its surroundings and culturally expressive of its location.	Design	City with the Design contractors	
V01J FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the lighting design at stations influence the attractiveness of the stations.	Design	City with the Design contractors	
V01K FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that glare and light spill from transit station lights and reflective surfaces be minimized.	Design	City with the Design contractors	
V01L FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the Project use full cut-off luminaires (fixture and lamp design) and low-reflective surfaces.	Design	City with the Design contractors	
V01M FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that light sources in the Project's parking structures not be visible from outside the structure, including the lights on the top decks.	Design	City with the Design contractors	
V01N FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the Project's place in Hawaii be defined by creating an inspired ground plane with landscape planting, paving, and furniture.	Design	City with the Design contractors	
V01O FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that architectural design components unify the guideway and stations over the entire project. To achieve this unity, the City will ensure that the Project's design guidelines require that design elements be repeated in all stations although certain materials be varied based on the community context.	Design	City with the Design contractors	
V01P FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the Kapalama Station have a special planting of true kamani trees.	Design	City with the Design contractors	
V01Q FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that trees displaced by the Project be transplanted to other areas if possible, and that the wood from trees not transplanted be repurposed.	Design	City with the Design contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
V01R FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require: that street tree plantings or transplantings occur adjacent to stations and along the alignment wherever existing streetscape is affected by the Project; that these tree plantings be placed every 50 feet in residential areas and every 40 feet in commercial areas; and that trees be planted a minimum of 3 feet from curbs and 2 feet from the edge of sidewalks.	Design	City with the Design contractors	
V01S FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that planting and paving design play a pivotal role in increasing station identity and direct patrons to the station entrance.	Design	City with the Design contractors	
V01T FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that station approaches link entry plazas with drop-off lanes and public walkways in ways that allow for pedestrian circulation and seating.	Design	City with the Design contractors	
V01U FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that tall vertical plantings or native vines be used to minimize the visibility of traction power substations.	Design	City with the Design contractors	
V01V FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that a minimum of 5 foot walkways be provided around all traction power substations that are near stations.	Design	City with the Design contractors	
V01W FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the guideway columns be softened in appearance and be protected from graffiti by planting native vines that will cover the column, and that the surface texture of the columns be designed to encourage vine attachment and growth.	Design	City with the Design contractors	
V01X FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that plant material be used to provide human scale impressions of the Project.	Design	City with the Design contractors	
V01Y FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the guideway columns be softened by plantings in specified areas.	Design	City with the Design contractors	
V01Z FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that station designs provide for tree relocations in the station area.	Design	City with the Design contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
V02 FEIS Sec. 4.8	The City will ensure that a certified arborist will decide which trees should be transplanted, where they should be transplanted, and where new trees should be planted and to advise on all other Project matters related to trees.	Design and construction	City with the design and construction contractors	
V03 FEIS Sec. 4.8	The City will ensure that the Project's design guidelines require that the certified arborist for the Project decide which existing trees should be protected in place.	Design	City with the Design contractors	
V04 FEIS Sec. 4.8	The City will ensure that the materials used in station construction are consistent with the cultural and historic guidance and recommendations set forth in the Design Language Pattern Book.	Design and construction	City with the design and construction contractors	
V05 FEIS Sec. 4.8	The City shall coordinate Project design with planning for Transit Oriented Development (TOD) by the City Department of Planning and Permitting (DPP).	Design	City with the Design contractors for all segments and stations	
V06 FEIS Sec. 4.8	The City shall consult with the communities surrounding each station for input on station design elements through a series of well-advertised station design workshops that solicit community input and ideas about the interface between each station and the surrounding community.	Design	City with the Design contractors for all stations	
V07 FEIS Sec. 4.8	The City will ensure that the Project's street-level visual impacts are mitigated by landscape and streetscape improvements	Design and construction	City with the design and construction contractors	
V08 FEIS Sec. 4.8	The City shall engage a qualified landscape architect to prepare plans for landscape and streetscape improvements, including new plantings, to mitigate the visual impacts of the Project.	Design and construction	City with the Design contractors for all segments and stations	
V09 FEIS Sec. 4.8 PA	The City will implement Design Standard requirements as set forth in Stipulation IV of the Section 106 Programmatic Agreement (PA), including the completion of neighborhood design workshops and the review of preliminary designs by the PA signatories and concurring parties.	Design	City with the Design contractors for all guideway segments and stations	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Landscaping				
T01 FEIS Sec. 4.15	The City shall ensure that existing trees affected by the Project are transplanted to areas as close to their original locations as feasible or are replaced with new trees.	Design and construction	City with the designers and construction contractors	
T02 FEIS Sec. 4.15	The City will ensure that, if planting a new tree does not offer comparable vegetation to the older mature tree that was removed, additional young trees will be planted that will shortly develop benefits similar to those of the mature tree removed.	Design and construction	City with the designers and construction contractors	
T03 FEIS Sec. 4.15	The City shall ensure that street tree pruning, removal, and planting complies with local ordinances and is supervised by a certified arborist engaged in the Project .	Design and construction	City with the designers and construction contractors	
T04 FEIS Sec. 4.15	The City shall ensure that the locations of transplanted plants are specified by the certified arborist engaged for the Project and that the certified arborist uses the criteria presented on page 4-175 of the FEIS in determining transplant locations.	Design and construction	City with the designers and construction contractors	
T05 FEIS Sec. 4.15	The City shall require trees suitable for transplanting displaced by construction to be relocated to a tree nursery until they can be transplanted to another part of the Project area.	Design and construction	City with the designers and construction contractors.	
T06 FEIS Sec. 4.15	Wherever the Project requires the removal of trees, the City shall require that a landscaping plan with new plantings that provide similar advantages to the community is developed and implemented.	Design and construction	City with the designers and construction contractors	
IS01 FEIS	The City shall ensure that all new plantings be non-invasive plants as defined by the Hawai'i Chapter of the American Society of Landscape Architects, and that native plants be used wherever appropriate.	Design and construction	City with the designers and construction contractors.	
Natural Resources				
NR01 FEIS Sec. 4.13	The City will secure a Certificate of Inclusion from the State in the existing Habitat Conservation Plan (HCP) for ko'oloa'ula and will follow all the measures and requirements in the existing HCP. If a new HCP is needed, or if the existing HCP needs to be amended for any reason, the City will implement the measures outlined by the USFWS in the new or amended HCP.	Design and construction	City with the design and construction contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
NR02 ROD	The City shall monitor the requirements of the ko'oloa'ula HCP applicable to this Project, in coordination with the USFWS, by adding them to this mitigation monitoring program.	Design and construction	City with the design and construction contractors	
Pedestrian and Bicycle Facilities				
PB01 FEIS Sec. 3.4	The City will design and build all sidewalks created or modified by the project to ADA standards.	Design and construction	City with the design and construction contractors	
PB02 FEIS Sec. 3.4	The City will widen the curb lane on Kamehameha Highway to 13 feet to facilitate its designation as a bike route.	Design and construction	City with the design and construction contractors	
PB03 FEIS Sec. 3.4	In accordance with Table 3-25 of the Final EIS, the City will provide sidewalks of the width specified in the Table when building or modifying sidewalks on Farrington Highway, Dillingham Boulevard, and Kamehameha Highway.	Design and construction	City with the design and construction contractors	
PB04 FEIS Sec. 3.4	The City will connect the rail station at the airport to the overseas and interisland terminals with ground-level pedestrian walkways.	Design and construction	City with the design and construction contractors	
Other Transportation Facilities				
OT01 FEIS Sec. 3.4	The City will coordinate with the Federal Aviation Administration, the Airports Division of the Hawaii DOT, and the U.S. Postal Service on the design of the guideway and station at the Airport.	Design	City	
OT02 FEIS Sec. 3.4	45 days prior to commencing construction at the Airport, the City will notify the FAA by appropriate means.	Design prior to Construction	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
OT03 FEIS Sec. 3-4	The City shall modify the following roadway intersections as specified in Section 3.4 of the Final EIS: North-South Road and East-West Connector Road North-South Road and Future Road B Kamehameha Highway at Waihona St. Farrington Highway and Waiawa Road Kamehameha Highway and Kuala St. Kona St. and Ke'eaumoku St. H-2 northbound on-ramp and merge area at Kamehameha Highway	Design and construction	City with the design and construction contractors	
OT04 FEIS Sec. 4-4	The City shall control spillover parking at stations with one or more mitigation strategies as needed, including, but not limited to parking restrictions or issuance of parking permits	Start-up of Operations	City	
OT05 FEIS Sec. 3.4 and 3.5	The City shall establish temporary loading zones during construction and permanent loading zones for freight and passengers as specified in the Final EIS Chapter 3	Construction	City with the construction contractors	
Public Involvement				
PI01 FEIS Sec. 4.18 and 8.7	The City will continue public involvement activities throughout the final design and construction periods. The Project website will be the primary information source for up-to-date Project information. In addition, a Project hotline, news releases, instant messaging and emails, and flyers will be used to provide information to the public.	Design and construction	City with contractors	
PI02 FEIS Sec. 4.6	The City will coordinate with each neighborhood where a station is located to design measures that will enhance the interface between the transit system and the surrounding community.	Design	City with contractors	
Noise and Vibration				
NV01 FEIS Sec. 4.10	The City will include a requirement for wheel skirts in the rail vehicle specifications to reduce noise generated by the Project's vehicles.	Rail Vehicle Design and Acquisition	City and GEC with design-build-operator	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
NV02 FEIS Sec. 4.10	The City will install sound-absorptive materials within the guideway structure in the vicinity of Project noise impacts predicted at three locations. Eight-hundred feet of sound-absorptive material will be installed from Pupukahi Street to Pupupuhi Street. For the building at 860 Halekauwila Street, sound-absorptive material will be required from 200 feet 'Ewa of Kamani Street to 100 feet Koko Head of Kamani Street; a total of 300 feet. The building at 1133 Waimanu will require sound-absorptive material to be installed between Kamake'e Street and Waimanu Street for a total of 920 feet.	Design and Construction	City with the contractors	
NV 03 FEIS Sec. 4.10	Once the Project is operating, field measurements for noise will be conducted at representative sites. Should the Project's noise impacts exceed the FTA noise impact levels, further mitigation may be implemented on the receivers with the authorization of the property owner.	Start-up of Operation	City with design-build-operator	
NV04 FEIS Sec. 4.10	The City will design the elevated guideway to include a parapet wall on both sides of the guideway that extends 3 feet above the top of the rail.	Design and Construction	City with the guideway designers and contractors	
NV05 FEIS Sec. 4.10	In the specifications for all traction power substations for the Project the City shall state that the noise generated by the substation measured at the nearest property line must be an hourly Leq of 45 dBA or less in areas with single-family residential uses and an hourly Leq of 50 dBA or less in areas with multifamily residential uses in accordance with Hawai'i state law (HAR 11-46).	Design and Construction	City with the design contractors	
NV06 FEIS Sec. 4.10	The City will construct the two curved tracks in the maintenance and storage yard that are nearest the main building of Leeward Community College with automatic track lubrication devices installed to eliminate any wheel squeal on those curves.	Design and construction	City with the guideway contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Contaminated Property and Hazardous Materials				
HMW01 FEIS Sec. 4.12	The City will perform a Phase I Site Assessment, in accordance with the procedures of the American Society for Testing Materials (ASTM), of every property that will be wholly or partially acquired for the Project and will use a contractor qualified to perform such Site Assessments. If recommended by the contractor performing the Phase 1 Site Assessment, the City will perform a Phase II Site Assessment (including collecting and analyzing samples).	ROW acquisition and Design	City with contractors	
HMW02 FEIS Sec. 4.12	If contaminated soils, groundwater, or structures are found on a property to be acquired, the City will consult with the Hazard Evaluation and Emergency Response Office of the Hawaii Department of Health (HEERO-DOH) on the appropriate remediation for the contamination found that considers the proposed transit use of the property.	ROW acquisition and Design	City with contractors	
HMW03 FEIS Sec. 4.12	The City shall ensure that each contaminated property acquired or soon to be acquired for the Project is remediated in accordance with HEERO-DOH requirements. Such remediation may be performed by a potentially responsible party, such as the previous owner responsible for the contamination, or, if such outside party cannot be made to pay for remediation, the City will perform the remediation as part of the Project.	ROW acquisition and Design	City with contractors	
HMW04 FEIS Sec. 4.12	Regarding the remediation of contaminated right-of-way owned by Hawaii DOT, the City will coordinate with HDOT regarding the work within HDOT right-of-way.	ROW acquisition and Design	City with contractors	
HMW05 FEIS Sec. 4.12	The City shall require that all contractors working on any aspect of the Project comply with all applicable requirements of the Construction Health and Safety Plan.	Construction	City with contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HMW06 FEIS Sec. 4.12	The City shall prepare and implement the following plans (or include them in contract-specific waste management plans) to mitigate construction impacts related to wastes and their potential impact to workers, communities and neighborhoods: Construction Safety and Security Plan; Construction Health and Safety Plan; Construction Contaminant Management Plan; Construction Contingency Plan; and Solid Waste Management Plan.	Construction	City with the contractors	
Water Resources				
W01 FEIS Sec. 4.14	The City shall mitigate the impacts on water the Waiawa Stream mitigation site and shall include the following: enhancement of the stream to restore and improve ecological and aquatic function; establishment of water quality basins; enhancement of floodway capacity conveyance to achieve zero rise in flood zone by removal of fill and an increase in stream area; extension of existing culvert to Waiawa Stream to correct existing ponding situation; and ecological restoration with native Hawaiian plantings and non-invasive species.	Design and construction	City with the design, contractor	
W02 FEIS Sec. 4.14	The City shall coordinate with the U.S. Army Corps of Engineers, the Hawaii Department of Health, and the Hawaii Commission on Water Resource Management throughout the design and construction of the Project.	Design and construction	City with the contractors	
W03 ROD	The City shall monitor the requirements of permits related to water resources through the design and construction quality process to verify that the design and construction contractors are in compliance.	Design and construction	City	
W04 FEIS Sec. 4.14	The City shall require that the Project's elevated guideway clear-span all streams except those indicated in the FEIS as needing a column within the stream channel.	Design and construction	City with the contractors	
W05 FEIS Sec. 4.14 and ROD	If the U.S. Army Corps of Engineers agrees that a Section 404 Nationwide Permit is appropriate to any phase of the Project, the City shall add the requirements of that particular Nationwide Permit to this monitoring program.	Design and construction	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
W06 FEIS Sec. 4.14	The City shall ensure that any contractor-proposed change to an issued permit is reviewed and approved by the issuing agency before the contractor is allowed to proceed with the change.	Design and construction	City with the design and construction contractors	
Section 4(f)				
4F1 FEIS Sec. 5.7	Pearl Harbor Bike Path: The section of the bike path temporarily occupied during construction will be fully restored by the City. The City will provide a temporary crossing over the trench to maintain bikeway continuity during construction. The City will repave the bicycle path in the affected area and will restore surrounding plantings disturbed by construction.	Design and Construction	City with the contractors	
4F2 FEIS Sec. 5.7	Future Middle Loch Park: The land set aside for a future park will be temporarily occupied during construction. The City will restore it to its condition before construction and vacate when outfall construction has been completed. The City will restore plantings disturbed by construction.	Design and Construction	City with the contractors	
4F3 FEIS Sec. 5.5	Aloha Stadium: As specified in the Final EIS, the City will locate the guideway as close to Kamehameha Highway as possible; the City will coordinate with DAGS on the design of the station and parking lots	Design and Construction	City with the contractors	
4F4 FEIS Sec. 5.5	Ke'ehi Lagoon Beach Park: As specified in the Final EIS, the City will locate the guideway as close to the northern border of the park as possible, with a curve radius that minimizes the use of parkland other than the already paved-over parking area; the City will restore the tennis courts and add lighting for their nighttime use. The City will landscape the affected areas of the park, including trees, shrubs, grass, and picnic tables, according to a landscaping plan developed in consultation with the Department of Parks and Recreation.	Design and Construction	City with the contractors	
4F5 FEIS Sec. 5.5 and ROD	Pacific War Memorial: As specified in the Final EIS or in the ROD, the City will locate the guideway as close to the northern border of the memorial land as possible; the City will landscape and fence the area affected by the Project according to a landscaping plan developed in consultation with the Ke'ehi Memorial Organization and the Hawaii Disabled American Veterans.	Design and Construction	City with the contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
4F6 FEIS Sec. 5.5 and PA	Afuso House, Higa Four-Plex, and Teixeira House: Following the procedure specified in the PA, the City will document these buildings prior to their demolition.	Pre-construction and pre-demolition	City with the contractors	
4F9 FEIS Sec. 5.5 and PA	Lava Rock Curbs: The City shall ensure that all lava rock curbs affected by the Project are marked prior to their removal, are removed with minimal damage and stored securely, and are reinstalled at their approximate original location, and that any stone that is damaged during this process is replaced with in-kind material.	Design and Construction	City with the contractors	
4F11 FEIS Sec. 5.5 and PA	Kapalama Canal Bridge: The City will maintain the existing bridge rails or will replace the bridge rails with new ones that match the appearance of the historic rails in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties.	Design and Construction	City with the contractors	
4F12 FEIS Sec. 5.5 and PA	Six Quonset Huts: Following the procedure specified in the PA, the City will prepare a Cultural Landscape Report for the Dillingham Boulevard corridor which includes the Quonset Huts, prior to construction.	Design and Construction	City with the contractors	
4F13 FEIS Sec. 5.5 and PA	True Kamani Trees: The City will develop a transplant the trees to a location as close as feasible to the current location of the trees to be removed and will replace any affected trees that cannot be successfully transplanted.	Design and Construction	City with the contractors	
4F14 FEIS Sec. 5.5 and PA	Oahu Railway and Land Company Buildings: The City shall ensure that these buildings are not physically altered for the Project.	Design and Construction	City with the contractors	
4F15 FEIS Sec. 5.5 and PA	Oahu Railway and Land Company basalt paving blocks: The City shall ensure that the guideway completely spans and does not touch the paving blocks and does not physically alter the former Filling Station on the site.	Design and Construction	City with the contractors	
4F16 FEIS Sec. 5.5 and PA	Chinatown Historic District: The City shall ensure that stations in the district are designed with deference to the Secretary of the Interior's Standards for the Treatment of Historic Properties, and that the section 106 consulting parties are given an opportunity to comment on the designs.	Design and Construction	City with the contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
4F17A FEIS Sec. 5.5 and PA	Dillingham Transportation Building: The City shall ensure that the station is offset from the building so that the station itself does not block the building's façade, though the guideway will.	Design and Construction	City with the contractors	
4F17B FEIS Sec. 5.5 and PA	Dillingham Transportation Building: The City shall ensure that the building is not altered, and is recorded prior to construction in accordance with the PA.	Design and pre-Construction	City with the contractors	
4F17C FEIS Sec. 5.5, PA and ROD	Dillingham Transportation Building: The City shall ensure that entrance to the station is designed to fit carefully within the existing historic environment, minimizing the effect on the plaza outside the building.	Design and Construction	City with the contractors	
4F17D FEIS Sec. 5.5, PA and ROD	Dillingham Transportation Building: The City shall work with the Pacific Guardian Center, the manager of the building and plaza, to create a logical pathway for transit users that minimizes the effect on the plaza and arcade.	Design	City with the contractors	
4F18 FEIS Sec. 5.5 and PA	HECO Downtown Plant and Leslie A. Hicks Building: The City shall ensure that the Project only requires demolition of an extension of the Plant building. The City shall ensure that prior to demolition of the extension, the buildings are recorded in accordance with the PA and the historic context study covering the history of Honolulu infrastructure is completed in accordance with the PA.	Design and Construction	City with the contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Permits				
PM01 FEIS Sec. 4.21	Table 4-40 of the Final EIS summarizes permits, certificates, and approvals anticipated to be required for implementation of the Project. Required permits, approvals, and agreements shall be obtained prior to commencing the activity that triggers the permit, approval, or agreement. The City will be responsible for obtaining all permits, approvals, and agreements. The City shall monitor the requirements of all permits obtained for the Project through the design and construction quality process to verify that the design and construction contractors are in compliance.	Design and construction	City with the GEC	
PM02 FEIS Sec. 4.21	There are six locations where the Project will either cross or enter interstate freeway airspace, including freeway mainline and access ramps. The City will apply for, and obtain from FHWA, the necessary permits and approvals related to Interstate freeway airspace. The City will ensure that all conditions and mitigations specified in the FHWA permits or approvals are added to this Mitigation Monitoring Program.	Design	City with the GEC	
PM03 ROD	The City will obtain a Section 404 (Clean Water Act) permit from the U.S. Army Corps of Engineers (USACE) for each phase of the Project. FTA expects nationwide permits to apply. In any case, all conditions and mitigations in each Section 404 permit, whether nationwide or individual, shall be incorporated into this Mitigation Monitoring Program.	Design and construction	City with the GEC	
PM04 FEIS Ch. 4 and ROD	The City shall take whatever actions are necessary to obtain a determination by the State that the Project is consistent with the Coastal Zone Management Plan. All mitigation actions required by the State's consistency determination shall be added to this Mitigation Monitoring Program.	Design and construction	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
Stormwater Management and Floodplains				
SM01 FEIS Sec. 4.14	The City shall require that the stormwater management system at the maintenance and storage facility be designed so that the stormwater discharged into Pearl Harbor meets or exceeds the water quality requirements for the estuary.	Design and construction	City with contractors	
SM02 FEIS Sec. 4.14	The City shall require that the stormwater management system at the maintenance and storage facility be designed with on-site catch basins and connecting underground pipes that drain into a detention basin. Stormwater from the detention basin will be piped through an underground pipe and concrete box culvert into Middle Loch of Pearl Harbor. The system will include permanent oil-water-sand separators.	Design and construction	City with contractors	
SM03 FEIS Sec. 4.14 and ROD	The City shall monitor the requirements of the Storm Water Management Plan through the design and construction quality assurance process to verify that the construction contractors are in compliance.	Design	City	
SM04 FEIS Sec. 4.14	The City shall require that the Project be designed so that its elements and facilities do not encroach significantly on the 100-year floodplain anywhere.	Design	City with contractors	
SM05 FEIS Sec. 4.14	The City shall require that the Project be designed so that its elements and facilities comply with all applicable State and local flood zone regulations.	Design	City with contractors	
SM06 FEIS Sec. 4.14 and ROD	The City shall require that permanent "best management practices" for stormwater be included in the design of the Project's vehicle storage and maintenance facility and park-and-ride lots. The City shall specify these BMPs in detail and add them to this monitoring program.	Design and construction	City with contractors	
SM07 FEIS Sec. 4.14 and ROD	The City shall require that permanent "best management practices" for stormwater be included in the design of the Project's guideway wherever it crosses a waterbody. The City shall specify these BMPs in detail and add them to this monitoring program.	Design and construction	City with contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
SM08 FEIS Sec. 4.14	The City will ensure that stormwater runoff from the Project is filtered through landscaped areas and sedimentation collars wherever possible.	Design and construction	City with contractors	
SM09 FEIS Sec. 4.14	The City will ensure that stormwater runoff from the Project is filtered through specially designed bioinfiltration units near water bodies. In locations where space does not allow for this approach, the City will install downspout filters on drains near impaired waters.	Design and construction	City with contractors	
SM10 FEIS Sec. 4.14 and ROD	The City will ensure that permanent BMPs are installed as part of the project to address stormwater quality before the stormwater from the Project is discharged into streams or storm drains. These BMPs shall promote a natural, low-maintenance, sustainable approach to managing stormwater quality upon its discharge. The City shall specify these BMPs in detail and add them to this monitoring program.	Design and construction	City with contractors	
SM11 FEIS Sec. 4.14	The City will ensure that all stormwater downspouts from the guideway include erosion controls and energy dissipation devices to prevent any scour of receiving land.	Design and construction	City with contractors	
SM12 FEIS Sec. 4.14	The City shall ensure that bioretention areas, vegetated buffer strips, dry swales, water quality basins, and oil-water separators are considered for the Project's vehicle storage and maintenance facility and park-and-ride lots if needed to achieve the water quality commitment.	Design and construction	City with contractors	
SM13 FEIS Sec. 4.14	The City will ensure that the stormwater management system directs stormwater runoff into the ground to recharge the groundwater system as needed to sustain the existing aquifer system. Oil-water separators will be installed wherever needed to protect groundwater quality.	Design and construction	City with contractors	
SM14 FEIS Sec. 4.14 and ROD	The City will ensure that construction BMPs are used and are sufficient to protect groundwater quality during construction. The City shall specify these BMPs in detail and add them to this monitoring program.	Construction	City with contractors	
SM15 FEIS Sec. 4.14	The City will ensure that any guideway column that must be placed in a stream channel aligns with an existing column of other structures in the channel.	Design and construction	City with contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
SM16 FEIS Sec. 4.14	The City will ensure that the mitigation of impacts on Waiawa Stream includes, but is not limited to, the restoration of portions of the stream bank and riparian zone previously covered with fill material, and natural landscaping of all riparian areas along the stream affected by the Project.	Design and construction	City with contractors	
Construction Effects				
CON01 FEIS Sec. 4.18	During construction, the City shall maintain all landscaped areas within the construction limits to HDOT standards using HDOT maintenance specifications including mowing, edging, trimming, weeding, pruning, care of shrubs and trees, fertilizing, application of pesticides and herbicides, clearing gutters, swales and ditches, removal of invasive plants, and removal and disposal of rubbish and debris.	Construction	City with the contractors	
CON02 FEIS Sec. 3.5., 4.18	The City shall require that construction staging occur on properties needed for the guideway, the stations (including park-and-ride lots), and the maintenance and storage facility. FTA shall be informed if any contractor requires additional staging areas, in which case an appropriate environmental review will be performed	Construction	City with the contractors	
CON03 FEIS Sec. 3.5	The City shall develop a Maintenance of Traffic (MOT) Plan and a Transit Mitigation Program (TMP). The MOT will include site-specific traffic-control measures and will be developed in consultation with Hawaii DOT. Both the MOT and TMP will be shared with the public through the Project website.	Design and construction	City with the designers and Contractors	
CON04 FEIS Sec. 3.5	The City shall formulate Work Zone Traffic Control Plans, including detour plans, during Final Design in cooperation with HDOT and other affected jurisdictions.	Design and construction	City with the designers and Contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON05 FEIS Sec. 4.18	<p>The City will employ a dedicated environmental compliance manager to oversee construction contractor compliance with all stormwater Best Management Practices (BMPs), construction noise mitigation measures, utility coordination, business access requirements, and any mitigation plans prepared for the Project, including those presented in permit conditions and the MOT Plan.</p> <p>The City shall monitor the requirements of the Storm Water Management Plan through the design and construction quality process to verify that the construction contractors are in compliance.</p>	Design and construction	City with the GEC	
CON06 FEIS Sec. 4.18	The City shall maintain access to businesses in the Project area throughout construction though there may be temporary changes to access and traffic movement during construction.	Construction	City with the Contractors	
CON07 FEIS Sec. 4.18	<p>Utility service to abutting properties may be temporarily interrupted for short periods during construction. The City shall contact property owners and tenants prior to any interruption of utility services. The City shall ensure that replacements for existing utilities provide utility companies the capacity equal to that offered before the replacement.</p> <p>The City shall coordinate with emergency services and utility companies to ensure that utility relocations meet their needs and that sufficient clearance is provided between project elements and utilities..</p>	Construction	City with the Contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON08 FEIS Sec. 4.18	<p>The City will require all contractors to incorporate construction management practices to minimize visual impacts during construction, including the following:</p> <ul style="list-style-type: none"> • Remove visibly obtrusive erosion-control devices, such as silt fences, plastic ground cover, and straw bales, as soon as an area is stabilized • Locate stockpile areas in less visibly sensitive areas whenever possible so they are not visible from the road or to residents and businesses • Shield temporary lighting and direct it downward to the extent possible • Limit the times construction lighting can be used in residential areas • Replace removed street trees and other vegetation with appropriately sized vegetation as soon as practical after construction is completed in the same location or another location in accordance with City and State requirements 	Construction contracting and construction	City with the Contractors	
CON09 FEIS Sec. 4.18	<p>The City will require contractors to takes appropriate actions to comply with fugitive dust requirements. Contractors must make use of the following control measures whenever needed to reduce fugitive dust:</p> <ul style="list-style-type: none"> • Minimize land disturbance • Use watering trucks to moisten disturbed soil • Use low emission equipment when feasible • Cover loads when hauling dirt • Cover soil stockpiles if exposed for long periods • Use windbreaks to prevent accidental dust pollution • Limit the number of vehicular paths and stabilize temporary roads • Maintain stabilized construction area ingress/egress areas • Wash or clean trucks prior to leaving construction sites • Minimize unnecessary vehicular activities 	Construction contracting and construction	City with the Contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON10 FEIS Sec. 4.18 and ROD	Temporary structures may be placed in, or on the banks of, Kalo'i Gulch, Waiawa Stream, Waiawa Springs, Moanalua Stream, Kapālama Canal Stream, and Nu'uau Stream during construction. The City will require that appropriate permits for these structures are obtained from Federal and State agencies by the contractors. The City shall add to this mitigation monitoring program all conditions and mitigations specified in these permits, including but not limited to the removal of temporary structures, the restoration of riparian areas affected by the structures, and BMPs developed to mitigate caused by the placement of fill.	Construction	City with the GEC	
CON11 FEIS Sec. 4.18	The City shall use best management practices (BMPs) to mitigate potential impacts to streams during construction, such as: <ul style="list-style-type: none"> - isolating the construction area from the water with cofferdams, sandbags, or other temporary water-diversion structures; - Prohibiting the fueling of equipment in the stream channel; - Preventing wet or green concrete from contact with flowing water; - Maintaining fish passage and avoiding work in streams during fish spawning seasons; - Minimizing the removal of riparian vegetation; and - the numerous other BMPs listed on page 4-210 of the FEIS. 	Construction contracting and construction	City with the contractors	
CON12 FEIS Sec. 4.18	The City shall prohibit the contractors from entering any wetlands during construction. The City will ensure that the wetlands are designated as no-work areas on the Final Design plan sheets and that the contractor installs fencing around the wetland areas to designate the no-work area. The City shall have the fencing inspected regularly to ensure that it is maintained.	Construction contracting and construction	City with the Contractors	
CON13 FEIS Sec. 4.18	Excessive or differential settlement due to drilled shaft dewatering and the resultant depression of the groundwater surface can cause cracking and other damage to structures. The City shall require contractors to monitor groundwater levels and settlements wherever dewatering is performed.	Construction contracting and construction	City with the Contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON14 FEIS Sec. 4.18	The City shall not allow uncontrolled releases of drilling fluids and shall require contractors to collect and treat displaced fluids in accordance with permit requirements.	Construction contracting and construction	City with the Contractors	
CON15 FEIS Sec. 4.18	The City shall require construction contractors to use stormwater BMPs that include, but are not limited to, the following: <ul style="list-style-type: none"> • Minimize land disturbance • Stabilize or cover the surface of soil piles • Revegetate all cleaned and grubbed areas to the extent possible • Maintain stabilized construction area ingress/egress areas • Wash or clean trucks prior to leaving the construction site • Install silt fences and storm drain inlet filters • Prevent off-site stormwater from entering the construction site • Implement other stormwater management techniques 	Construction contracting and construction	City with the Contractors	
CON16 FEIS Sec. 4.18	The City shall temporarily relocate passenger loading zones on Halekauwila Street near South Street and on Halekauwila Street near Kamani Street and a freight loading zone on Ka'aahi Street, to nearby locations for the duration of construction.	Design	City with the Contractors	
CON17 FEIS Sec. 4.18	The City will keep the public aware of upcoming work locations, will post information on the Project website about parking disruptions and alternatives, and will post street signs directing people to nearby locations with available parking. The City will coordinate with property owners regarding the timing of construction and other issues to minimize disruption to off-street parking.	Construction	City with the Contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON18 FEIS Sec. 4.18	The City shall ensure the following: access to existing bicycle and pedestrian facilities will be maintained during all phases of construction as safety allows; warning or notification signs will be provided; pedestrian detours will be reviewed to ensure they are reasonable for all pedestrians and meet ADA regulations; proper deterrents, such as barriers or fencing, will be placed to prevent access through the construction area; pedestrian flow will be channelized in areas where sidewalks are near construction; and alternative pedestrian routes will be provided to avoid hazardous areas.	Construction	City with the Contractors	
CON19 FEIS Sec. 4.18	During construction, the City will provide local travelers with information about traffic disruptions and bus route changes through the Project website, a telephone hotline, and media outlets.	Construction	City with the GEC	
CON20 FEIS Sec. 4.18	For buildings closer than 75 feet to construction activities that generate ground vibrations, the City will require contractors to perform a video survey of the immediate area prior to the start of any construction activity where vibration levels may be high enough to affect surrounding structures.	Construction contracting and construction	City with the Contractors	
CON21 FEIS Sec. 4.18	Prior to construction, the City shall obtain a Community Noise Variance from the Hawai'i Department of Health (HDOH) for the Project. The City will obtain noise permits prior to the construction of each phase of the Project. The permits will regulate construction times and activities and include mitigation commitments.	Prior to construction	City with the GEC	
CON22 FEIS Sec. 4.18	Prior to clearing and grubbing near the ko'oloa'ula contingency reserve, the City will have the area surveyed by a qualified horticulturist approved by Department of Land and Natural Resources (DLNR). If any ko'oloa'ula are found, the City will have the horticulturist remove the plants and transplant them to the contingency reserve or other DLNR-approved location.	Prior to clearing and grubbing and construction activities	City with the GEC	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
CON23 FEIS Sec. 4.18	The City will survey all large canopy trees to be pruned prior to construction to ensure that no trees have white tern chicks. If any chicks are found, the City will delay the pruning until the chicks fledge.	Prior to construction	City with the GEC	
HS01 FEIS	The City will require contractors to develop a Construction Health and Safety Management Plan which meets the requirements of 29 CFR 1910 and 1926 and all other applicable Federal, State, and Local regulations and requirements related to construction health and safety. The plan will also include provisions for identifying asbestos and lead-based paint that will be disturbed by the Project.	Prior to construction and during construction	City with the construction contractors	
Safety and Security				
SS01 FEIS	The City will develop a project-specific Safety and Security Management Plan and submit it to FTA for approval. The plan will define the activities and methods for identifying, evaluating, and resolving potential safety hazards and security vulnerabilities and will establish responsibilities and accountabilities for safety and security during the final design, construction, and start-up phases of the Project.	Final Design	City with the GEC and other contractors	
SS02 FEIS	The City shall require all contractors to participate in the Project Safety and Security Certification Program for the duration of the Project Contract. This program will require, at a minimum, that the contractor develop and follow a Safety and Security Certification Plan in conformance with the Project Safety and Security Management Plan and the FTA Handbook for Transit Safety and Security Certification.	Prior to construction and during construction	City with the contractors	
SS03 ROD	The City shall implement the measures presented in the <i>Threat and Vulnerability Assessment</i> review by General Services Administration (GSA) for the Federal building.	Design and construction	City with the designers and contractors	
SS04 ROD	The City shall implement the design changes made for clearance distance from the Federal building, as reviewed by GSA.	Design and construction	City with the designers and contractors	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
SS05 FEIS Sec. 4.5	The City shall implement the following safety and security measures: Require Project designs and architectural details that enhance safety; Incorporate close circuit television cameras and lighting into station designs; Prior to opening for revenue operation, develop and conduct public educational programs to enhance public awareness of safety and security issues associated with the Project	Design and construction	City with the designers and contractors	
Parking				
P01 FEIS	The City will conduct parking surveys prior to starting construction of each station to determine the need for control of overflow parking. Control strategies include, but are not limited to, the following: <ul style="list-style-type: none"> • Parking restrictions (where parked cars cause safety or congestion problems) • Parking regulation (e.g., meters, time limits, or other methods to encourage turnover) • Permit parking (e.g., resident or employee parking) • Shared parking arrangements (at locations where parking is available but dedicated to another purpose, such as retail centers, office uses, or places of worship) 	Prior to the start of station construction	City with the GEC	
P02 FEIS	Off-street privately owned parking spaces needed to construct the guideway or stations will be acquired by the City in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.	Prior to the start of construction	City and the ROW team	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
P03 FEIS	The City shall provide for passenger loading zones through measures such as the following: <ul style="list-style-type: none"> The passenger loading zone used for a day-care facility on Halekauwila Street between 'Āhui and Kamani Streets will be relocated nearby on Ilaniwai Street from Cooke Street to Kamani Street. As a result, some of the existing on-street parking on Ilaniwai Street will be converted to passenger loading zones during the A.M. and P.M. peak periods. A new passenger loading zone on Halekauwila Street between Punchbowl and South Streets will be installed in the same general location after construction is completed. 	Prior to the start of construction	City with the Contractors	
P04 FEIS	The City will relocate the freight loading zone on Ka'aahi Street nearby.	Prior to the start of construction	City with the Contractors	
P05 FEIS	The City will replace the lost parking at Leeward Community College at an alternate location on campus. The City will coordinate with Leeward Community College during Final Design to relocate the parking.	Design and construction	City with the Contractors	
Historic Preservation				
HP01 Sec. 106 PA Stipulation XIV.A	City shall develop schedule for implementation of PA stipulations and send to consulting parties, post on Project website	60 days after execution of PA and before construction	City	
HP02 Sec. 106 PA Stipulation XIV.E	City shall hold quarterly meetings with the consulting parties and report on implementation of PA. After the first 24 months, the City shall hold annual meetings with the consulting parties to report on implementation of the PA.	Effective immediately	City	
HP03 Sec. 106 PA Stipulation 1.H	City shall hire an independent project manager (the <i>Kako'o</i>) to assist with the coordination of all reviews and deliverables required under the terms of the PA. City shall follow hiring process specified in the PA for this hiring.	Within six months of executing the PA	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP04 Sec. 106 PA Stipulation II	City shall undertake additional studies on Traditional Cultural Properties using a contractor experienced in ethnographic studies and following the process set forth in the PA, including consultation with consulting parties and Native Hawaiian Organizations.	Within the first six months of executing the PA; pre-construction	City	
HP05 Sec. 106 PA Stipulation II	If the TCP study finds any unexpected Traditional Cultural Properties in an area potentially adversely affected by the Project, FTA and the City will conduct a normal Section 106 review of its eligibility and the effects of the Project.	Complete prior to construction for each phase	City	
HP06 Sec. 106 PA Stipulation III	If the TCP study finds any unexpected TCP in an area potentially adversely affected by the Project, the City will, in accordance with the PA, prepare documentation of that TCP needed to nominate it to the National Register, and submit that documentation to SHPO. The City will complete all fieldwork, eligibility and effects determination and consultation to develop treatment measures related to TCPs prior to the start of construction.	Complete prior to construction for each phase	City	
HP07 Sec. 106 PA Stipulation III	Following the procedures set forth in the PA, the City shall develop and carry out an Archaeological Inventory Survey (AIS) Plan for each construction phase of the Project. The AIS will be completed in advance of final design for each construction phase. For Construction Phase 4, the City will initiate consultation for the AIS plan within 60 days of execution of the PA and include a broader list of consulting parties, including the OIBC, in the AIS Plan development. The AIS Plan for construction Phase 4 shall be submitted to the SHPD within four months of execution of the PA. The AIS shall be completed prior to final design for construction phase 4. The City shall inform OIBC of the status of AIS and continue to meet regularly with the OIBC.	Complete prior to final design for each construction phase	City	
HP08 Sec. 106 PA Stipulation III	If any of the AISs find Native Hawaiian burials or archaeological resources, the City shall follow the terms in the PA.	Complete prior to final design for each construction phase	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP09 Sec. 106 PA Stipulation III.B.4	Following the procedures set forth in the PA, the City, in coordination with the OIBC, lineal and cultural descendents, Native Hawaiian Organizations, and other interested parties that are identified in discussion with OIBC shall develop a protocol for consultation regarding the treatment of any <i>ivi kupuna</i> identified during the AIS.	Draft protocol will be provided to OIBC for review within 6 months of the execution of the PA. Protocol shall be completed prior to initiation of AIS for Phase 4.	City	
HP10 Sec. 106 PA Stipulation III.D	Following the procedures in the PA, the City shall develop and implement a specific treatment plan to avoid, minimize, or mitigate adverse effects on historic properties for each construction phase based on the results of AIS fieldwork and consultation with the SHPD.	Complete prior to final design for each construction phase	City	
HP11 Sec. 106 PA Stipulation III.E	Following the procedures in the PA, subsequent to the archeological fieldwork and development of the treatment plan, the City, in consultation with the SHPD, shall develop mitigation plans as appropriate. These plans may include an archaeological monitoring plan and monitoring reports, or a data recovery program.	Deadlines vary. See PA for time frame commitments.	City	
HP12 Sec. 106 PA Stipulation III.F	Following the procedures in the PA, the City will curate any recovered materials in accordance with applicable laws such as HAR Chapter 13-278 and 36 C.F.R. 79.	Complete curation upon completion of archaeological fieldwork	City	
HP13 Sec. 106 PA Stipulation IV	Following the procedures in the PA, the City shall develop standards for, and maintain and update the Project's <i>Design Language Pattern Book</i> for use in all Project elements. This pattern book shall be available electronically and shall comply with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i> for stations within the boundary or adjacent to an eligible or listed historic property.	Prior to final design	City	
HP14 Sec. 106 PA Stipulation IV	For each phase of the Project, the City shall conduct a minimum of two neighborhood workshops on the design of the stations in that phase.	Prior to final design	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP15 Sec. 106 PA Stipulation IV	<p>Following the procedures set forth in the PA, the City shall provide the consulting parties with the preliminary engineering design plans for built component of the Project, provide an opportunity to comment on the design plans and consider comments on those plans.</p> <p>For stations within boundaries or directly adjacent to listed or eligible historic properties, the City shall also provide design plans during the final design phase to consulting parties and provide the opportunity for them to comments on design plans. The City shall consider comments on those plans.</p>	Distribute preliminary engineering plans prior to final design. For stations within or adjacent to historic properties distribute prior to final design	City	
HP16 Sec. 106 PA Stipulation V.A	Following the procedures set forth in the PA, the City shall conduct historic context studies, in consultation with the consulting parties and the SHPD, related to historic themes in the Project area and distribute the resulting historic context reports as specified in the PA. The City shall distribute the historic context studies per the terms in the PA.	<p>Within 90 days of the execution of the PA the City shall complete a draft study.</p> <p>Initial field work and photography shall be completed prior to construction commencement in that area.</p>	City	
HP17 Sec. 106 PA Stipulation V.B	Following the procedures set forth in the PA, the City shall conduct cultural landscape studies related to historic landscapes in the Project area, in consultation with the consulting parties and the SHPD, and distribute the resulting cultural landscape historic reports as specified in the PA.	<p>Within 90 days of the execution of the PA the City shall complete a draft study.</p> <p>Initial field work and photography shall be completed prior to construction commencement in that area.</p>	City	
HP18 Sec. 106 PA Stipulation V.C	Following the procedures set forth in the PA, the City shall document certain historic properties specified by the National Park Service and located in the Project area for incorporation into the Historic American Building Survey, the Historic American Engineering Record, or the Historic American Landscape Survey, whichever is appropriate.	The City shall ensure that final HHH documentation is completed for a property and accepted by NPS prior to commencement of activities that could impact the historic property and/or its integrity.	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP19 Sec. 106 PA Stipulation V.D	Following the procedures set forth in the PA, the City shall complete archival photography to NRHP standards for all resources that received adverse effect determinations that are not subject to HHH documentation under Stipulation V.C. The SHPD will review this documentation upon completion.	Complete prior to construction for each construction phase	City	
HP20 Sec. 106 PA Stipulation V.E	Following the procedures set forth in the PA, the City shall have digital photographs taken by a professional photographer, in conjunction with the input of a supervising architectural historian, to document select resources and view sheds within the APE. Approximately 150 views will be submitted. These photographs will be submitted to the SHPD and the City will use these materials for items such as interpretive materials and publications.	Complete prior to construction for each construction phase	City	
HP21 Sec. 106 PA Stipulation V.F	Following the procedures set forth in the PA, the City shall take a comprehensive video of the Project corridor prior to construction commencement.	Prior to construction	City	
HP22 Sec. 106 PA Stipulation VI.A	Following the procedures set forth in the PA, the City shall complete a NRHP Multiple Property Documentation (MPD) for Modern/Recent Past historic properties dating from 1939-1979 and the City shall complete a single Multiple Property Submission (MPS), including all appropriate accompanying documentation. The City shall consult with consulting parties, the SHPD and NPS in developing this documentation.	Submit final forms NRHP forms prior to beginning revenue service operations for the Project	City	
HP23 Sec. 106 PA Stipulation VI.B	Following the procedures set forth in the PA, the City shall update the nominations of Pearl Harbor and CINCPAQ to be designated as National Historic Landmarks.	Submit final forms NRHP forms prior to beginning revenue service operations for the Project	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP24 Sec. 106 PA Stipulation VI.C	Following the procedures set forth in the PA, the City shall produce or update the nominations for the 31 historic properties adversely affected properties to the National Register. In addition, the City shall prepare nomination documentation for the Little Makalapa Housing District.	City shall complete nomination forms for Little Makalapa and Big Makalapa Housing Districts prior to the second Pearl Harbor design workshop. The nomination forms for the remainder of the properties shall be submitted to the NPS prior to revenue service operation for the Project.	City	
HP25 Sec. 106 PA Stipulation VI.F	Following the procedures set forth in the PA, the City shall produce a searchable database of historic properties, in consultation with the SHPD, and provide it to an interested historic preservation or educational organization.	City shall initiate database development prior to construction commencement and will update and maintain the database during the duration of the PA.	City	
HP26 Sec. 106 PA Stipulation VII.A	Following the procedures set forth in the PA, the City shall complete an interpretive plan for the Project area and install the signage, and distribute the educational materials and programs. The City shall submit drafts to consulting parties for review and comment per Stipulation VII.H.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP27 Sec. 106 PA Stipulation VII.B	Following the procedures set forth in the PA, the City shall complete a color brochure describing the history of the area along the transit line, make 1,000 copies, and make available electronically. The City shall submit drafts to consulting parties for review and comment per Stipulation VII.H.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP28 Sec. 106 PA Stipulation VII.C	Following the procedures set forth in the PA, the City shall prepare materials for children that would educate them about relevant local history. The City shall submit drafts to consulting parties for review and comment per Stipulation VII.H.	City shall complete prior to beginning revenue service operation of the Project.	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP29 Sec. 106 PA Stipulation VII.D	Following the procedures set forth in the PA, the City shall establish a Humanities Program that will explore human histories, cultures, and values. The City shall develop this program's goals in consultation with consulting parties and the City will provide \$100,000 to fund this program.	City shall complete prior to beginning revenue service operation of the Project or when all designated funds are exhausted, whichever occurs later.	City	
HP30 Sec. 106 PA Stipulation VII.E	Following the procedures set forth in the PA, the City shall develop and implement an educational program and an effort designed to encourage the rehabilitation of historic properties in the Project area. The City shall submit drafts to consulting parties for review and comment per Stipulation VII.H.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP31 Sec. 106 PA Stipulation VII.F	Following the procedures set forth in the PA, the City will develop an educational field guide to historic properties and districts along the transit route. The City shall submit drafts to consulting parties for review and comment per Stipulation VII.H.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP32 Sec. 106 PA Stipulation VII.G	Following the procedures set forth in the PA, the City shall invite consulting parties to a kick-off meeting to develop a work plan for all materials described in Stipulation VII.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP33 Sec. 106 PA Stipulation VIII.A	Following the procedures set forth in the PA, the City shall mark, store securely, and replace all lava rock curbstones.	Construction	City	
HP34 Sec. 106 PA Stipulation VIII.B	Following the procedures set forth in the PA, the City shall maintain or replace the guard rails on the Kapalama Canal Bridge to match the historic appearance. The City shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties in developing draft plans to provide to SHPD for review per Stipulation IV.	Prior to final design and during construction	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP35 Sec. 106 PA Stipulation VIII.C.	Following the procedures set forth in the PA, the City shall replace each true kamani trees on its original location or as close to it as possible.	Construction	City	
HP36 Sec. 106 PA Stipulation VIII.D.	Following the procedures set forth in the PA, the City shall plan and implement improvements to historic parks adversely affected by the Project. Project funds in the sum of \$750,000 shall be budgeted for implementation of the parks improvement plan. City shall invite consulting parties to a kickoff meeting to discuss the parks plan.	City shall complete prior to beginning revenue service operation of the Project.	City	
HP37 Sec. 106 PA Stipulation IX.A	Following the procedures set forth in the PA, the City shall create and staff a position for a qualified architectural historian whose primary responsibility will be to fulfill the PA.	Within 6 months of execution of the PA	City	
HP38 Sec. 106 PA Stipulation IX.B	Following the procedures set forth in the PA, the City shall establish a Historic Preservation Committee for the Project, specify its purpose and functions, and initiate its first meeting.	Within 3 months of execution of the PA	City	
HP39 Sec. 106 PA Stipulation IX.C	Following the procedures set forth in the PA, the City shall report to the consulting parties on all applications for building demolition and on all City-generated construction projects within certain specified areas of the Project, and shall perform an analysis of the frequency of these activities from the recent past up to the present.	Continuously until PA expires	City	
HP40 Sec. 106 PA Stipulation IX	The City shall follow Stipulation IX.E for handling unanticipated cumulative adverse effects in the Chinatown and Merchant Street Historic Districts.	Continuously until the PA expires.	City	
HP41 Sec. 106 PA Stipulation X	The Construction Mitigation Plan for the Project developed by the City shall include provisions for protecting historic properties from construction noise and vibration impacts, and shall be implemented by the City through the construction contracts, according to the procedures set forth in the PA.	Prior to construction of each phase	City	

Mitigation ID and Reference	Mitigation Measure	Timing of Mitigation Measure	Responsible Party for Implementing Mitigation	Status of Implementation of this Project Element
HP42 Sec. 106 PA Stipulation X.C	Following the procedures set forth in the PA, the City will monitor Project construction to ensure measures in the CMP are implemented and shall provide a record of monitoring activities in progress reports pursuant to Stipulation XIV.E.	Construction	City	
HP43 Sec. 106 PA Stipulation X.D	Following the procedures set forth in the PA, the City shall monitor transit noise at the Pearl Harbor National Historic Landmark.	Within 1 year of the start of revenue operation	City	
HP44 Sec. 106 PA Stipulation XI	Following the procedures set forth in the PA, the City shall develop and conduct a training program for construction contractors and employees regarding appropriate sensitivity to historic resources.	Prior to construction of each phase	City	
HP45 Sec. 106 PA Stipulation XI	Following the procedures set forth in the PA, the City shall write semi-annual progress reports detailing progress in implementing the PA and shall post those report on the Project website.	Semi-annually	City	
HP46 Sec. 106 PA Stipulation XIII	Following the procedures set forth in the PA, the City shall keep the public informed through semi annual progress reports and will post them on the Project website.	Continuously until the PA expires.	City	
HP47 Sec. 106 PA Stipulation XIV.E	Following the procedures set forth in the PA, the City shall provide all signatories to this PA a summary report detailing the work undertaken pursuant to its terms.	Continuously until the PA expires.	City	

Attachment B

Section 106 Programmatic Agreement

January 2011

PROGRAMMATIC AGREEMENT
Among the
U.S. Department of Transportation Federal Transit Administration
The Hawai'i State Historic Preservation Officer
The United States Navy
and the **Advisory Council on Historic Preservation**
Regarding the
Honolulu High-Capacity Transit Corridor Project
in the **City and County of Honolulu, Hawai'i**

WHEREAS, the City and County of Honolulu (City) Department of Transportation Services (DTS) is proposing the Honolulu High-Capacity Transit Corridor Project (Project or Undertaking) on O'ahu and is seeking financial assistance from the U.S. Department of Transportation Federal Transit Administration (FTA) for the Project, which is therefore a Federal undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. § 470f) and its implementing regulation at 36 C.F.R. pt. 800; and

WHEREAS, the proposed Project is an elevated, electrically powered, fixed guideway transit system in the east-west travel corridor between East Kapolei and the Ala Moana Center via the Honolulu International Airport with an approximate length of twenty (20) miles and twenty-one (21) stations; and

WHEREAS, the City Council has authorized DTS to enter into this Programmatic Agreement (PA) through Resolution 10-305, CD 1 on November 22, 2010; and

WHEREAS, by operation of law, Section 16-129 of the Revised Charter of the City and County of Honolulu 1973, as amended, provides that all lawful obligations and liabilities owed by or to the City relating to the City's fixed guideway mass transit system shall be assumed by the Honolulu Authority for Rapid Transportation on July 1, 2011; and

WHEREAS, pursuant to 36 C.F.R. pt. 800, the FTA has consulted with the Hawai'i State Historic Preservation Division (SHPD), which is the State Historic Preservation Office, and the following parties:

- Advisory Council on Historic Preservation (ACHP)
- U.S. Navy (U.S. Naval Base Pearl Harbor)
- Historic Hawai'i Foundation
- National Park Service (NPS)
- National Trust for Historic Preservation
- University of Hawai'i Historic Preservation Certificate Program

- AIA Honolulu
- Hawai'i Community Development Authority
- Office of Hawaiian Affairs
- O'ahu Island Burial Council
- Hui Mālama I Nā Kūpuna O Hawai'i Nei
- Royal Order of Kamehameha
- Ahahui Ka'ahumanu
- Hale O Nā Ali'i O Hawai'i
- Māmakakaua: Daughters and Sons of the Hawaiian Warriors
- Association of Hawaiian Civic Clubs
- Ali'i Pauahi Hawaiian Civic Club
- Ka Lei Maile Ali'i Hawaiian Civic Club
- King Kamehameha Hawaiian Civic Club
- Nānāikapono Hawaiian Civic Club
- Hawaiian Civic Club of Wahiawa
- Ahahui Siwila Hawai'i O Kapolei Hawaiian Civic Club
- Waikīkī Hawaiian Civic Club
- Princess Ka'iulani Hawaiian Civic Club
- Wai'anae Hawaiian Civic Club
- Merchant Street Hawaiian Civic Club
- Prince Kūhiō Hawaiian Civic Club
- Pearl Harbor Hawaiian Civic Club
- Hawaiian Civic Club of 'Ewa-Pu'uloa
- Kalihi-Pālama Hawaiian Civic Club
- Hawaiian Civic Club of Honolulu; and

WHEREAS, in accordance with 36 C.F.R. § 800.10, FTA has notified the Secretary of the Interior of the consultation for FTA's adverse effect determination that the undertaking will have an adverse effect on the United States Naval Base, Pearl Harbor National Historic Landmark (NHL), and the CINCPAC Headquarters Building 250 NHL, and as a result, the NPS has been designated to participate formally in the consultation; and

WHEREAS, the public and consulting parties have been afforded the opportunity to consult and comment on the Project; and

WHEREAS, the FTA, in consultation with the SHPD, has defined the undertaking's Area of Potential Effects (APE) as depicted in Attachment 1 for the Airport Alternative; and

WHEREAS, the FTA, in consultation with the SHPD, has determined that the proposed Project would have an adverse effect on historic properties listed in the National Register of Historic Places (NRHP) or eligible for listing in the NRHP; and

WHEREAS, the FTA, in consultation with the SHPD, has determined that the following historic properties will be adversely affected by the Project: Honouliuli Stream Bridge; Waikele Stream Bridge and Span over OR&L Spur; 1932 Waiawa Stream Bridge; Waimalu Stream Bridge; Kalauao Spring Bridge; Kalauao Stream Bridge; United States Naval Base, Pearl Harbor NHL; CINCPAC Headquarters Building NHL; Makalapa Navy Housing Historic District; Ossipoff's Aloha Chapel, SMART Clinic, and Navy-Marine Corps Relief Society; Hawai'i Employers Council; Afuso House; Higa Fourplex; Teixeira House; Lava Rock Curbs; Six Quonset Huts; Kapālama Canal Bridge; True Kamani Trees; Institute for Human Services/Tamura Building; Wood Tenement Buildings; Oahu Rail & Land Co. Office and Document Storage Building; Oahu Rail & Land Co. Terminal Building; Nu'uuanu Stream Bridge; Chinatown Historic District; Merchant Street Historic District; HDOT Harbors Division Offices; Pier 10/11 Building; Aloha Tower; Irwin Park; Walker Park; HECO Downtown Plant; Dillingham Transportation Building; and Mother Waldron Playground; and

WHEREAS, an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for the inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, craftsmanship, feeling, or association as summarized in Attachment 2 from the Project's technical reports and the Project's Final Environmental Impact Statement (EIS). Adverse effects may include reasonably foreseeable effects caused by the Project that may occur later in time, be farther removed in distance, or be cumulative; and

WHEREAS, the FTA, in consultation with the SHPD, has determined that the Project may adversely affect archaeological sites listed in or eligible for listing in the NRHP, but effects cannot be fully assessed prior to the approval of FTA financial assistance; and

WHEREAS, the FTA and the SHPD have agreed that a phased approach to identification and evaluation of archaeological sites is appropriate, pursuant to 36 C.F.R. § 800.4(b)(2); and

WHEREAS, the timing of activities listed in this PA are estimated based on FTA granting approval to enter final design in 2011, and FTA signing a full-funding grant agreement during 2012. The Project is anticipated to be completed in four construction phases: Phase 1: East Kapolei to Pearl Highlands, Phase 2: Pearl Highlands to Aloha Stadium, Phase 3: Aloha Stadium to Middle Street, and Phase 4: Middle Street to Ala Moana Center. The City may request and FTA may approve minor construction on Phase I to begin prior to FTA granting approval for the project to enter final design; and

WHEREAS, the DTS has included minimization and avoidance measures during project design, including, but not limited to, narrow guideway design, route selection, station location selection, and contained station footprints, to avoid and minimize adverse effects on historic properties; and

WHEREAS, all built components will follow the Project's *Design Language Pattern Book*; and

WHEREAS, consulting parties and the public will be offered the opportunity to provide ongoing comments on station design and transit-oriented development planning at neighborhood design workshops; and

WHEREAS, the City has implemented zoning "overlay districts" to preserve individual and groupings of historic and cultural resources, through the application of architectural and other design guidelines and standards for developments surrounding them; and such overlay districts are already established for Chinatown, Merchant Street, and the Hawai'i Capital (civic center) areas; and

WHEREAS, City Ordinance 09-04 (2009), *Relating to Transit-Oriented Development* (TOD Ordinance), requires the establishment of transit-oriented development zones (TOD Zone) and implementing regulations around every transit station which, among other things, shall include (1) The general objectives for the particular TOD Zone in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes; (2) Desired neighborhood mix of land uses, general land use intensities, circulation strategies, general urban design forms, and cultural and historic resources that form the context for TOD; and (3) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources; and

WHEREAS, the TOD Ordinance cannot preempt applicable state and federal historic preservation laws such as Hawai'i Revised Statutes (HRS) Chapter 6E, *Historic Preservation*, and Section 106 of the NHPA; and

WHEREAS, the City will comply with development controls in Special District Regulations in Chapter 21 of the Revised Ordinances of the City and County of Honolulu 1990 (ROH) which include policies that safeguard special features and characteristics of particular districts, such as the Chinatown and Merchant Street Historic Districts, to allow for their preservation and enhancement; and

WHEREAS, the Project will cross lands controlled or owned by the federal government and is subject to an approval of that crossing by the applicable federal agencies, which may elect to adopt this PA at any time; and

WHEREAS, this PA was developed with public involvement pursuant to 36 C.F.R. § 800.2(d) and 800.6(a), and the public was provided opportunities to comment on the Project and its adverse effects; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FTA has notified the ACHP of its adverse effect determination with the required documentation, and the ACHP has chosen to participate formally in the consultation; and

WHEREAS, the FTA, the ACHP, the U.S. Navy and the Hawaii State Historic Preservation Officer (SHPO) are signatories to this PA; and

WHEREAS, FTA invited the City and the NPS to be invited signatories to this PA; and

WHEREAS, FTA invited all other consulting parties to be concurring parties to this PA if they choose; and

WHEREAS, signatories, invited signatories, concurring parties and consulting parties are all consulting parties; and

WHEREAS, FTA commits to continued engagement and ongoing communication with the consulting parties for the duration of this PA; and

WHEREAS, any future extensions of the Project with federal involvement would undergo a separate independent review under the National Environmental Policy Act and Section 106 of the NHPA, and any such review will be guided by the approaches to treatment of historic properties included in this PA; and

WHEREAS, unless defined differently in this PA, all terms are used in accordance with 36 C.F.R. § 800.16; and

NOW, THEREFORE, FTA, ACHP, the Hawai'i SHPO and the U.S. Navy agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the undertaking on historic properties.

STIPULATIONS

The FTA will ensure that the terms of this PA are carried out and will require, as a condition of any approval of federal funding for the undertaking, adherence to the stipulations set forth herein.

I. Roles and Responsibilities

A. FTA Responsibilities—In compliance with its responsibilities under the NHPA, and as a condition of its funding award to the City under 49 U.S.C. § 5309 and any other subsequently identified FTA funding of the Undertaking, FTA will ensure that the City carries out the stipulated provisions of this PA in accordance with any applicable ACHP policy statements and guidelines.

B. SHPD Responsibilities—The SHPD shall specifically review and provide comments for work products completed as part of this PA.

C. ACHP Responsibilities—The ACHP will provide oversight and advise on disputes.

D. U.S. Navy Responsibilities – The U.S. Navy will work with the City, FTA, other signatories and consulting parties, and their contractors to coordinate and assist where necessary, in carrying out the stipulations listed below that affect Navy interests and Navy properties.

E. City Responsibilities—The City shall represent the interests of FTA and coordinate all activities described in the PA to carry out the stipulations below. The City will consult with the SHPD and other agency staff, as appropriate, in planning and implementing the stipulations of this PA. The City shall submit all plans and documents required by this PA in a timely and accurate manner to the SHPD and other agencies, as stipulated, for review. The City shall also ensure that all treatment measures developed by the City and as a result of consultation are compliant with government-wide policies and regulations.

F. Qualifications of Personnel—Unless otherwise specified, all work carried out under the terms of this PA shall be conducted and/or supervised by cultural resources professionals (historians, architectural historians, historic architects, and/or archeologists, as appropriate) who meet the Secretary of the Interior's Professional Qualification Standards set forth in *Procedures for State, Tribal, and Local Government Historic Preservation Programs*, 36 C.F.R. pt. 61, Appendix A.

G. The City shall provide an architectural historian through the completion of Project construction, who meets the qualifications described in Stipulation I.E for the purpose of coordinating Section 106 Project activities with other City departments (e.g., Department of Planning and Permitting (DPP)) and to ensure consideration of historic preservation in TOD and other development projects along the Project corridor.

H. PA Project Manager

The City shall fund an independent PA Project Manager (*Kako'o*) within six (6) months of the PA being signed to assist with the coordination of all reviews and deliverables required under the terms of the PA.

The *Kako'o* shall meet the *Secretary of the Interior's Professional Qualification Standards* set forth at 36 C.F.R. pt. 61 regarding qualifications for preservation professionals in the areas of history, archaeology, architectural history, architecture or historic architecture.

Procurement

To the extent permissible by applicable state and federal procurement laws, the FTA and SHPD shall review and approve (1) the procurement request for the *Kako'o* prior to the release of such request, (2) the qualifications of the final candidates under consideration by the City prior to the final selection of the *Kako'o* by the City, and (3) the scope of work of the *Kako'o* to be included in the City's contract with the *Kako'o*, in order to ensure that the *Kako'o* duties and responsibilities are consistent with the provisions of this Stipulation

Upon making its selection of the *Kako'o*, the City shall provide written notification thereof to the FTA, SHPD and other Signatory and consulting parties.

Duration

The *Kako'o* shall serve during the design and construction process for the Project. The *Kako'o* shall continue to perform the *Kako'o*'s responsibilities for the duration of this PA pursuant Stipulation XIV.D.

Roles and Responsibilities

The *Kako'o*'s principal task shall be to independently monitor, assess and report to the consulting parties on compliance by the City with this PA, specifically, the implementation of the measures to resolve adverse effects stipulated herein.

In addition, the City shall continue to engage, as part of its Project design team, consultant(s) which have professional qualifications meeting Secretary of the Interior's professional standards in the areas of history, archaeology, architectural history, architecture, or historic architecture, as appropriate, to carry out the specific provisions of this PA. The City shall also continue to be responsible for the performance of further studies, evaluations and other tasks required to meet the Stipulations set forth in this PA.

In this context and consistent with the independent monitoring, reporting and advisory role assigned to the *Kako'o* under this PA, the *Kako'o* shall perform the following responsibilities:

1. Establish and coordinate consultation and Project status update meetings as stipulated in Stipulations III.B and IX.B. On an as needed basis, additional

meetings may be held to address unforeseen effects on historic properties determined to be eligible within the APE as provided for in Appendix A.

2. Establish and maintain lines of project-related communication and consultation with the consulting parties and the design and construction engineers, including oversight and monitoring of internet sites created for the Project.
3. Monitor, assess and report, in writing, to the consulting parties on mitigation related to Phases I through IV and any associated deliverables of this PA that are to be reviewed by the consulting parties (Stipulations III through XII).
4. Monitor and report on the City's compliance during the design and construction process for the Project with the special historic preservation design guidelines referred to in Stipulation IV.A, Design Standards.
5. Monitor and report on work performed on historic properties with respect to measures to resolve adverse effects caused by the Project in accordance with Stipulations IX.C (demolition monitoring) and X.C (construction monitoring) of this PA.
6. Coordinate regularly with the FTA and SHPD in connection with the *Kako'o*'s observations and recommendations regarding the progress of the Project in implementing measures to resolve adverse effects called for under this PA.
7. Report to the City, the FTA and SHPD concerning the existence, if any, of previously unidentified adverse effects of the Project on historic properties within the APE (that is, adverse effects which are not otherwise materially identified in the PA).
8. Submit written reports concerning the progress of the Project in the implementation of the Stipulations set forth herein in accordance with the reporting requirements in Stipulation XIV.E., with copies available to any other interested party who so requests.
9. Address requests by consulting parties to review deliverables and documentation that are provided to concurring parties.
10. Collect any comments from the consulting parties that identify impacts different from those stated in this PA to historic properties located within the APE for City and FTA processing. The *Kako'o* shall research the issues presented as described in Appendix A and prepare a recommendation for the disposition of the request and action by FTA. The notification process for consulting parties to submit requests for consideration is outlined in Appendix A of this PA.

11. Provide administrative support and technical assistance required by the consulting parties to meet the terms of this PA such as the timely submission of deliverables and the issuance of regular public updates regarding historic preservation issues.

12. Develop a best practice manual related to historic properties and a Section 106 “lessons learned” case study on the Project that may be helpful to future Section 106 processes on this and other projects. The best practice manual and “lessons learned” case study will be made available to the consulting parties and other interested parties within one (1) year of the completion of Phase 1 construction. When complete, FTA will make the best practice manuals available on their public website.

II. Traditional Cultural Properties

A. Through preliminary cultural resources research for the Project, the FTA and the City have only identified one Traditional Cultural Property (TCP), the Chinatown Historic District. Within thirty (30) days of execution of this PA, the City shall undertake a study, at the request of the consulting parties, to determine the presence of previously unidentified TCPs within the APE, which includes cultural landscapes if present. Prior to construction commencement, the City shall meet with the SHPD, consulting parties, and other parties with expertise, including Native Hawaiian organizations (NHOs) to discuss and identify potential TCPs, as defined by the National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. Building on cultural practices analysis already completed to address Act 50, Session Laws of Hawaii 2000 requirements, the City shall undertake studies to evaluate these TCPs for NRHP eligibility in accordance with guidance in National Register Bulletin 38. The TCP study shall be completed by qualified staff with experience in ethnographic studies and TCP assessments for NRHP eligibility.

If FTA determines that eligible TCPs are present, the City will complete effects assessments and seek SHPD concurrence on both eligibility and effects determinations. SHPD will have thirty (30) days to review eligibility and effect determinations. If FTA or the SHPD determine that there are adverse effects on eligible TCPs, the City shall meet with consulting parties to identify measures to avoid, minimize, or mitigate adverse effects. The City will complete all fieldwork, eligibility and effects determination, and consultation to develop treatment measures prior to the commencement of construction. The City shall complete any treatment measures prior to undertaking each construction phase that would adversely affect a TCP. Regardless of effect determination, the City will complete NRHP nominations for properties that meet the NRHP criteria for TCPs. The SHPD, NPS and consulting parties, including NHOs, will review draft NRHP nominations and provide comments within thirty (30) days of receipt. The City will consider all comments when completing final NRHP nominations. The City will submit final NRHP nominations to SHPD.

III. Identification and Protection of Archaeological Sites and Burials

The City shall implement the following archaeological stipulations before each of the four construction phases.

A. Initial Planning

1. The APE for archaeological resources is defined as all areas of direct ground disturbance by the Project. This APE for archaeology includes any areas excavated for the placement of piers to support the elevated structures, foundations for buildings and structures, utility installation, grading to provide parking, or other construction-related ground disturbance, including preparation of construction staging areas. The APE includes the new location of any utilities that will be relocated by the Project.
2. The City shall develop an Archaeological Inventory Survey (AIS) Plan for the APE for each construction phase and shall submit it to the SHPD. The SHPD will provide comments to the City to be taken into account in revising the AIS plan or accept the AIS Plan within thirty (30) days. The AIS Plan shall follow the requirements of Hawai'i Administrative Rules (HAR) Chapter 13-276, *Rules Governing Standards for Archaeological Inventory Surveys and Reports*.
3. The O'ahu Island Burial Council (OIBC) will have jurisdiction to determine the treatment of previously identified Native Hawaiian burial sites pursuant to HAR Chapter 13-300, *Rules of Practice and Procedure Relating to Burial Sites and Human Remains*. Any *iwi kupuna* (Native Hawaiian burials) discovered during the AIS shall be treated as previously identified burial sites.

B. OIBC, Lineal and Cultural Descendents, and NHO Consultation

1. Within sixty (60) days of execution of this PA, the City shall consult with the OIBC, lineal and cultural descendents, NHOs and other interested parties that are identified in discussion with OIBC, about the scope of investigation for the AIS Plan for construction of Phase 4. The City shall provide preliminary engineering plans and existing utility maps to assist in the scoping process. The AIS Plan will provide for investigation of the entire Phase 4 area, including from Waiakamilo Road to Ala Moana Center. In the portion of Phase 4 with the greatest potential for resources as identified in the *Honolulu High-Capacity Corridor Project Archaeological Resources Technical Report* (RTD 2008n), the AIS Plan will evaluate all areas that will be disturbed by the Project. The AIS Plan will include a review of historical shoreline location, soil type, and, where indicated by conditions, the survey measures listed in Stipulation III.C, including subsurface testing, for each column location, utility relocation, and major features of each station and traction power substation location based on preliminary engineering design data. The AIS Plan shall be submitted to the SHPD within four (4) months of execution of this PA. SHPD will provide comments on the AIS Plan to the City within sixty (60) days. The City will incorporate any timely

comments in revising the AIS Plan. Archaeological investigation will begin following approval of the AIS Plan by the SHPD.

2. The City shall complete the AIS for Phase 4 (Middle Street to Ala Moana Center) prior to beginning final design for that area.
3. The City shall inform OIBC of the status of the AIS. The City will continue to meet regularly with the OIBC, either as a taskforce, or with the council of the whole, for the duration of the construction period of the Project.
4. The City, in coordination with the OIBC, lineal and cultural descendants, NHOs, and other interested parties that are identified in discussion with OIBC shall complete a draft protocol for consultation regarding treatment of any *iwi kupuna* identified during the AIS. It shall be provided to the OIBC for review within six (6) months of the execution of this PA. The protocol shall address, at minimum, a process for communication about any identified *iwi kupuna*, definitions that will be applied to the Project, identification and inclusion of lineal and cultural descendants and NHOs, and workflow of actions prior to and upon identification of *iwi kupuna* during AIS. The workflow shall provide for options to avoid moving *iwi kupuna* (preservation in place) versus relocation options. Avoidance shall include relocation of columns, change of column design to or from a center alignment to straddle bent or other alternatively-supported design, modification of span length, and alternate utility locations. The City will take into account any comments provided within sixty (60) days from the OIBC, lineal and cultural descendants, NHOs and other interested parties to finalize the draft protocol. The City will proceed in accordance with the protocol once it is approved by FTA. Nothing in this protocol will supersede HRS § 6E 43.5, or HAR Chapter 13-300.
5. Dispute Resolution Specific to Stipulation XIV.C: Should the parties identified in this stipulation be unable to resolve elements identified in this stipulation, the parties would first consult with the signatories to this PA for guidance. Should the parties still be unable to resolve the dispute, the provisions of Stipulation XIV.C would take effect.

C. Fieldwork—The City shall conduct archaeological fieldwork as presented in the AIS Plan. For construction Phases 1, 2 and 3, the archaeological fieldwork shall be completed in advance of the completion of final design for each phase so that the presence of any sensitive archaeological sites/burials discovered during fieldwork may be considered during final design and measures incorporated to avoid and/or minimize adverse effects on historic properties. The City shall inform OIBC of status of the archaeological investigation. Fieldwork required by the AIS Plan shall include, but not be limited to, the following:

1. Reconnaissance survey (archival research and visual inspection by pedestrian inventory) within the APE,

2. A sample survey of subsurface conditions with ground-penetrating radar (GPR), and subsurface inspection as warranted,
3. A subsurface testing regime for locations identified in the AIS Plan,
4. A description of archaeological methods specific and applicable to the findings will be used in analysis, and
5. Draft and final reports summarizing the results of the fieldwork and analysis shall be submitted to the SHPD for review and approval.

D. Treatment Plans—Based on the results of the AIS fieldwork and in consultation with the SHPD, the City shall develop a specific treatment plan to avoid, minimize, or mitigate adverse effects on historic properties including archeological sites and burials pursuant to applicable state laws, including HRS Chapter 6E, *Historic Preservation*, and HAR Chapter 13-300, *Rules of Practice and Procedure Relating to Burial Sites and Human Remains*, for each construction phase. Treatment plans shall be submitted to the SHPD for approval. Upon approval by the SHPD, the City shall implement the treatment plan.

1. Any human remains found on lands owned or controlled by the federal government will be addressed in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. § 3001 *et seq.*, in coordination with the affected land management agency.
2. The City confirms that guideway columns may be relocated a limited distance along the guideway at most column locations, straddle-bent supports may be used, or special sections developed to modify span length allowing for preservation in-place to be viable in those locations. If the OIBC determines that a burial is to be relocated, the City will consult with the OIBC to determine appropriate reinterment, which may include relocation to Project property in the vicinity of the discovery.

E. Mitigation Plans—Subsequent to the archaeological fieldwork and development of the treatment plan, the City, in consultation with the SHPD, shall develop mitigation plans as appropriate. The mitigation plans may include the following:

1. Archaeological Monitoring Plan

- a. The City may develop an archaeological resources monitoring plan specifying the locations within the construction area that require a monitor and describing the level of monitoring necessary. The monitoring plan will be developed and implemented by a qualified archaeologist, meeting the *Secretary of the Interior's Professional Qualification Standards for Archeology*, 48 Fed. Reg. 44738-9 (Sept. 29, 1983).
- b. The City shall develop a follow-up monitoring report per HAR § 13-279-5 for the Project and shall submit it to the SHPD for approval. The monitoring report, if it contains the location and description of human

burial remains discovered during the course of the Project, shall remain confidential. Precise location data may be provided in a separate confidential index. The monitoring report for the construction phase of the Project shall be submitted by the City to the SHPD no later than ninety (90) days after the completion of construction of that phase.

2. Data Recovery Programs

- a. Data Recovery Programs (including Data Recovery Plans and Data Recovery Reports) will be prepared by the City as appropriate in consultation with the SHPD. Data Recovery Programs shall be submitted for review and approval by the SHPD.
- b. Whenever possible, technological means will be used to avoid potential human remains and archaeological resources to minimize disturbance.
- c. Completion of data recovery work must be verified by the SHPD prior to initiation of construction within the area of these sites.
- d. Data recovery plans that specify the disposition of recovered objects shall be submitted by the City, in consultation with the FTA and the Navy (as applicable), to the SHPD for review and approval and shall be in compliance with applicable laws, such as HAR Chapter 13-278, *Rules Governing Standards for Archaeological Data Recovery Studies and Reports*, and should be consistent with 36 C.F.R. Part 79, *Curation of Federally-Owned and administered Archaeological Collections*.

F. Curation—The City will curate recovered materials in accordance with applicable laws, such as HAR Chapter 13-278 and 36 C.F.R. 79. The City shall consult with public and private institutions to pursue an opportunity to provide public access to the recovered materials. Interpretive materials as described in Stipulation VII of this PA at one or more stations may incorporate archaeological materials recovered during development of the Project.

Any human remains found on lands owned or controlled by the federal government will be addressed in accordance with NAGPRA in coordination with the affected land management agency.

IV. Design Standards

A. The City shall develop standards for, and maintain and update the Project's *Design Language Pattern Book* for use in all Project elements. The pattern book shall be available electronically. For stations within the boundary of or directly adjacent to an eligible or listed historic property, the City shall comply with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, 36 C.F.R. pt. 68, and will make every reasonable effort to avoid adverse effects on historic properties. If the FTA,

the City and the Kako`o find that the standards cannot be applied, the City shall consult with the consulting parties to develop a treatment plan to minimize and mitigate adverse effects on the historic property.

B. The City shall conduct a minimum of two neighborhood design workshops for the stations in each of the Project phases. The City shall notify all consulting parties of the workshops and consider any comments received when completing station design.

C. At the earliest practicable time during preliminary engineering, prior to Project entry into final design, the City shall provide preliminary engineering design plans for built components of the Project, such as stations, guideway, and directly related Project infrastructure improvements, to consulting parties for review and comment. For stations within boundaries of or directly adjacent to listed or eligible historic properties, the City shall also provide plans during the final design phase. The consulting parties shall provide the City with comments on the plans within 30 days of receipt. The City shall consider and provide written documentation of that consideration on the project website of all comments provided by the consulting parties prior to completing preliminary engineering or final design plans.

V. Recordation and Documentation

A. Within ninety (90) days of execution of this PA, the City shall complete draft historic context studies related to relevant historic themes within the APE. This type of study assists in documenting the history of the affected area and may be used in developing NRHP nominations for historic properties in the area.

1. The City will develop a draft scope of work for the studies describing the context themes, research methodology, report format, photography specifications, and schedule for completion. The City will circulate a draft scope of work to the consulting parties.

2. Any comments received by the City from consulting parties within thirty (30) days of receipt of the draft scope of work will be considered by the City in developing a final scope of work in consultation with the SHPD.

3. Initial field work and photography for each study theme shall be completed prior to construction commencement in relevant geographic areas.

4. The City shall submit draft context studies to the SHPD for review, and all comments provided by the SHPD will be reconciled in consultation with the City within thirty (30) days while preparing the final studies.

5. Copies of the final studies shall be distributed to repositories listed in Stipulation XIV.E.5.

B. The City shall complete Cultural Landscape Reports (CLR) related to historic properties along the Honolulu High-Capacity Transit Corridor.

1. Within ninety (90) days of execution of this PA, the City shall develop a draft scope of work for the CLRs describing the cultural landscapes to be studied, research methodology, report format, photography specifications, and project schedule. All work shall follow NPS guidance and standards, as appropriate, including National Register Bulletin 30, *Guidelines for Evaluating and Documenting Rural Historic Landscapes* and National Register Bulletin 18, *How to Evaluate and Nominate Designed Landscapes*, as well as relevant information presented in NPS, *Guidelines for the Treatment of Cultural Landscapes*. The City shall circulate a copy of the draft scope of work to the consulting parties.
2. Any comments received by the City from consulting parties within thirty (30) days of receipt of the draft scope of work will be considered by the City in developing a final scope of work in consultation with the SHPD.
3. Initial field work and photography for each study area shall be completed prior to construction commencement in that area.
4. The City shall submit draft CLRs to the SHPD and consulting parties for review based upon a distribution list defined in advance in cooperation with the consulting parties. The SHPD will provide comments within thirty (30) days of receipt of draft materials. SHPD will have forty-five (45) days for review if multiple reports come in within ten days of each other. The City will consider all comments from the consulting parties and stakeholder groups while preparing final versions.
5. Copies of the final CLRs shall be distributed to repositories listed in Stipulation XIV.E.5.

C. Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscape Survey (HALS) Recordation

1. The City shall consult with the NPS HABS/HAER/HALS (HHH) coordinator in the Pacific West Regional Office to determine which of the historic properties that received adverse effect determinations will be documented by completing HHH recordation. After this determination, the NPS will stipulate the appropriate type and level of HHH documentation for each property.
2. The City shall ensure that all HHH documentation for properties identified in Stipulation V.C.1 is completed in accordance with NPS recommendations, including requisite draft and final submission requirements.
3. The City shall ensure that final HHH documentation is completed for a property and accepted by NPS prior to commencement of activities that could impact the historic property and/or affect its integrity.

4. The NPS shall provide comments on draft report submittals within 30 days of receipt and will provide comments on final report submittals within 30 days of receipt. If the City includes multiple reports in a submittal or submits multiple reports within a 10-day period, NPS will be allowed 45 days for review.

5. The City may request NPS to review the photographic documentation portion of a HHH report prior to completion of the full report, to accommodate construction schedules. The City shall only make such requests when the pace of the construction schedule makes it unlikely that a draft and final HHH report can be completed and reviewed in time for construction to commence on or near the specific property. In such instances, the City shall submit the archival black and white prints and negatives to NPS for review. NPS will provide comments within 30 days of receipt. The City will ensure that the full draft HHH report is submitted within six (6) months of NPS approval of photographic documentation.

D. The City shall engage a professional photographer to complete archival photography to NRHP standards for all resources that received adverse effect determinations that are not subject to HHH documentation under Stipulation V.C. Photographic documentation will include, at a minimum, representative views of relevant historic structures associated with each historic property, and representative views of the surrounding setting of each historic property. These photographs will be offered to the repositories listed in Stipulation XIV.E.5. Per the schedule established by Stipulation XIV.E.3, the City shall consult with the SHPD to determine an appropriate level of written documentation for each above-ground historic property that is not documented under Stipulation V.C or VI. The SHPD will review this documentation upon completion.

E. The City shall have digital photographs taken by a professional photographer, in conjunction with the input of a supervising architectural historian, to document select resources and view sheds within the APE. These photographs shall be taken prior to construction commencement and shall be used for interpretive materials, publications, cultural landscape reports, and historic context studies. Photographs will focus on NRHP-eligible resources and unique landscape features. Approximately 150 views will be submitted. These photographs will be housed at the City Municipal Library with copies submitted to the SHPD.

F. The City shall take a comprehensive video of the Project corridor prior to construction commencement. Video documentation shall be completed by a professional videographer and will consist of unedited footage filmed from a moving vehicle. The Project corridor shall be filmed from the vehicle in each direction, from Ala Moana to 'Ewa, and 'Ewa to Ala Moana. This film will be housed at the City Municipal Library with a copy submitted to the SHPD.

VI. National Register of Historic Places/National Historic Landmark Nominations

A. The City shall complete a NRHP Multiple Property Documentation (MPD) for Modern/Recent Past historic properties dating from 1939-1979. Additionally, the City shall complete a single Multiple Property Submission (MPS), including all appropriate accompanying documentation.

1. The City and SHPD will consult with property owners to obtain access and determine their consent to the proposed listing. Listing procedures shall be consistent with HAR Chapter 13-197, *Practice and Procedure before the Hawaii Historic Places Review Board* and HAR Chapter 13-198, *The Hawaii and National Registers of Historic Places Programs*. Should owners object to listing or access, the City shall document the properties to the extent possible from public right-of-way and using available research or alternative properties may be selected by the City, in consultation with SHPD, for documentation. The SHPD will determine appropriate listing procedures according to Hawai'i Administrative Rules for the properties whose owners do not consent.

2. As part of the MPD, the City will propose a list of Modern/Recent Past historic properties determined eligible for the NRHP to be advanced for nomination and will circulate it to the consulting parties.

3. The City will consider any comments received from the consulting parties within thirty (30) days in developing a final list in consultation with the SHPD.

4. The City shall submit a draft MPS nomination form to the SHPD and NPS for review and comment. The SHPD and NPS will provide any comments within thirty (30) days of receipt. The City shall consider all timely comments while preparing the final MPS documentation.

B. Pending the U.S. Navy approving the work and providing access to the site and relevant records, the City, in consultation with the Navy, or the Navy, if it chooses, shall complete an update to the Pearl Harbor NHL nomination and the CINCPAQ Headquarters NHL nomination. For the Pearl Harbor NHL amendment, emphasis shall focus on those resources closest to the APE and to those not previously documented in the existing nomination. All work shall be coordinated with the Navy and follow the guidelines set forth in *National Park Serv., U.S. Dep't of the Interior, How to Prepare National Historic Landmark Nominations* (1999). The work shall be carried out and approved by persons meeting the professional qualifications for historical architect or architectural historian in *The Secretary of the Interior's Historic Preservation Professional Qualification Standards*, 62 Fed. Reg. 33,713-14, 33719-20 (June 20, 1997). The City shall submit a draft document to the NPS, Navy, and SHPD. The City shall consider all comments received from NPS, Navy, and SHPD within 30 days in preparing the final NHL nomination. The City will provide the Navy with the updated NHL nominations and accompanying documentation, including requisite maps and photographs for submittal to the NPS.

C. National Register Nominations

1. The City shall complete NRHP nomination forms and/or amendments for all 31 of the 33 properties (Attachment 2) that received adverse effect determinations located along the Project corridor (note that two resources are NHLs and are addressed in Stipulation VI.B). The City shall complete NRHP nomination forms for the potential Little Makalapa Navy Housing Historic District—although FTA has determined that the Project will have no adverse effect on this potential district. See Section 4.16 of the Project’s Final EIS. The City will consult with the SHPD to determine if nomination forms for properties already listed in the NRHP should be updated and/or amended. The City and SHPD will consult with property owners to obtain access and determine their consent to the proposed listing. Should owners object to listing or access, the City shall document the properties to the extent possible from public right-of-way and using available research. This information will be provided to the SHPD, who will determine appropriate listing procedures according to Hawai‘i Administrative Rules for owners who do not consent. All work shall conform to guidance presented in relevant National Register Bulletins. The City will complete all appropriate accompanying documentation, including photographs and mapping.

2. The City will submit draft nomination forms to the SHPD for review. The SHPD will provide comments within thirty (30) days of receipt. The City will consider the comments and submit final NRHP nomination forms following the established procedures of the National Park Service under 36 C.F.R. § 60.6(g). Final nomination forms will be completed before the Project begins revenue service operations.

In addition, the City shall complete nomination forms for Makalapa Navy Housing District and the Little Makalapa Navy Housing District, shall provide the forms for review by the SHPD and the Navy, and submit the nominations forms to the National Park Service under 36 C.F.R. § 60.6(g) or, if the Navy chooses, under 36 C.F.R. § 60.9. Final nomination forms shall be submitted to the National Park Service prior to the second Pearl Harbor Station design workshop as described in Stipulation IV.B.

3. The City will also coordinate with the SHPD to nominate these historic properties to the Hawai‘i Register of Historic Places if they are not already included.

D. Properties documented in the MPS required by Stipulation VI.A will not be documented on separate, individual NRHP forms beyond what is included in the MPS.

E. All NRHP and Hawai‘i Register of Historic Places nominations will follow the procedures set forth in HRS Chapter 6E, *Historic Preservation*, and HAR Chapter 13-198, *The Hawaii and National Registers of Historic Places Programs*, as appropriate. Completion of the stipulated NRHP nominations does not guarantee listing; the Keeper

of the NRHP may determine that the properties are not eligible for listing. Listing of any property in the NRHP is subject to NPS review and approval.

F. The City shall develop a searchable database of historic properties within the APE in a format suitable for public use. The database will include an interactive geographic component and include property information (e.g., property name, address, tax map key, construction date, architect, etc.). The City will initiate database development prior to construction commencement and will update and maintain the database for the duration of this PA. The Navy reserves the right to approve the inclusion of any Navy historic properties in any public database.

G. The City will consult with the SHPD to develop a strategy for making this database and its information available to any organization with the authority and ability to develop, maintain, and support a public research database at the end of construction.

VII. Educational and Interpretive Programs, Materials, and Signage

The City shall implement the following stipulations before revenue service begins.

A. The City shall complete an interpretive plan for the Project area and install interpretive signage at appropriate locations. The interpretive plan will highlight historical themes (e.g., Native Hawaiian History, Native Hawaiian Culture, Immigrant History, Plantation Culture, Architecture, Government, Agriculture, Transportation, Military, etc.) and will interpret these themes at an appropriate station location. Interpretive signage will be installed at or near relevant transit stations and, where appropriate, inside transit vehicles.

B. The City shall complete a color brochure describing the history of the area along the transit line. All materials shall also be produced in a digital format for electronic and/or online distribution. Upon completion, 1,000 physical copies of the product shall be printed and made available at stations to transit riders.

C. The City shall prepare materials for children, such as a coloring book or child-friendly game that would educate children about relevant local history. The materials shall be prepared by professional historians and a professional illustrator. The City shall solicit student input to propose and develop the content for the materials. All materials shall also be produced in a digital format for electronic and/or online distribution. The materials will be available on the Project website.

D. The City shall establish a Humanities Program that will explore human histories, cultures, and values. This program will enhance visitor and resident exposure to the depth of history and culture in the vicinity of the Project. The Humanities Program will educate the public about important topics in Hawaiian history through conferences/seminars, research fellowships, media programs, exhibits, lectures, and publications. The Humanities Program will also consider conducting select architectural surveys as a component of the potential program that may inform other program

aspects. The City will develop this program's goals in consultation with consulting parties, and the City will provide one hundred thousand dollars (\$100,000) to fund this program. The City will establish subcommittees to achieve the goals of the Humanities Program and meet at agreed-upon intervals. In the absence of additional funding from the City, the Humanities Program will continue until all designated funds are exhausted or until revenue service begins, whichever occurs later.

E. The City will develop and implement an educational effort/program to encourage the rehabilitation of historic properties located along the transit route. This effort will include printed and electronic information about proper rehabilitation practices; benefits of historic designation; financial incentives available for eligible properties; and existing resources for assistance in pursuing these options. The City will hold two meetings and/or public workshops with owners of historic properties to disperse this information. The City will invite all owners of eligible or listed properties located within the APE and also within a 2,000-foot radius of station locations to the two meetings/workshops and will also announce the meetings/workshops to the public on the Project website. The meeting/workshops will be completed before revenue service begins. At the conclusion of the effort, the City will submit a summary report to the consulting parties.

F. Based on the content developed in Stipulation VII.A, the City will develop an educational field guide of the historic properties (including historic districts) along the transit route. The City will make the field guide available to the public in both print and electronic formats.

G. Consulting parties will be invited to participate in a kick-off meeting to develop a work plan, content for deliverables, and schedule for all products required within Stipulation VII. The City will circulate a draft of the work plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The City will consider all comments received within thirty (30) days while preparing the final work plan and schedule in consultation with the SHPD.

H. The City will submit drafts of all work products required in Stipulation VII to the consulting parties for review and comment. The consulting parties will provide comments on the content, design, and other relevant product components within thirty (30) days of receipt of draft materials. The City will consider all comments while preparing final versions.

VIII. Mitigation for Specific Historic Properties

A. All lava rock curbstones removed along the edges of pavement because of Project-related work shall be retained by the City for reuse and reinstallation. The stones will be marked prior to removal, stored securely, and replaced at their approximate original mile-point locations prior to the beginning of revenue service operation. Any stones that are damaged or destroyed during extraction or reinstallation shall be replaced with in-kind materials.

B. The bridge rails on the Kapālama Canal Bridge must be replaced or retrofitted to meet current safety standards. The City will maintain or replace the rails to match the appearance of the historic rails and to maintain existing views to and from the bridge. The City shall consider *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, 36 C.F.R. pt. 68, in developing draft plans to provide to SHPD for review per Stipulation IV.

C. The City will replace true kamani trees within the corridor as close as feasible to the current location of the group of 28 true kamani trees on the makai side of Dillingham Boulevard that will be removed. The City will replace the trees prior to revenue service operation. In consultation with the SHPD landscape plans will be developed by the City during final design so that new plantings will provide similar advantages to the community. If new plantings do not provide "equitable mitigation" (e.g., older mature trees that are removed), additional younger trees will be planted that will, in time, develop similar benefits.

D. Improvements to Adversely Affected Parks

1. The City will invite consulting parties, property owners, and other stakeholders to participate in a kick-off meeting to discuss improvements to adversely affected historic parks. Based upon design standards contained in Stipulation IV, and considering comments offered at the kick-off meeting, the City will develop and circulate a draft park improvement plan to consulting parties. The City will consider all comments received within thirty (30) days while preparing the final plan in consultation with the SHPD.

2. The City shall consider *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, 36 C.F.R. pt. 68, and make every effort to avoid adverse effects on historic properties.

3. The City will ensure completion of the park improvement plan before construction is complete.

4. Project funds in the sum of seven hundred fifty thousand dollars (\$750,000) shall be budgeted for implementation of the parks improvement plan. Should the City, following consultation with consulting parties, property owners, and stakeholders, determine that circumstances preclude improving these parks, Project funds budgeted for parks shall be transferred for use to the Honolulu High-Capacity Transit Corridor Project Historic Preservation Committee (Stipulation IX.B).

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

A. The City shall include a staff position for a qualified Project architectural historian, defined in Stipulation I.F. The architectural historian shall oversee completion of the

stipulations of this PA, coordinate with the SHPD, *Kako'o* and other consulting parties, and coordinate with the Department of Planning and Permitting (DPP) regarding land use planning activities, including the integration of transit-oriented development with historic preservation in the vicinity of Project stations.

B. The City, in consultation with the consulting parties, shall create, chair, and provide technical, administrative, and financial support for the operation of a Honolulu High-Capacity Transit Corridor Project Historic Preservation Committee (HPC). The City shall allocate two million dollars (\$2,000,000) within the Project's budget to fund the program administered by the HPC. The City will create and schedule the first meeting of the HPC within three months after execution of this PA. Prior to the creation of the HPC, the City will submit to the SHPD for approval, a list of the agencies, groups, and organizations that will be invited to be represented and serve on the HPC. The HPC shall comprised the following seven (7) members: the director of DTS, or his designee, to serve as a voting member and chair of the HPC; one representative, or its designee, from each of the following: SHPD, DTS, and DPP; and one representative each from three (3) non-governmental groups or organizations with expertise in historic preservation, cultural resources, architecture, planning, or landscape architecture. The HPC shall establish the goals, criteria, program guidelines, administrative procedures, and funding distribution for the disposition of these funds that will be provided by the City for exterior improvements to both Project related and other eligible or listed historic properties (including contributing resources within historic districts) within the Project's APE consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, 36 C.F.R. pt. 68, accomplished through grants provided under this section. The HPC shall also consult with the City and SHPO on the existence of potential unforeseen adverse effects as a result of Project actions on the Chinatown and Merchant Street Historic Districts.

The HPC shall identify and select an entity or entities that will administer the funds for the purposes established. This entity or entities shall be compliant with the requirements of ROH Chapter 6, Article 29, as amended, *Standards for the Appropriation of Funds to Private Organizations*. The City will dissolve the HPC when the funds are exhausted, but not before six (6) months after completion of the Project and no later than three (3) years after completion of the Project, whichever occurs first.

C. To examine Project impacts related to development along the Project corridor, the City shall monitor the proposed demolition of resources built before 1969 within the APE and within a 2,000-foot radius of each station. This shall occur by monitoring demolition permits. The City shall establish a baseline for demolitions by calculating an annual average and standard deviation of demolitions that occurred within these areas between 2005 and 2008. The City shall include this baseline data and an explanation of its relevance to project planning and implementation in the first six-month report submitted pursuant to Stipulation XIV.E.3. The SHPD shall provide location information on previously identified eligible or listed historic properties within the 2,000-foot radius of each station location. If and when in any year during project construction the number of demolitions of listed or eligible resources within the APE or resources within the

station areas built before 1969 is greater than one standard deviation above the baseline, then the City shall notify the consulting parties during each scheduled quarterly and annual review of the PA.

D. If any Signatory to this PA finds during the duration specified in Stipulation XIV.D that there is likely to be a significant adverse indirect or cumulative effect on a resource determined eligible for the National Register as part of the Section 106 process for this project and that the adverse effect was not evaluated in this PA, that Signatory shall notify FTA. Post-review direct effect discoveries are handled in stipulation XII.A.

If consulting parties identify during the duration of this PA that a significant adverse indirect or cumulative effect on a resource determined eligible for the National Register as part of the Section 106 process for this project was not evaluated in this PA, the consulting party shall follow procedures identified in Stipulation I.H.10.

Upon such notification, FTA will call a meeting of the consulting parties to discuss what next steps would be appropriate under the new circumstances to mitigate the effects on such resources.

E. In the Chinatown and Merchant Street Historic Districts, these specific additional requirements shall apply regarding unanticipated cumulative adverse effects referenced in Stipulation IX. D, above:

- 1.** During design, implementation, testing, and the first six months of full operation of the Project, the City shall follow the process described below to address unanticipated and reasonably foreseeable present and future non-Project actions that could, in combination with the Project, have cumulative adverse effects on the historic resources in the Chinatown and Merchant Street Historic Districts (hereinafter, the “Two Historic Districts”) that may cause irreversible or long-term adverse effects on qualifying characteristics of the Two Historic Districts that were to be preserved or protected based upon the terms of this Agreement or other executed Section 106 Agreement document(s) associated with the Two Historic Districts.

- 2.** City shall request all City agencies that are constructing projects related to the Project within the Two Historic Districts to submit preliminary documents to the City to allow coordination of the Project activities with such other work and to allow the City’s assessment of the Project to include the potential for unanticipated cumulative adverse effects on the Two Historic Districts.

- 3.** City, its historic preservation consultants, and the *Kako’o*, in cooperation with the FTA, will consult with SHPO and the Project Historic Preservation Committee in assessing whether there is an unanticipated cumulative adverse effect related to the Project in the Two Historic Districts.

- 4.** If FTA, the City and SHPO agree that Project plans or completed activities in conjunction with unanticipated and reasonably foreseeable present and future

non-Project actions are likely to result in unanticipated cumulative adverse effects on the Two Historic Districts per Stipulation IX.D., above, then the City, in consultation with FTA, shall consider measures with respect to the Project to mitigate or minimize such effects, including technical or financial measures for the protection, rehabilitation, or repair and Project design modifications. Disagreements between the City and SHPO, including those related to effects findings, will be resolved pursuant to Stipulation XIV.C.

5. City shall make all appropriate City-generated and prepared documentation related to the Project for Section 106 purposes and utilized in consideration of unanticipated indirect and cumulative adverse effects in Section IX.D. available to the consulting parties via the Project website. Consulting parties will be notified of the documentation posting to the Project website via electronic notification. SHPO, ACHP, the Navy and FTA will respond within 30 days of receipt of all required documentation. All other consulting parties shall have 21 days to comment on the documentation. The City will provide paper copies of such documentation to consulting parties upon request. Should consulting parties fail to respond within 30 days after receipt of all documentation, it shall be assumed that they have no comments on the proposed action or mitigation, if any, to minimize or mitigate unanticipated cumulative adverse effects.

6. The review of the documentation by all parties per Section IX.D. shall focus on the historic elements of the Two Historic Districts, as defined in the state or National Register of Historic Places, which may be caused by the Project relative to unanticipated cumulative adverse effects.

7. City, in coordination with FTA, and SHPO will consider and respond to comments about the Project related to the Two Historic Districts from consulting parties as provided for in Stipulation I.H.10. The review, in particular, will address the potential for unanticipated cumulative adverse effects on the Two Historic Districts. The review will also attempt to resolve specific disagreements about how City intends to address unanticipated cumulative adverse effects per Section IX.D. of this Agreement. If City, in consultation with SHPO is unable to reach a resolution with the consulting parties who have commented pursuant to Section I.H.10 regarding an unanticipated cumulative adverse effect on the Two Historic Districts, the City will notify the FTA, and as appropriate, consult with the ACHP, in accordance with Stipulation X.I.V.

F. In addition to the mitigation presented in this stipulation, mitigation for indirect and cumulative effects is provided in Stipulations IV.A-B and VII.A-F.

X. Construction Protection Plan

A. During final design, DTS, in cooperation with its contractors and FTA, will develop a Construction Mitigation Plan (CMP). The CMP will include a Noise and Vibration Mitigation Plan. Per requirements to be included in the FTA Record of Decision (ROD) and FTA guidance entitled, *Transit Noise and Vibration Impact Assessment*, FTA-VA-90-1003-06 (2006) (FTA Guidance Manual), DTS shall perform quantitative assessments of both noise and vibration which will inform the CMP. Noise and vibration control plans will be updated every six (6) months. The updated plans should predict the construction noise and vibration impacts at sensitive receptor locations based upon the proposed construction equipment and methods. Appropriate construction plan noise and vibration mitigation measures shall be employed as identified in FTA's Guidance Manual.

Numeric limits and monitoring measures will be developed to minimize noise and vibration impacts. Vibration criteria included in Table 12-3, *Construction Vibration Damage Criteria*, of the FTA Guidance Manual will be applied. Note that most historic properties in the corridor are non-engineered timber or masonry; a criterion of 0.2 inches per second of peak particle velocity would be applicable to these structures. Noise and vibration mitigation strategies will be included in the Noise and Vibration Mitigation Plan.

B. Before Project construction begins, the City shall meet with the construction contractor(s) to review and transmit the CMP.

C. The City will monitor Project construction to ensure that the measures in the CMP are implemented and shall provide a record of monitoring activities in progress reports prepared pursuant to Stipulation XIV.E.

D. With the cooperation of the Navy, the City shall complete post-construction noise monitoring as stipulated in the Project's Final EIS within U.S. Naval Base, Pearl Harbor NHL.

E. The City, in consultation with FTA shall ensure that any inadvertent damage resulting from the Project to historic properties shall be repaired, to the extent possible, in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, 36 C.F.R. pt. 68. The City, in consultation with the FTA, shall submit a scope of work or treatment plan to address inadvertent damage to the SHPD for comment before initiating repairs.

XI. City Contractors and Contract Adherence to PA

FTA and the City shall ensure that contracts developed in the implementation of all construction phases of the Project shall expressly refer to and require compliance with the stipulations of this PA. Contractors responsible for work set forth in this PA shall have qualified staff that meets the *Secretary of Interior's Professional Qualification*

Standards, 48 Fed. Reg. 44,738-39 (Sept. 29, 1983) for history, archaeology, architectural history, architecture, or historic architecture with experience in historic preservation planning to ensure the satisfactory compliance with the terms of the PA during the design and construction of each project construction phase.

The *Kako'o* will provide guidance regarding the implementation of the terms of this PA to all contractors, particularly those involved in construction-related activities.

The City shall require, on an annual basis, or more frequently as circumstances require, historic preservation and cultural awareness training for the construction contractors and employees. The training shall include information related to the following topics:

- a) Illegal collection and disturbance of historic and prehistoric cultural materials, including human remains.
- b) Scope of applicable laws and regulations.
- c) Initial identification and reporting of archeological materials, human remains, and historic buildings or structures that may potentially be discovered during the course of their work.

Training materials, schedules and lists of persons trained will be made available to the consulting parties of this PA and other interested parties on an annual basis.

XII. Post-Review Discoveries

A. Post-review discoveries are not anticipated for built historic properties. Notwithstanding, the City agrees to cease all work in the vicinity of the discovery should an unanticipated adverse effect on a built historic property be found during construction. The City will notify the signatories and provide information about the unanticipated adverse effect and the City's proposed treatment plan within a period of three (3) business days. Signatories will provide comments on the City's proposed treatment plan within three (3) business days. The City, in consultation with FTA and SHPD, will consider any timely comments in developing a final treatment plan. FTA will not allow work to resume in the vicinity of the unanticipated adverse effect until a treatment plan has been finalized. The City will proceed in accordance with the treatment plan.

B. Because of the linear nature of the Project and because any areas excavated for the placement of piers to support the elevated structures, foundations for buildings and structures, utility installation, grading to provide parking, or other construction-related ground disturbance, including preparation of construction staging areas and the new location of any utilities that will be relocated by the Project, will be the subject of a comprehensive AIS, post-review archaeological discoveries after completion of AISs are not anticipated.

In the event of any inadvertent discoveries of burials, the OIBC shall be included in consultation as specified in HAR § 13-300-40. When suspected human skeletal remains are found, the City shall ensure that all work in the vicinity stops and that a City

archaeologist will secure the area to avoid any additional disturbance, pursuant to HRS § 6E-43.6. If the remains are identified to be human, the City will notify SHPD as required by law. (Non-human remains that are determined by the Project archaeologist not to be a protected resource will be documented in Project files and no further action taken.) With confirmed human skeletal remains, the archaeologist must also notify the OIBC, the County Coroner's Office, and the County Police Department. With all inadvertent burial finds, SHPD determines burial treatment, either preservation in place or relocation, in consultation with the landowner, the district representative of the OIBC, and any recognized cultural or lineal descendents or NHOs for the Project. Pursuant to §§ 6E-43.6(c) and (d), SHPD has one (1) day to make its treatment determination for single burials and two (2) days for multiple burials found on O'ahu. Recognizing the extent of the Project and the sensitivity of any discoveries, the Project will allow an extended time for SHPD determination of treatment by an additional three (3) days for a total of four (4) days for single burials and five (5) days for multiple burials; provided that this extension of time shall not affect other obligations, duties, or responsibilities required under HRS Chapter 6E and applicable regulations. Information generated in the AISs in Stipulations III.B, III.C and III.D will assist SHPD and OIBC in identifying and notifying lineal and cultural descendants and defining a treatment plan since background research is an integral component of the AIS. Construction must remain halted in the vicinity of the burial find until SHPD's treatment decision has been carried out or any other requirements of law have been met.

C. The City, in consultation with the OIBC and the SHPD, will be responsible for carrying out the burial treatment for post-review discoveries.

1. For preservation in place, the City will modify the planned construction to allow for the remains to stay in place in accordance with the burial treatment plan.
2. Pursuant to HRS § 6E-43.6(f), in cases where remains are archaeologically removed, SHPD shall determine the place of relocation, after consultation with the City, OIBC, affected property owners, representatives of the relevant ethnic group, and any identified lineal descendants, as appropriate.

Parties identified in this Stipulation XII.C will consider the inclusion of either of the following two provisions in a post-review discovery treatment plan: (1) If a reinterment site was not identified in a Treatment Plan in Stipulation III.D, the City will disinter the remains, curate the remains at the Project site until the associated Project phase is completed and then immediately arrange for reinterment within the Project area; or (2) If reinterment sites are identified as part of the Treatment Plans in Stipulation III.D, immediate reinterment to those identified sites will be the preferred practice

3. The City will document burial treatment in either a "burial site component of an archaeological data recovery plan" for burials that are relocated, or a "burial site component of an archaeological preservation plan" that documents the burial

treatment that was carried out. These plans/reports document the conditions of the discovery, the burial treatment, access and any subsequent measures that have been agreed to by the landowner to safeguard either the relocation site or the preserve site. The City will record preserved or relocated burial sites with the Bureau of Conveyances so that the burial sites are not further disturbed in the future.

D. Any human remains found on lands owned or controlled by the Federal government will be addressed in accordance with NAGPRA in coordination with the affected land management agency.

XIII. Public Information

Elements of public involvement and information are included throughout this PA. In addition, the City shall undertake the following:

A. To keep the public informed about PA implementation, the semi-annual progress reports described in Stipulation XIV.E will be posted on the Project website.

B. With the exception of sensitive information or locations, the City shall add all documentation completed as part of this PA to the historic properties database that will be created as part of Stipulation VI.F. However, if the consulting parties agree, the sensitive information or locations may be included in a password-protected mode.

C. At any time during implementation of the activities covered in this PA, should an objection pertaining to this PA or the effect of any activity on historic properties be raised by a member of the public, FTA will notify the signatories to this PA and take the objection into account, consulting with the objector, and should the objector so request, with any of the parties of this PA, to resolve the objection.

XIV. Administrative Provisions

A. Implementation Schedule—Within sixty (60) days of the execution of this PA, the City shall develop a schedule for the implementation of the provisions of this PA. The City will submit the schedule to the signatories and concurring parties for review and comment. The final schedule will include timelines and milestones for completion of deliverables and will be posted on the Project website. The City will update the schedule to reflect Project changes and will notify the signatories and concurring parties of any alterations to the schedule.

B. Project Modifications—Should the Project alignment be changed in any way that FTA determines results in a change to the APE, the City shall update the APE maps, and FTA and the City, in consultation with other consulting parties, shall ensure that the requirements of this PA are met, after further consultation and assessment of effects, with regard to the new portions of the APE.

C. Dispute Resolution—Should any Signatory or Invited Signatory to this PA object to any action proposed pursuant to the PA, the FTA shall consult with the objecting party to resolve the objection. If the FTA determines that the objection cannot be resolved, the FTA shall forward all documentation relevant to the dispute, including FTA’s proposed resolution, to the ACHP.

1. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall provide the FTA with its advice on the resolution of the objection. FTA will then prepare a written response that considers any timely advice offered by the ACHP or by other signatories to the PA. FTA will provide all consulting parties with a copy of this written response and proceed according to its final decision.
2. If the ACHP does not provide its advice regarding the dispute within thirty (30) days of receiving appropriate documentation about the dispute, FTA may make its final decision on the dispute and proceed accordingly. Prior to reaching a final decision, FTA shall prepare a written response that considers any timely comments by other signatories to the PA and provide them and the ACHP with a copy of that response.
3. The responsibility of the FTA and the City to carry out all actions that are required by this PA and are not affected by the dispute remains unchanged.

D. Duration

1. This PA shall take effect on the date it is signed by the last Signatory and shall be in effect for ten (10) years from the date of execution, or terminated pursuant to Stipulation XIV.I. At least six (6) months prior to the end of the 10-year period, FTA will provide an update on the status of the work associated with all stipulations. At that time, and before the 10-year period elapses, the signatories may amend the content of the PA, which may include extension of the duration of the PA, in accordance with Stipulation XIV.H if they determine that it is necessary to complete all stipulations.

E. Monitoring and Reporting

1. Any Signatory to this PA may request, at any time, a review of the implementation of the terms of this PA.
2. For the first twenty-four (24) months following the implementation of this PA, the City shall hold quarterly (every three (3) months) meetings with the consulting parties to discuss implementation of this PA including near-term planned activities.
3. Every six (6) months following the execution of this PA, until it expires or is terminated, the City shall provide all signatories to this PA a summary report detailing the work undertaken pursuant to its terms. Such report shall include

any scheduling changes proposed, any problems encountered, and any disputes or objections received during efforts to carry out the terms of the PA.

4. After the 24-month period mentioned in Stipulation XIV.E.2. above, FTA shall conduct annual meetings of consulting parties to discuss implementation of this PA over the preceding year and planned activities for the coming year. FTA shall evaluate the effectiveness of this PA and whether any amendments or changes are needed based on the City's summary reports or Project modifications and provide its evaluation to the signatories prior to the meeting

5. Work products not containing sensitive information will be submitted to the following repositories so that the information generated is made available to the public: SHPD, State Publications Distribution Center (15 copies), University of Hawai'i, and the Municipal Library (3 copies).

F. Emergency Situation—Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 of the NHPA and this PA. In the event that an emergency situation should occur during the Project, FTA shall follow the provisions of 36 C.F.R. § 800.12.

G. Coordination with Other Federal Involvement—In the event that the City or other agency applies for additional federal funding or approvals for the Honolulu High-Capacity Transit Corridor Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 of the NHPA by agreeing in writing to the terms of this PA and notifying the signatories. Any necessary amendments will be considered in accordance with Stipulation XIV.H.

H. Amendments—Any Signatory to this PA may propose that this PA be amended, whereupon the signatories to the PA shall consult to consider such amendment. Any amendment must be agreed to in writing by all signatories. The amendment will be effective on the date a copy with all signatures is filed with the ACHP.

I. Termination—If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatory parties to attempt to develop an amendment per Stipulation XIV.H. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any Signatory may terminate the PA upon written notification to the other signatories. Once the PA is terminated and prior to work continuing on the undertaking, FTA must either: (1) execute a new agreement pursuant to 36 C.F.R. § 800.6; or (2) request, take into account, and respond to comments of the ACHP under 36 C.F.R. § 800.7. FTA shall notify the signatories as to the course of action it will pursue. This PA may be terminated by the execution of a subsequent agreement that explicitly terminates this PA or supersedes its terms.

Execution of this PA by FTA, SHPD, and the ACHP and implementation of its terms evidence that FTA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

J. Native Hawaiian Organization (NHO)— If, at any time during implementation of the provisions of this PA, an NHO informs the City or FTA that it attaches religious and cultural significance to properties within the APE, FTA shall invite that NHO to participate in reviews and consultation carried out under the terms of this PA.

SIGNATORY PARTIES

Federal Transit Administration

Leslie T. Rogers, Regional Administrator

Date: _____

Hawai'i State Historic Preservation Officer

William J. Aila, Jr., Interim Chairperson of the Board of Land and Natural Resources

Date: _____

United States Navy

Rear Admiral Dixon R. Smith, Commander, Navy Region, Hawaii

Date: _____

Advisory Council on Historic Preservation

John M. Fowler, Executive Director

Date: _____

INVITED SIGNATORY PARTIES

City and County of Honolulu

Wayne Y. Yoshioka, Acting Director, Department of Transportation Services

Date: _____

National Park Service

Christine S. Lehnertz, Regional Director, Pacific West Region

Date: _____

CONCURRING PARTIES

Historic Hawai'i Foundation

Date: _____

National Trust for Historic Preservation

Date: _____

University of Hawai'i Historic Preservation Certificate Program

Date: _____

AIA Honolulu

Date: _____

Hawai'i Community Development Authority

Date: _____

Office of Hawaiian Affairs

Date: _____

O'ahu Island Burial Council

Date: _____

Royal Order of Kamehameha

Date: _____

The Ahahui Ka'ahumanu

Date: _____

Hui Mālama I Nā Kūpuna O Hawai'i Nei

Date: _____

Hale O Nā Ali'i O Hawai'i

Date: _____

Māmakakaua: Daughters and Sons of the Hawaiian Warriors

Date: _____

Association of Hawaiian Civic Clubs

Date: _____

Ali'i Pauahi Hawaiian Civic Club

Date: _____

Ka Lei Maile Ali'i Hawaiian Civic Club

Date: _____

King Kamehameha Hawaiian Civic Club

Date: _____

Nānāikapono Hawaiian Civic Club

Date: _____

Hawaiian Civic Club of Wahiawa

Date: _____

Ahahui Siwila Hawai'i O Kapolei Hawaiian Civic

Date: _____

Waikīkī Hawaiian Civic Club

Date: _____

Princess Ka'iulani Hawaiian Civic Club

Date: _____

Wa'ianae Hawaiian Civic Club

Date: _____

Merchant Street Hawaiian Civic Club

Date: _____

Prince Kūhiō Hawaiian Civic Club

Date: _____

Pearl Harbor Hawaiian Civic Club

Date: _____

Hawaiian Civic Club of 'Ewa-Pu'uloa

Date: _____

Kalihi-Pālana Hawaiian Civic Club

Date: _____

Hawaiian Civic Club of Honolulu

Date: _____

APPENDIX A - Consulting Party Comment Review and Disposition Process

If there are unanticipated effects on historic properties identified within the APE found after the execution of the Programmatic Agreement (PA), the process developed in this PA and applicable appendix to resolve any adverse effects upon such properties shall satisfy Section 106 responsibilities pursuant to 36 C.F.R. § 800.13. If there is an inadvertent discovery of burial remains that are not “historic property” as defined under 36 C.F.R. § 800.16(l), Stipulation XII of this PA and HRS § 6E-43.6 shall apply. If there is an inadvertent discovery of a historic property, Stipulation XII of this PA shall apply.

The following procedure has been developed to implement Stipulation I.H of the PA. The PA Project Manager (*Kako'o*) will manage the review and disposition of comments from consulting parties related to this Appendix A as part of its assigned responsibilities.

NOTIFICATION PROCESS

1. Notification letter must come from a consulting party.
2. Notification letter should include the following information:
 - Consulting party contact information including telephone number, email, and mailing address.
 - Identify the impacted resource (i.e., a historic property, historic district, a property that was previously not considered historic, other).
 - Provide a general description of unforeseen impact.
 - Explain how the impact is different from what is stated in the Final Environmental Impact Statement (Final EIS).
 - Identify the possible cause of the impact.
 - List any additional information or related studies.
3. Send or deliver the notification letter to the Department of Transportation Services (DTS) at the City and County of Honolulu and FTA Region IX noting the project identification (HHCTCP) and subject (Section 106 Programmatic Agreement) to:

Wayne Y. Yoshioka
Acting Director
Department of Transportation Services
650 S. King Street, Third Floor
Honolulu, HI 96813-3017

Ted Matley
FTA Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

4. DTS and FTA will share the letter with the *Kako'o*. Within 30 calendar days of DTS and FTA receiving the notification letter, the *Kako'o* shall research or cause to be researched the issues listed in the notice, and write a recommendation for the disposition of the request for action by FTA.

5. The *Kako'o*, the City and the FTA shall consult with the Consulting Parties regarding the notification and appropriate action.

6. Within seven calendar days of receiving the recommendation from the *Kako'o*, FTA will take appropriate action and communicate the outcome of their review and decision to all of the Consulting Parties.

Attachments

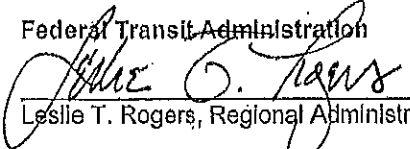
Attachment 1: APE for Historic Resources; APE for Archaeological Resources
(CD enclosed)

Attachment 2: Information on Resources with Adverse Effect Determinations

J. Native Hawaiian Organization (NHO)— If, at any time during implementation of the provisions of this PA, an NHO informs the City or FTA that it attaches religious and cultural significance to properties within the APE, FTA shall invite that NHO to participate in reviews and consultation carried out under the terms of this PA.

SIGNATORY PARTIES

Federal Transit Administration


Leslie T. Rogers, Regional Administrator

Date: JAN 11 2011

Hawai'i State Historic Preservation Officer

Date: _____

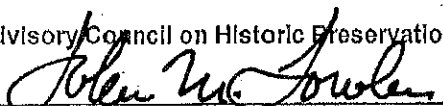
William J. Alla, Jr., Interim Chairperson of the Board of Land and Natural Resources

United States Navy

Date: _____

Rear Admiral Dixon R. Smith, Commander, Navy Region, Hawaii

Advisory Council on Historic Preservation


John M. Fowler, Executive Director

Date: 1/8/11

INVITED SIGNATORY PARTIES

City and County of Honolulu

Date: _____

Wayne Y. Yoshioka, Acting Director, Department of Transportation Services

National Park Service

Date: _____

Christine S. Lehnertz, Regional Director, Pacific West Region

J. Native Hawaiian Organization (NHO)— If, at any time during implementation of the provisions of this PA, an NHO informs the City or FTA that it attaches religious and cultural significance to properties within the APE, FTA shall invite that NHO to participate in reviews and consultation carried out under the terms of this PA.

SIGNATORY PARTIES

Federal Transit Administration

Leslie T. Rogers, Regional Administrator

Date: _____

Hawai'i State Historic Preservation Officer

William J. Aila, Jr.

William J. Aila, Jr., Interim Chairperson of the Board of Land and Natural Resources

Date: 1/13/11

United States Navy

Rear Admiral Dixon R. Smith, Commander, Navy Region, Hawaii

Date: _____

Advisory Council on Historic Preservation

John M. Fowler, Executive Director

Date: _____

INVITED SIGNATORY PARTIES

City and County of Honolulu

Wayne Y. Yoshioka

Wayne Y. Yoshioka, Acting Director, Department of Transportation Services

Date: 1/10/11

National Park Service

Christine S. Lehnertz, Regional Director, Pacific West Region

Date: _____

HHCTCP Programmatic Agreement
Final - January 2011

J. Native Hawaiian Organization (NHO) — If, at any time during implementation of the provisions of this PA, an NHO informs the City or FTA that it attaches religious and cultural significance to properties within the APE, FTA shall invite that NHO to participate in reviews and consultation carried out under the terms of this PA.

SIGNATORY PARTIES

Federal Transit Administration

Leslie T. Rogers, Regional Administrator

Date: _____

Hawai'i State Historic Preservation Officer

William J. Ailo, Jr., Interim Chairperson of the Board of Land and Natural Resources

Date: _____

United States Navy


Rear Admiral Dixon R. Smith, Commander, Navy Region, Hawaii

Date: 1/12/11

Advisory Council on Historic Preservation

John M. Fowler, Executive Director

Date: _____

INVITED SIGNATORY PARTIES

City and County of Honolulu

Wayne Y. Yoshioka, Acting Director, Department of Transportation Services

Date: _____

National Park Service

Christine S. Lehnertz, Regional Director, Pacific West Region

Date: _____

FINAL PROGRAMMATIC AGREEMENT

**Honolulu High-Capacity Transit Corridor Project
in the City and County of Honolulu, Hawai'i**

**Attachment 1: APE for Historic Resources; APE for
 Archaeological Resources**

January 2011

Historic Resources Parcel Map Panes on disc attached



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

TP 243362

DEC 26 2007

Ms. Laura H. Thielen
State Historic Preservation Officer and Chairperson
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kāmokila Boulevard
Kapolei, Hawai'i 96707

RE: Honolulu High-Capacity Transit Corridor
Project Coordination on Determination of Area of
Potential Effect

JAN 7 11 51 AM '07
 TRANS PLANNING
 DTS

Dear Ms. Thielen:

The City and County of Honolulu Department of Transportation Services (DTS) and the U.S. Department of Transportation Federal Transit Administration (FTA) are in the process of defining the Area of Potential Effect (APE) for the Honolulu High-Capacity Transit Corridor Project in accordance with 36 CFR 800.16(d).

The project will include the construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. In addition to the guideway and stations, the project will include construction of a transit vehicle maintenance facility, several park-and-ride lots, traction power sub-stations, and improvements to the bus system to interface with the fixed guideway system. The attached map illustrates the extent of the planned system, including two optional sites for the maintenance facility. Planning and environmental review is being completed for the project extents; however, anticipated funding is only available for completion of the First Project, which would extend from the vicinity of the planned University of Hawai'i at West O'ahu to Ala Moana Center. This portion of the overall project is anticipated to be completed and operational by 2018, while the schedule for any future extensions is indeterminate.

Pending your comment, the APE for the project is proposed to include the following:

- For **Archaeological Resources**, the APE is proposed to be all areas of direct ground disturbance. This would include any areas excavated for the placement of piers to support the elevated structure and foundations for structures, or graded to provide parking. Confining the Archaeological Resources APE to the limits of ground disturbance is warranted because the surrounding built environment is largely developed, becoming progressively more urban as the project progresses Koko Head. As a result of the existing level of development, construction of the elevated guideway would not generate secondary effects, such as visual, atmospheric, or audible elements, that could diminish the integrity

of archaeological resources. Accordingly, direct construction impacts to known and as-yet-undiscovered archaeological resources are the concern.

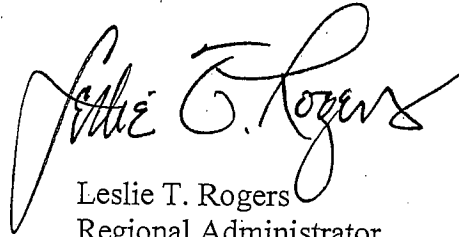
- For **Historic Resources**, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of stations, park-and-ride facilities, and maintenance and storage facility alternatives, the coverage of the APE is proposed to include the entire blocks on which the stations or facilities are located, to a maximum of 500 feet from the project element where there is no defined block. Similarly, for portions of the alignment within or adjacent to historic districts, the APE is proposed to extend one block, rather than one parcel deep.

Direct construction impacts to known and as-yet-unsurveyed historic resources are the main concern. Alterations to the setting of historic resources (where the setting is a qualifying characteristic of its eligibility for the National Register) are also addressed in the above definition of the APE. Since stations, park-and-ride facilities, and the maintenance facility could have a greater effect, the APE is larger around them. It is also larger where the alignment is in or near an eligible historic district because of the potential greater importance of setting to historic districts.

Once the project's APE has been defined, consultation will continue with your office regarding identifying historic properties within the APE.

If you have any questions, please call Ted Matley, FTA Transportation Representative, at (415) 744-2590. Thank you.

Sincerely,



Leslie T. Rogers
Regional Administrator

Enclosures:

Map of Honolulu High-Capacity Transit Corridor Project

Compact disc containing detailed maps of the proposed APE for historic resources

cc:Administrator, State Historic Preservation Division

→ Mr. Toru Hamayasu, DTS (w/o enclosures)

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUIH
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LAND
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPOLEI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 4, 2008

Ms. Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
Region IX
201 Mission Street
Suite 1650
San Francisco, California 94105-1839

LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

Dear Ms. Rogers:

**SUBJECT: Section 106 Coordination
Honolulu High-Capacity Transit Corridor Project Determination of Area of
Potential Effect
TMK: (1)-various**

This letter acknowledges your transmittal of December 26, 2007, received in our Kapolei office on January 8. Through consultation with the City and County of Honolulu Department of Transportation Services and the U.S. Department of Transportation Federal Transit Administration and in accordance with 36 CFR 800.16(d), the proposed project area of potential effect (APE) is outlined for consideration. SHPD staff has participated in site visits of the proposed route on November 14, 2007 and January 10, 2008 with Mason Architects, Inc. and other interested parties.

The proposed project is for construction of an elevated transit system between Kapolei and the University of Hawai'i at Mānoa, with an extension to Waikīkī. The scope of work includes the guideway, transit stations, a transit vehicle maintenance facility (two optional sites), park-and-ride lots, traction power sub-stations, and improvements to the existing bus system. The first phase of the project, from the planned University of Hawai'i at West O'ahu to Ala Moana Center, is anticipated for completion by 2018, with future extensions as yet indeterminate.

Upon review of the proposed APE, for archaeological resources, in addition to all areas of direct ground disturbance, the area of potential effect should include a greater area, to be determined through consultation with native Hawaiian organizations, as well as other knowledgeable individuals of the community, to account for any visual effects the proposed undertaking may have on traditional cultural properties (TCP's). We suggest consulting native Hawaiian organizations and other knowledgeable community members to identify any traditional cultural properties that may be adversely affected by the proposed undertaking.

Ms. Leslie T. Rogers, Regional Administrator
Federal Transit Administration
Page 2 of 3

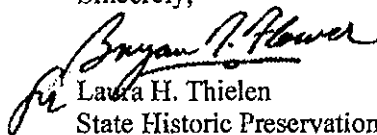
LOG NO: 2008.0098
DOC NO: 0802AL01
Architecture
Archaeology

For historic architectural resources of the built environment, the APE is proposed to extend one parcel deep from the project alignment and traction power sub-stations. In the vicinity of transit stations, park-and-ride lots, and maintenance and storage facilities, the APE is proposed to extend the entire block on which stations or facilities are located or to a maximum of 500 feet in less developed areas. For portions of the proposed alignment within or adjacent to historic districts, the APE will also extend one block, rather than one parcel, deep.

Whereas it regards the potential impact of direct construction and alteration to local historic built contexts, these will be determined following an ongoing survey of resources. The SHPD acknowledges that consultation will now proceed to identify and consult on individual historic properties within the identified APE.

The SHPD concurs with the Federal Transit Administration's identified area of potential effect and its due consideration of historic architectural and archaeological resources. Thank you sincerely for the opportunity to comment. Should you have any additional questions or concerns, please do not hesitate to contact Dr. Astrid Liverman, regarding architectural matters, or Teresa E. Davan, regarding archaeological matters, in our O'ahu office at (808) 692-8015.

Sincerely,



Laura H. Thielen
State Historic Preservation Officer and Chairperson

AMBL:

U.S. Department of the Interior, National Park Service

Dr. Elaine Jackson-Retondo, Architectural Historian, Architectural Resources Team, Specific
Great Basin Support Office, 1111 Jackson Street, Suite 700, Oakland, California 94607-
4807

Frank Hays, Director, Pacific West Region-Honolulu, West Regional Office, 300 Ala Moana,
Blvd., Room 6-226, Honolulu, Hawaii 96850

National Trust for Historic Preservation

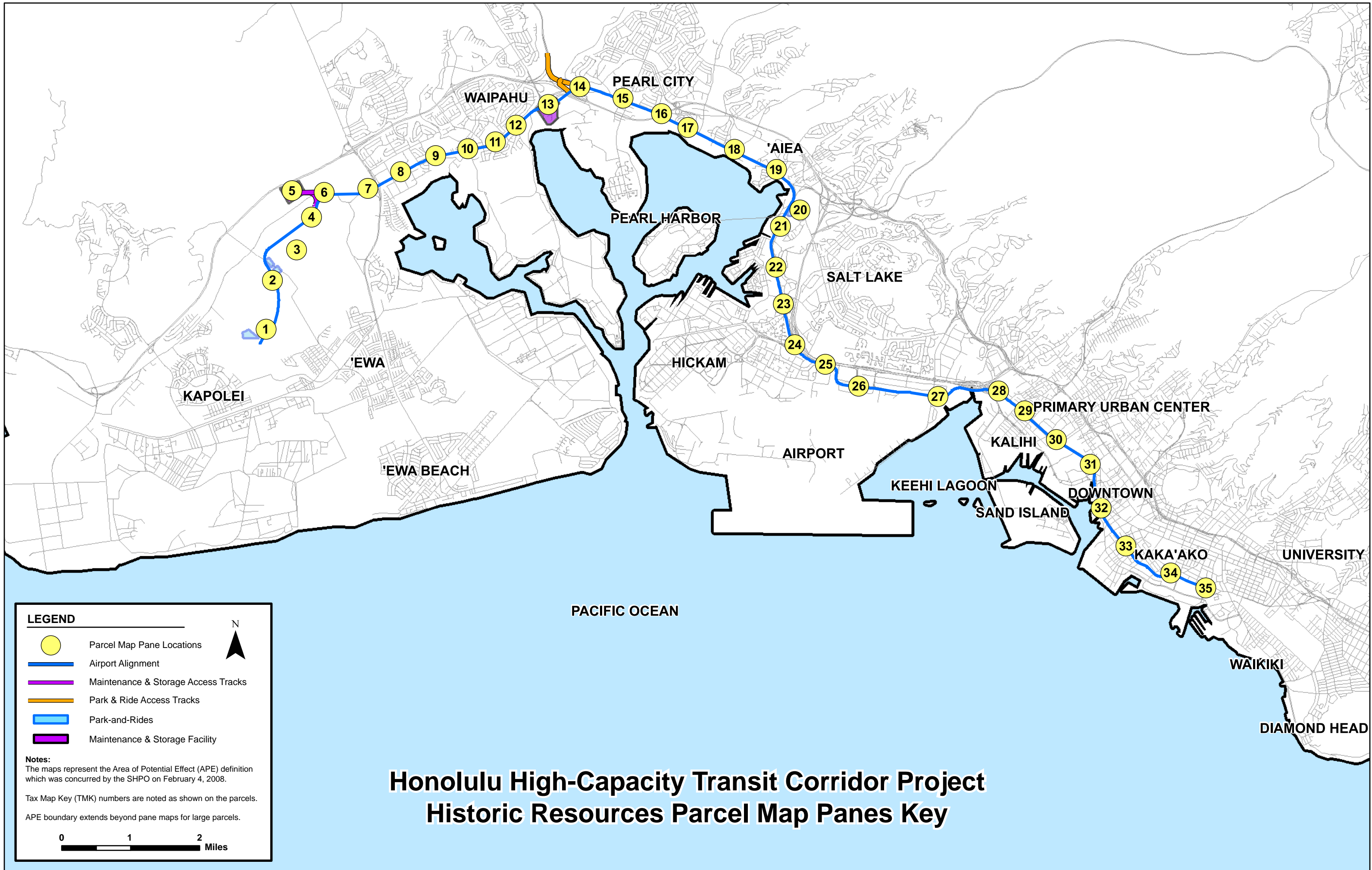
Elizabeth S. Merritt, Deputy General Counsel, Law Department, 1785 Massachusetts Avenue
N.W., Washington, D.C. 20036

Anthea Hartig, Director, The Hearst Building, 5 Third Street, Suite 707, San Francisco,
California 94103

Anthony Veerkamp, Senior Program Officer, The Hearst Building, 5 Third Street, Suite 707,
San Francisco, California 94103

Historic Hawaii Foundation

Kiersten Faulkner, Executive Director, P.O. Box 1658, Honolulu, Hawaii 96806



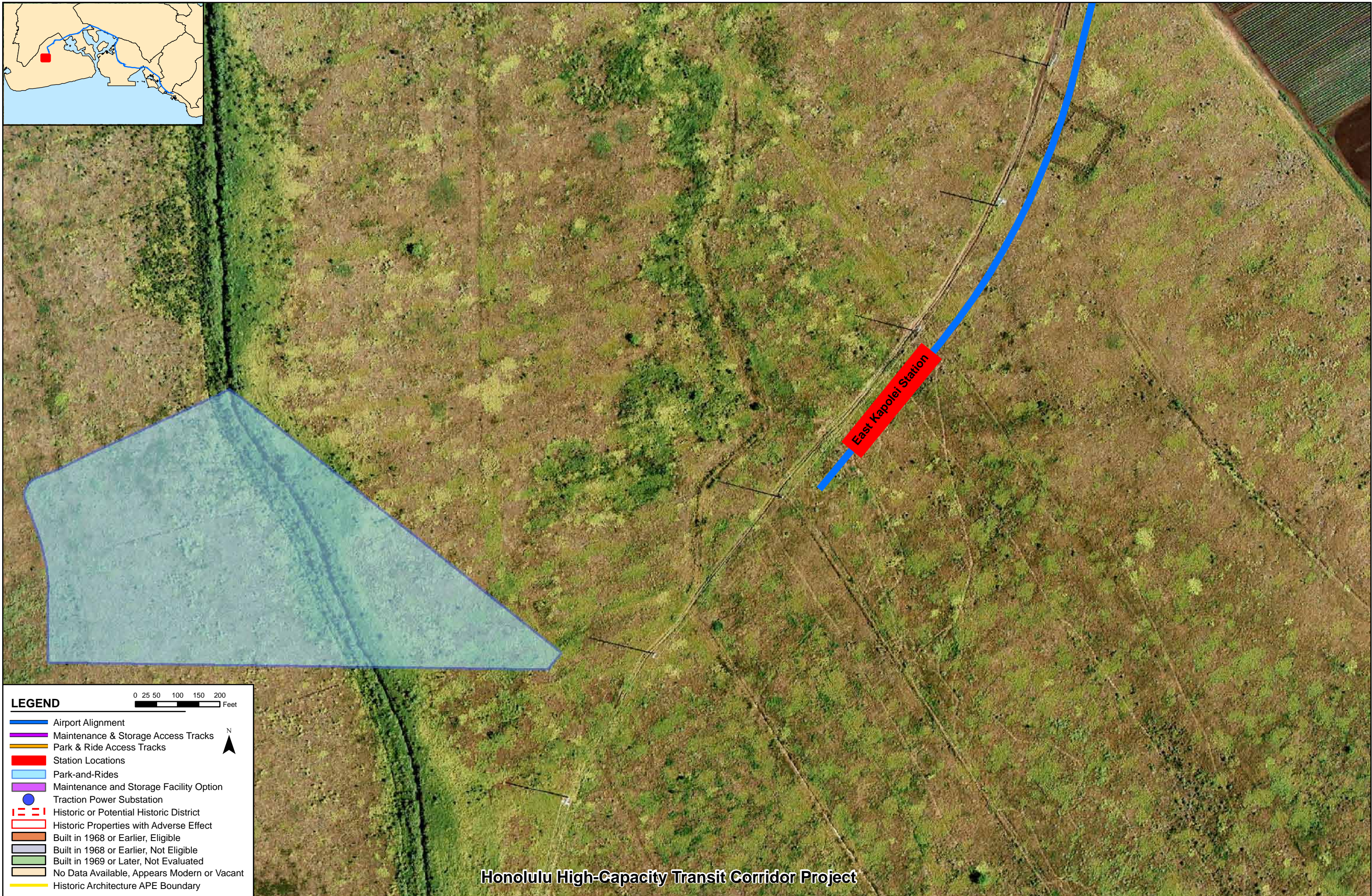
LEGEND

- Parcel Map Pane Locations
- Airport Alignment
- Maintenance & Storage Access Tracks
- Park & Ride Access Tracks
- Park-and-Rides
- Maintenance & Storage Facility

Notes:
 The maps represent the Area of Potential Effect (APE) definition which was concurred by the SHPO on February 4, 2008.
 Tax Map Key (TMK) numbers are noted as shown on the parcels.
 APE boundary extends beyond pane maps for large parcels.



Honolulu High-Capacity Transit Corridor Project Historic Resources Parcel Map Panes Key

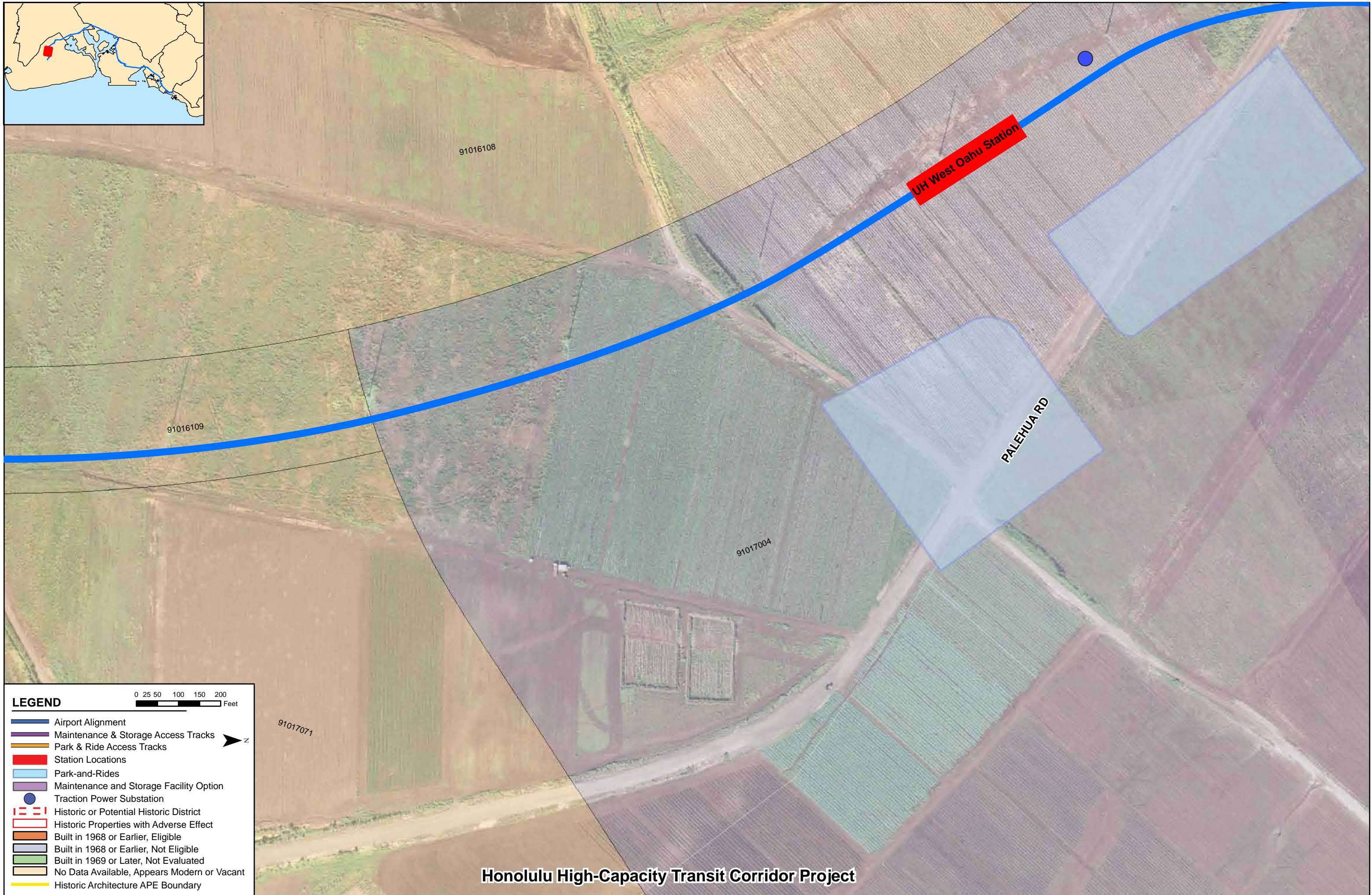
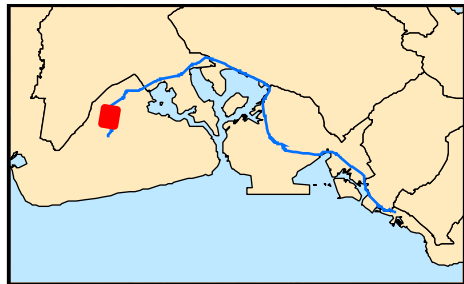


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0 25 50 100 150 200 Feet















- Airport Alignment
- Maintenance & Storage Access Tracks
- Park & Ride Access Tracks
- Station Locations
- Park-and-Rides
- Maintenance and Storage Facility Option
- Traction Power Substation
- Historic or Potential Historic District
- Historic Properties with Adverse Effect
- Built in 1968 or Earlier, Eligible
- Built in 1968 or Earlier, Not Eligible
- Built in 1969 or Later, Not Evaluated
- No Data Available, Appears Modern or Vacant
- Historic Architecture APE Boundary

Honolulu High-Capacity Transit Corridor Project

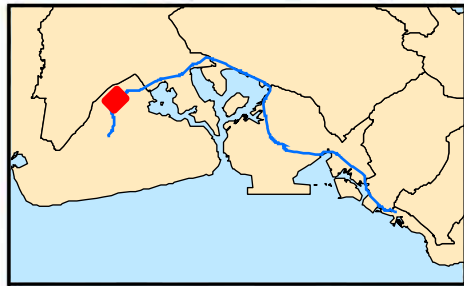


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-  Airport Alignment
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Honolulu High-Capacity Transit Corridor Project

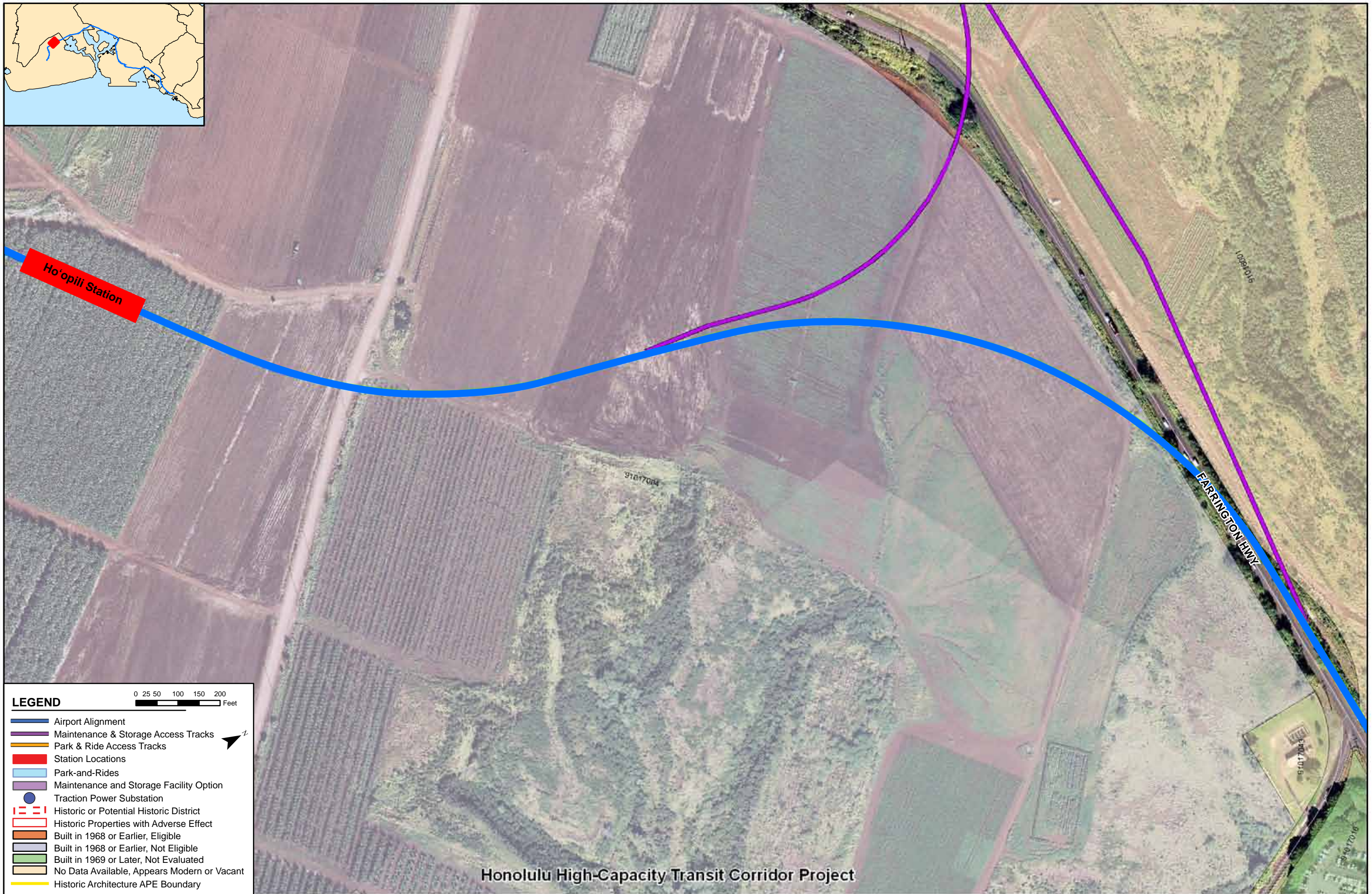
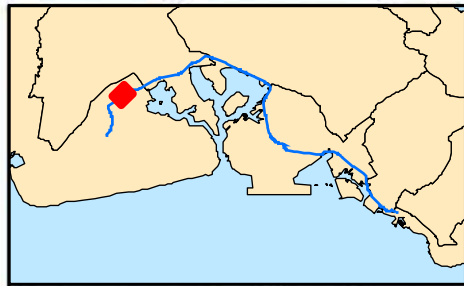


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Honolulu High-Capacity Transit Corridor Project

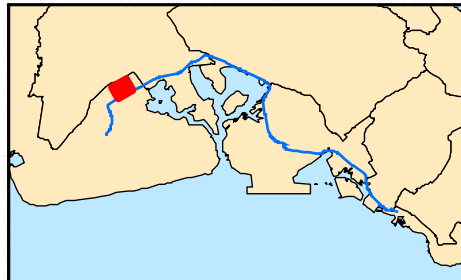


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Honolulu High-Capacity Transit Corridor Project



**Maintenance and Storage Facility
Alternate Site Option**

91018001

91018006

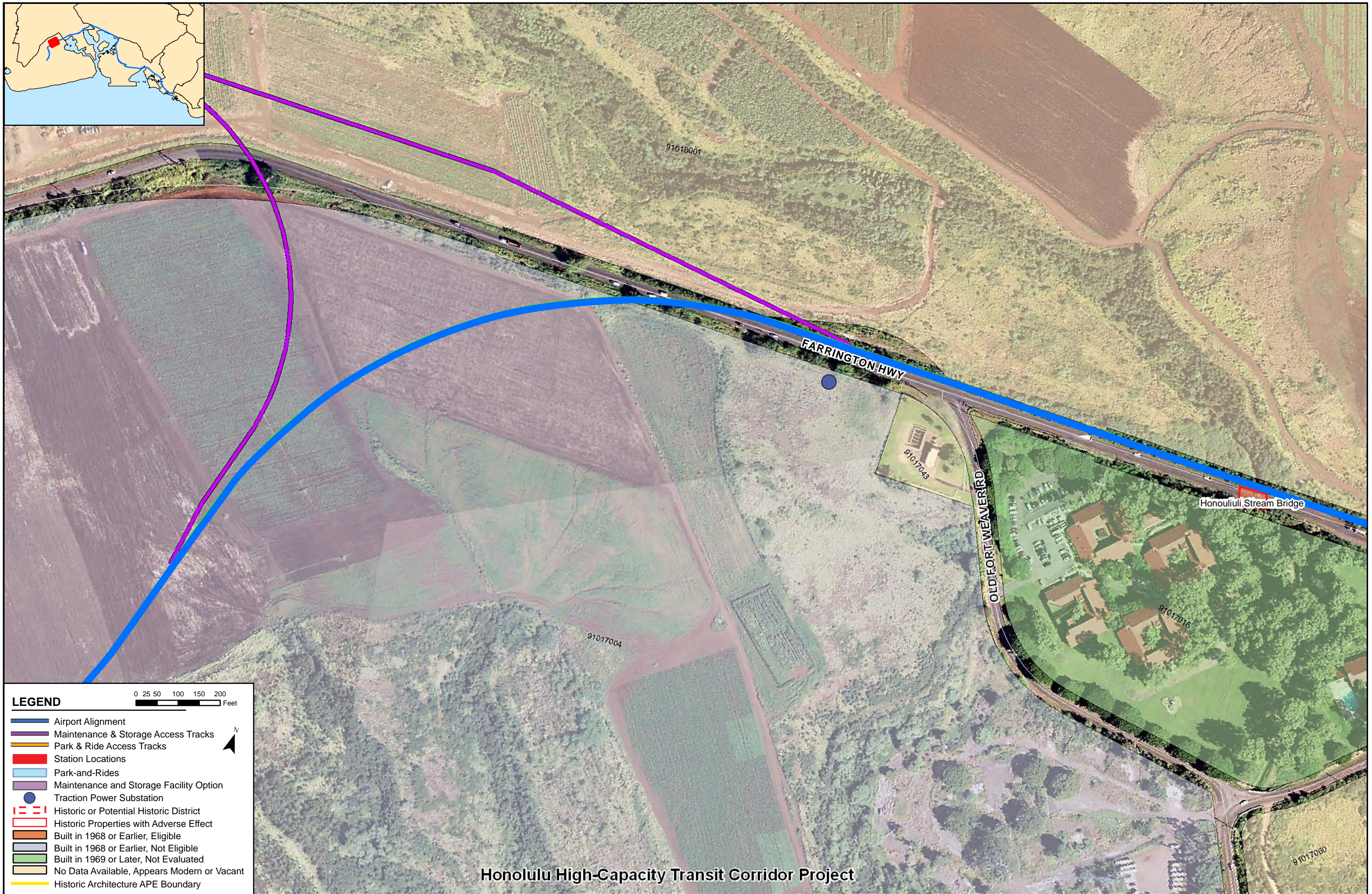
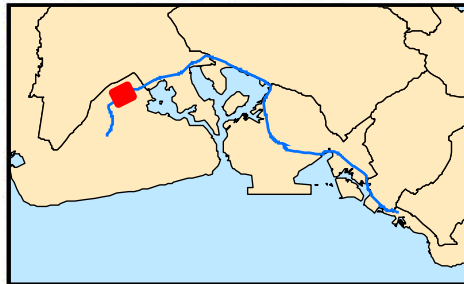
91017004

Honolulu High-Capacity Transit Corridor Project

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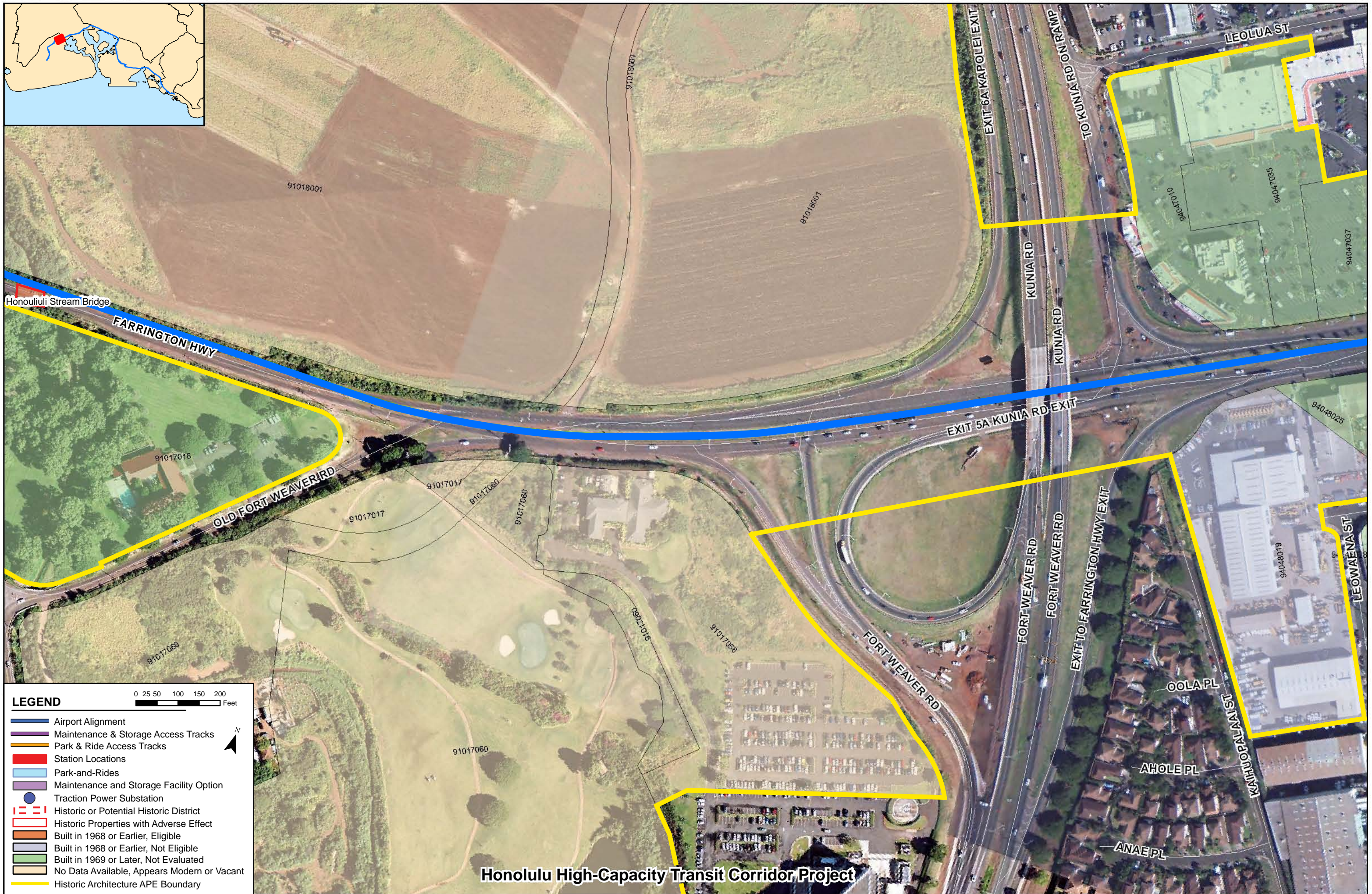
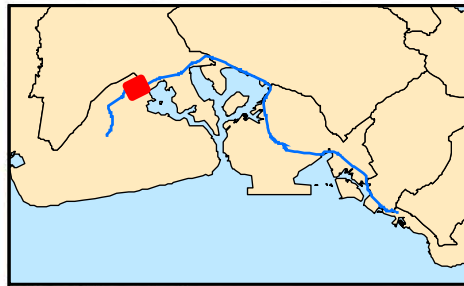


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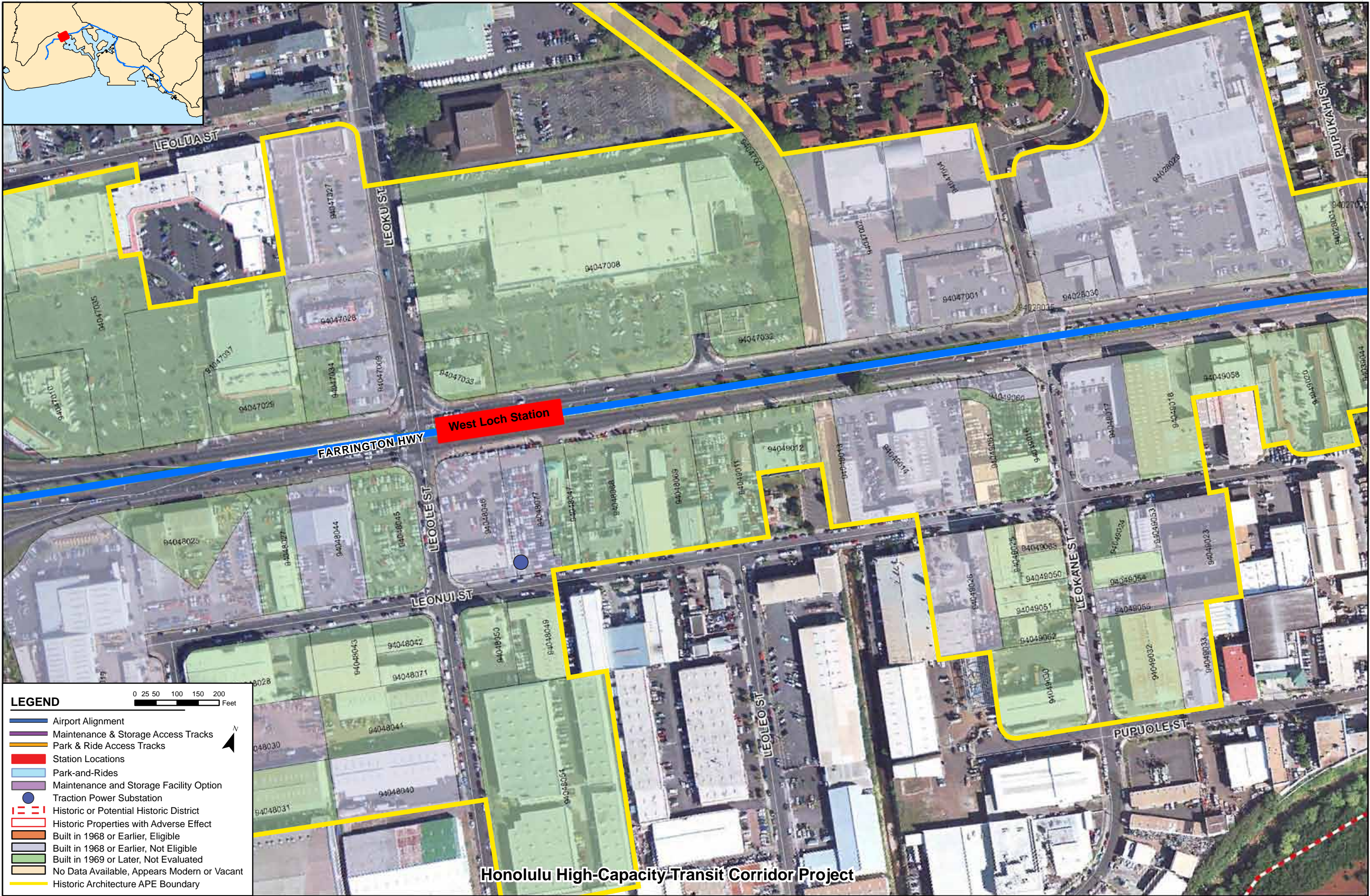


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Honolulu High-Capacity Transit Corridor Project



LEGEND

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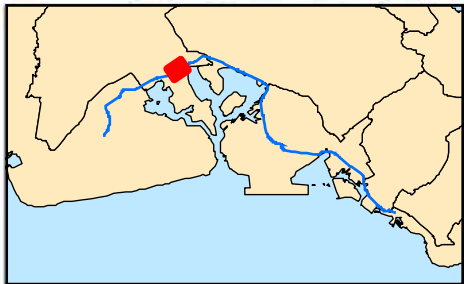


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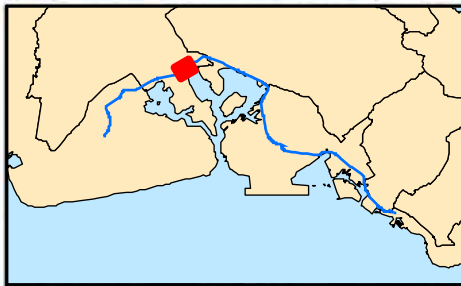


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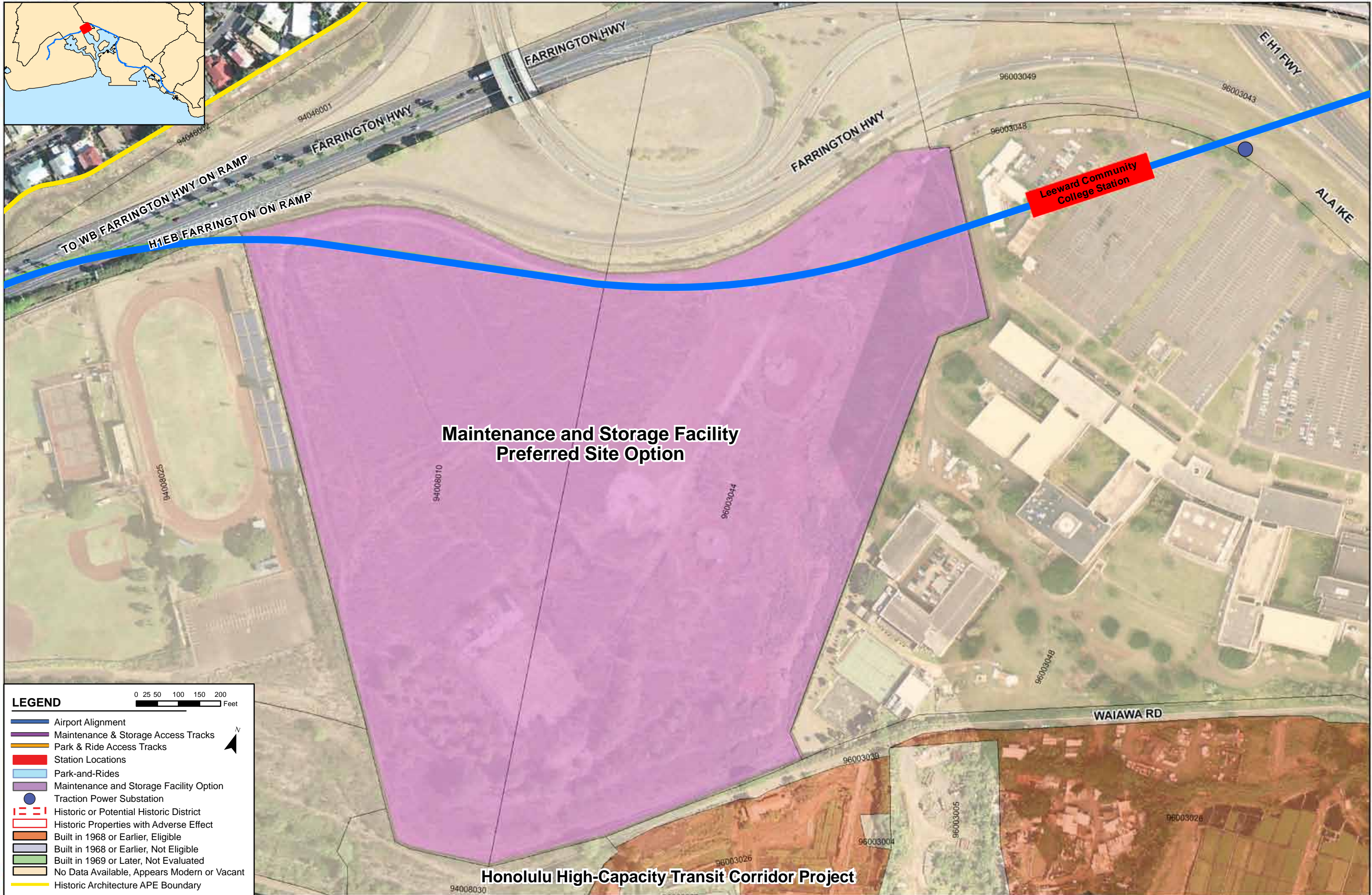
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Honolulu High-Capacity Transit Corridor Project

Pearl Harbor National Historic Landmark

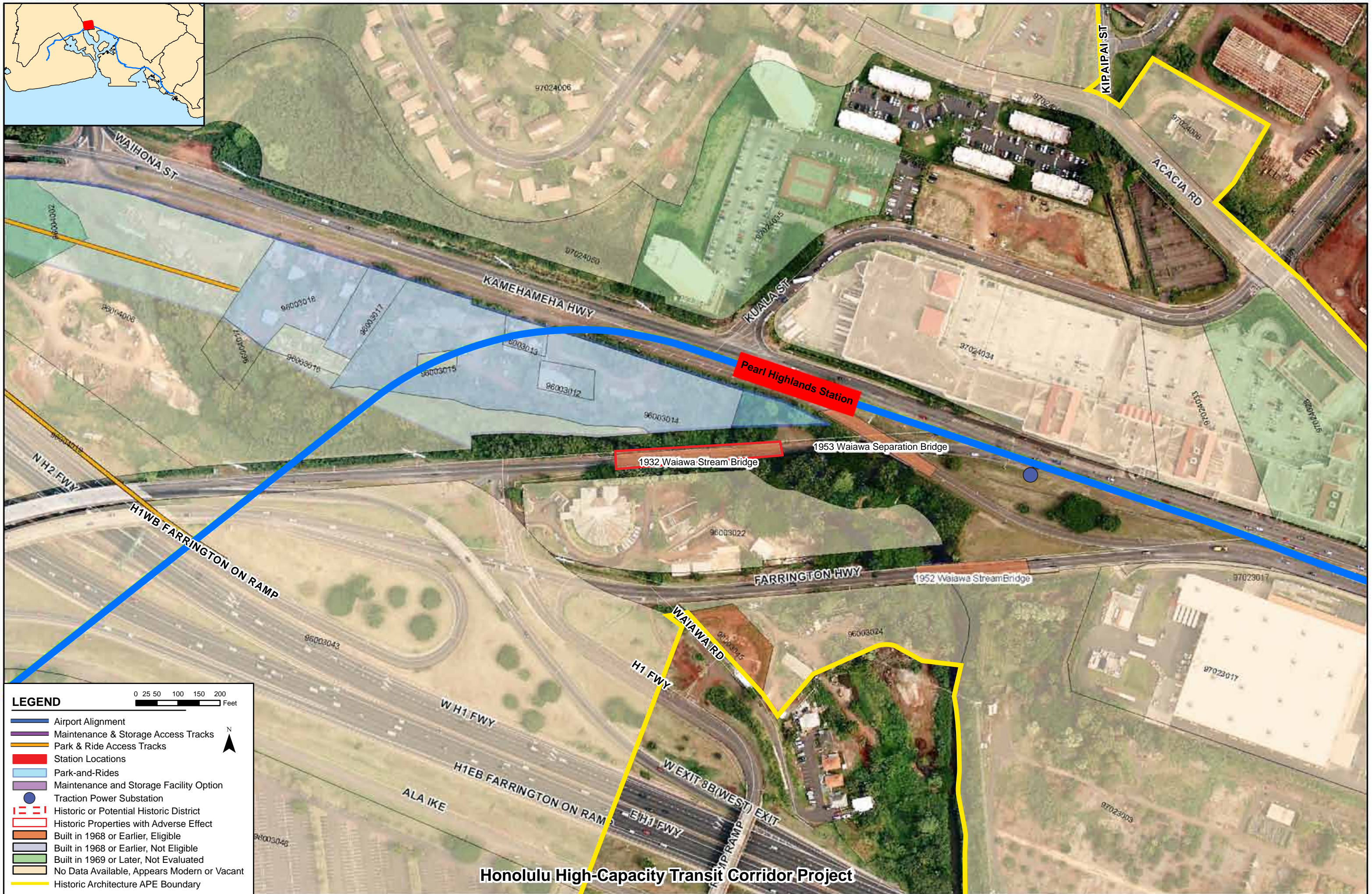
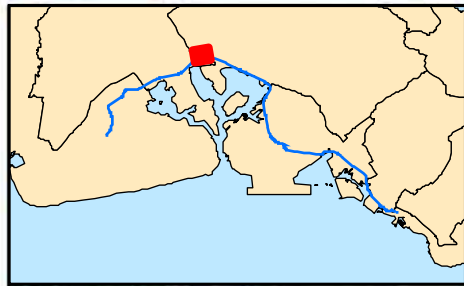


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Honolulu High-Capacity Transit Corridor Project



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Honolulu High-Capacity Transit Corridor Project

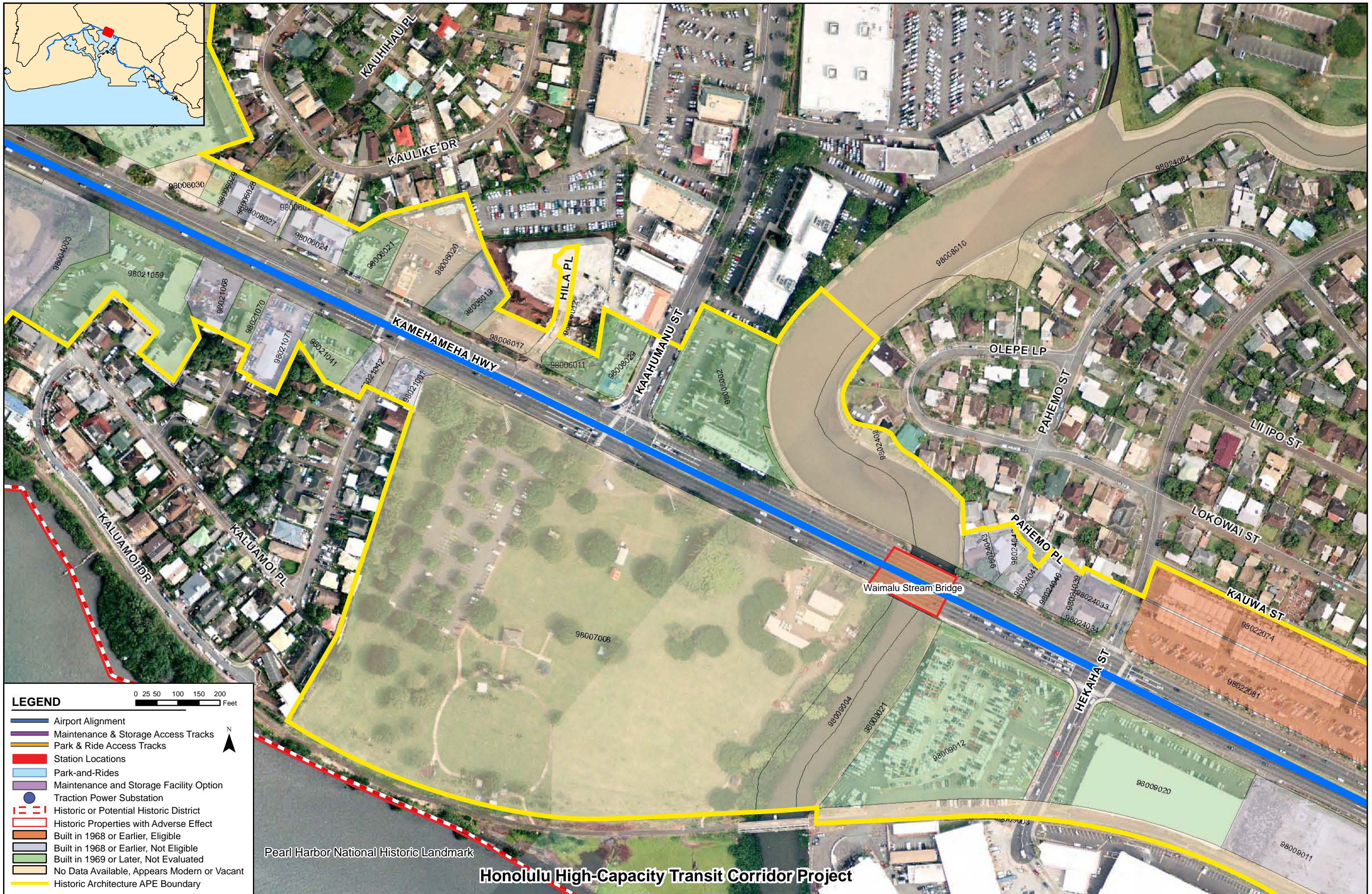
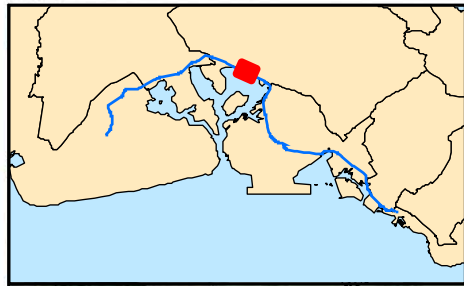


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Pearl Harbor National Historic Landmark

Honolulu High-Capacity Transit Corridor Project



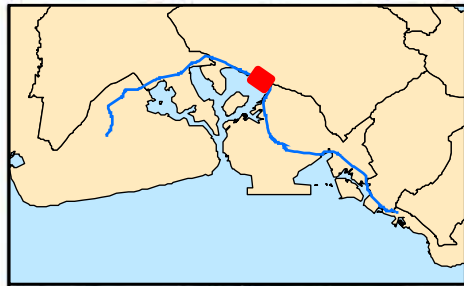
LEGEND

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Pearl Harbor National Historic Landmark

Honolulu High-Capacity Transit Corridor Project



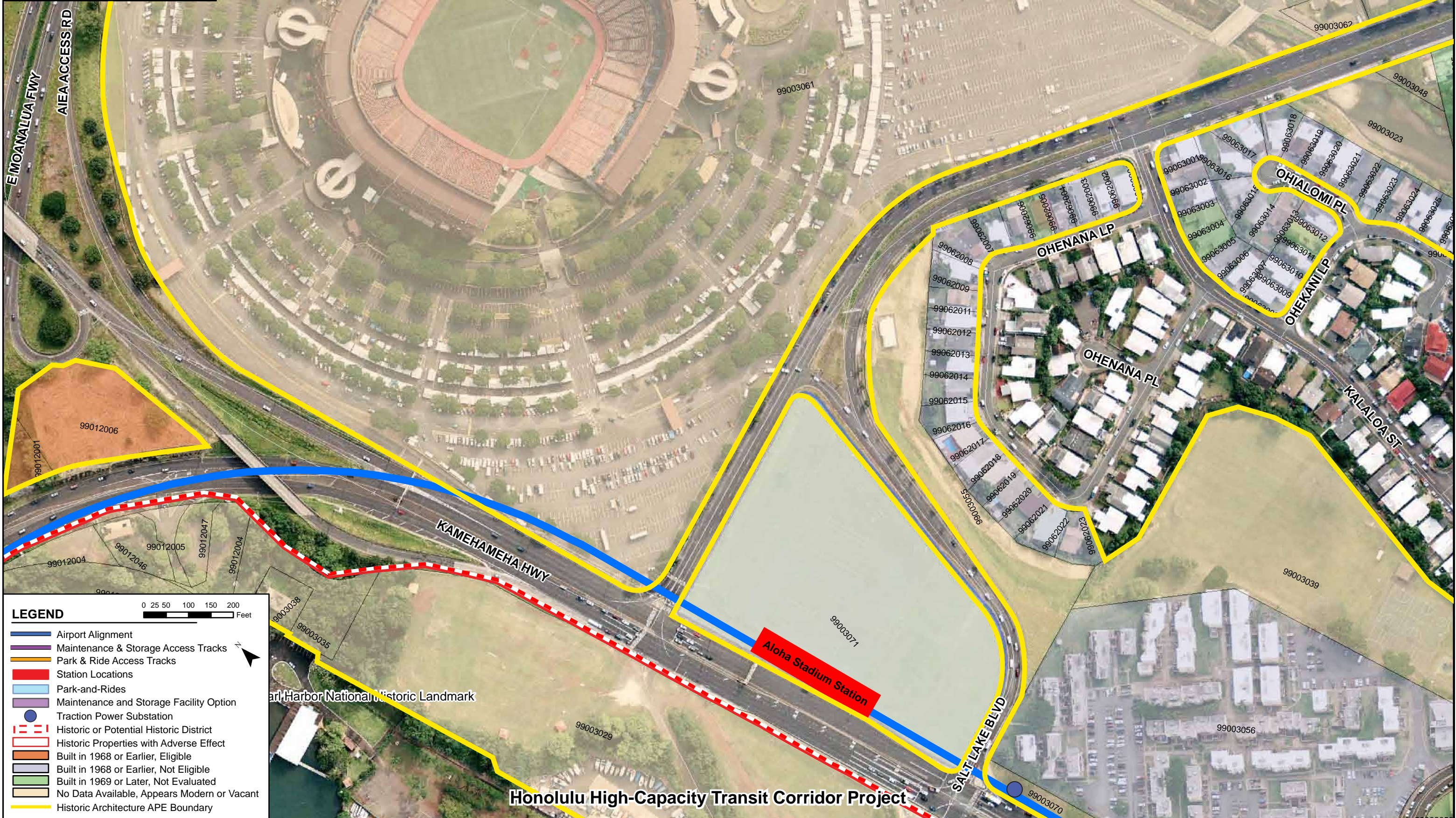
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Honolulu High-Capacity Transit Corridor Project

Pearl Harbor National Historic Landmark



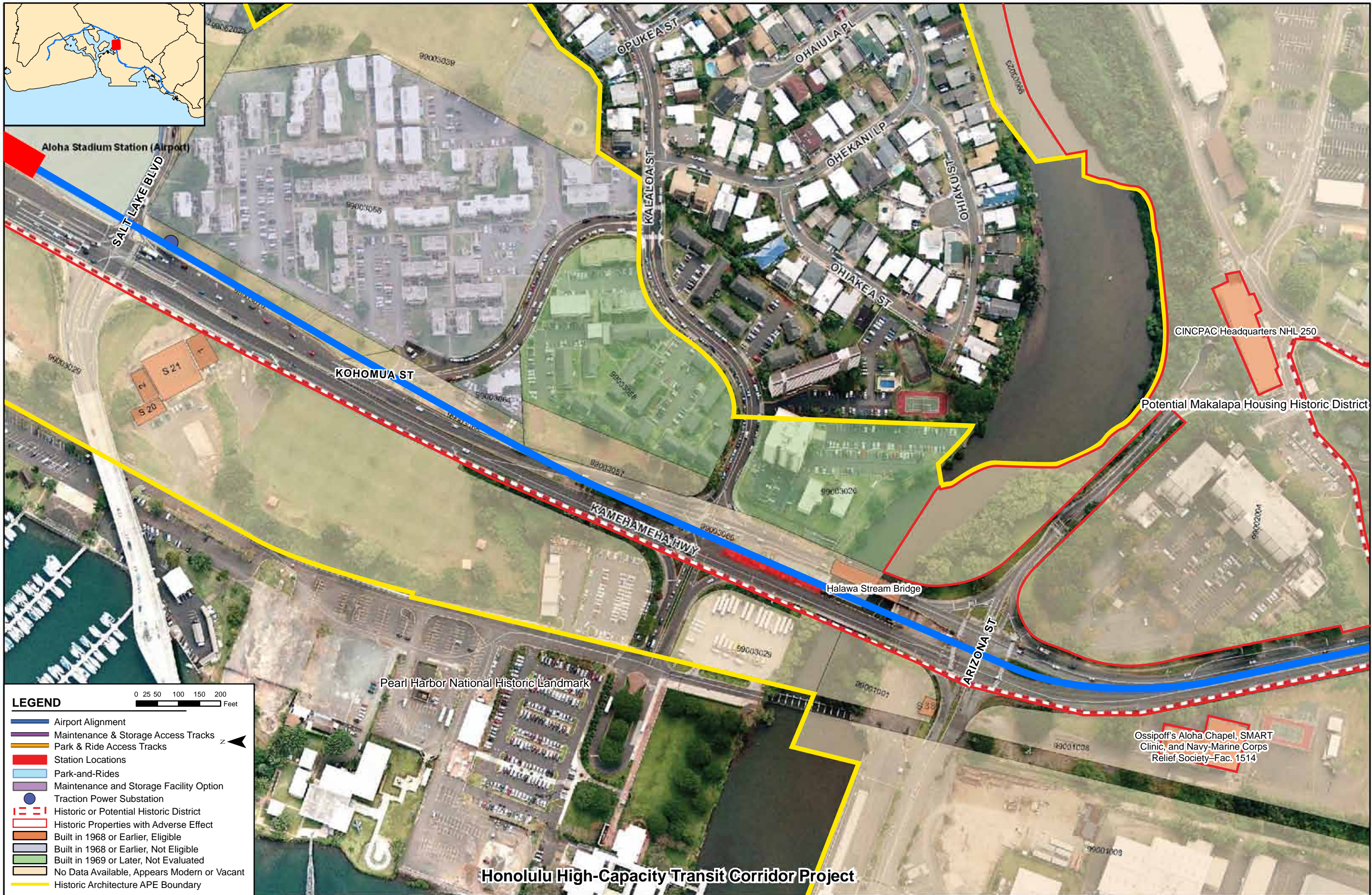
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North
 Pearl Harbor National Historic Landmark

Honolulu High-Capacity Transit Corridor Project

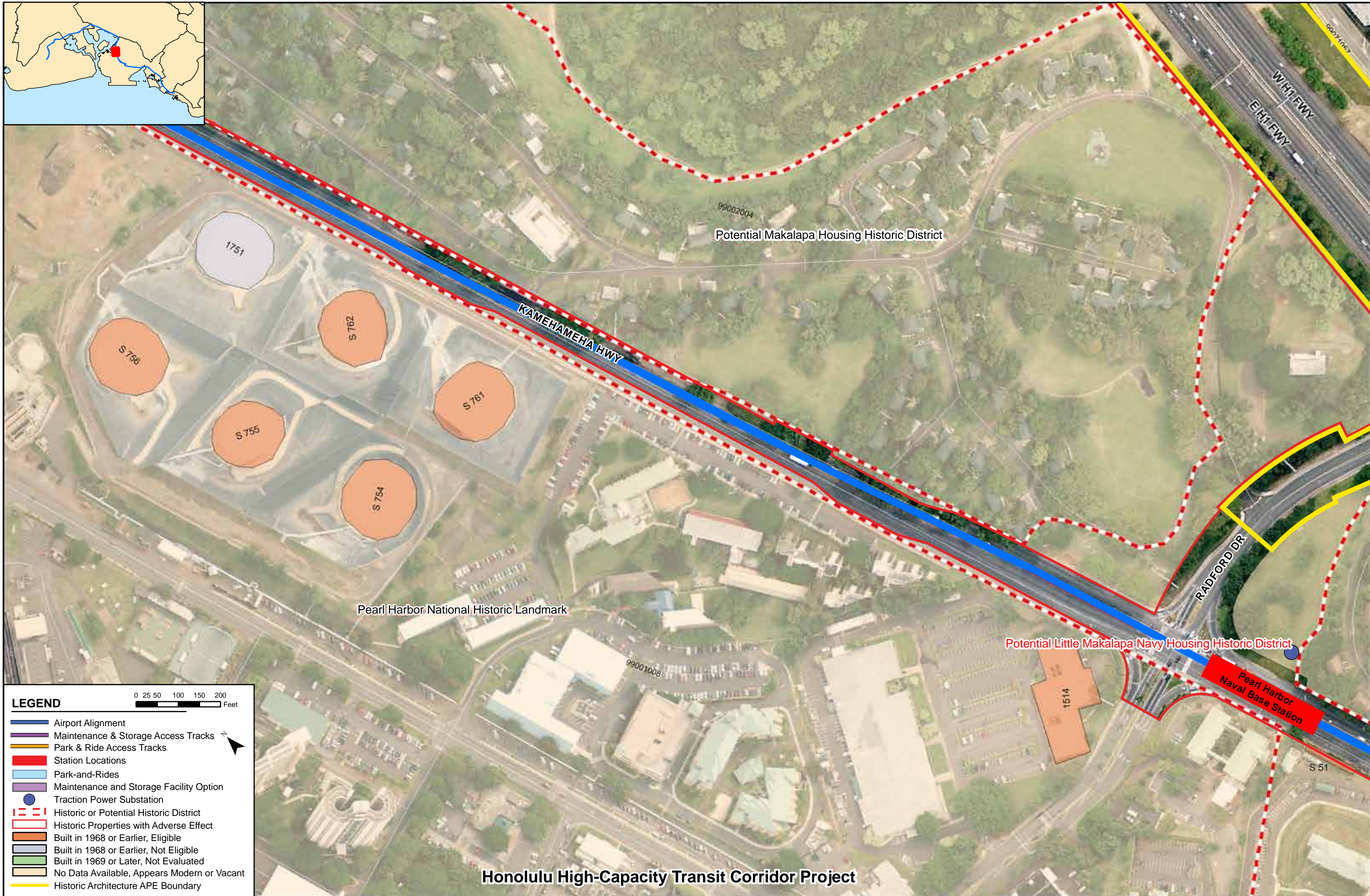


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Honolulu High-Capacity Transit Corridor Project



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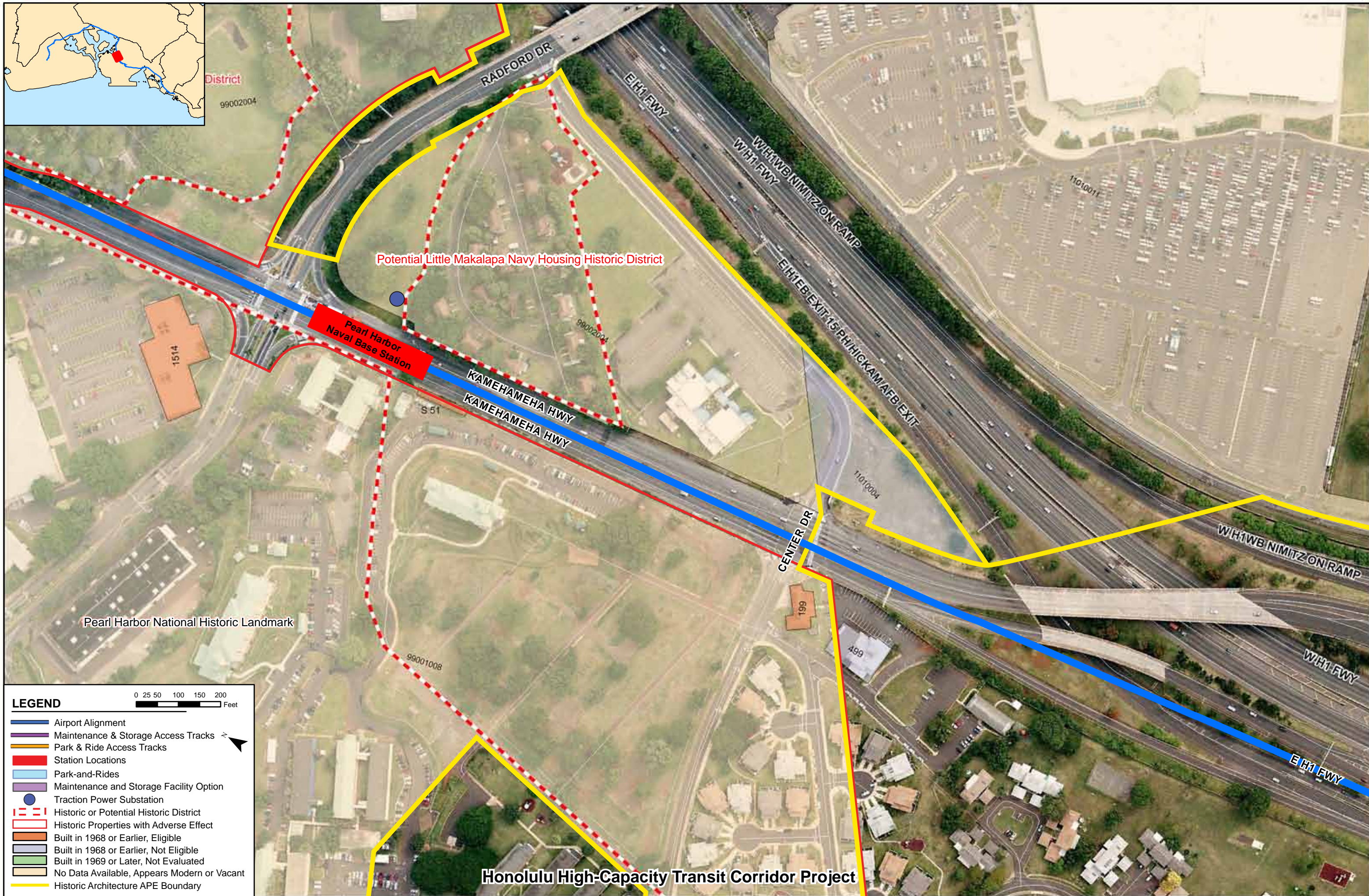
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Honolulu High-Capacity Transit Corridor Project



District
99002004



Potential Little Makalapa Navy Housing Historic District

Pearl Harbor Naval Base Station

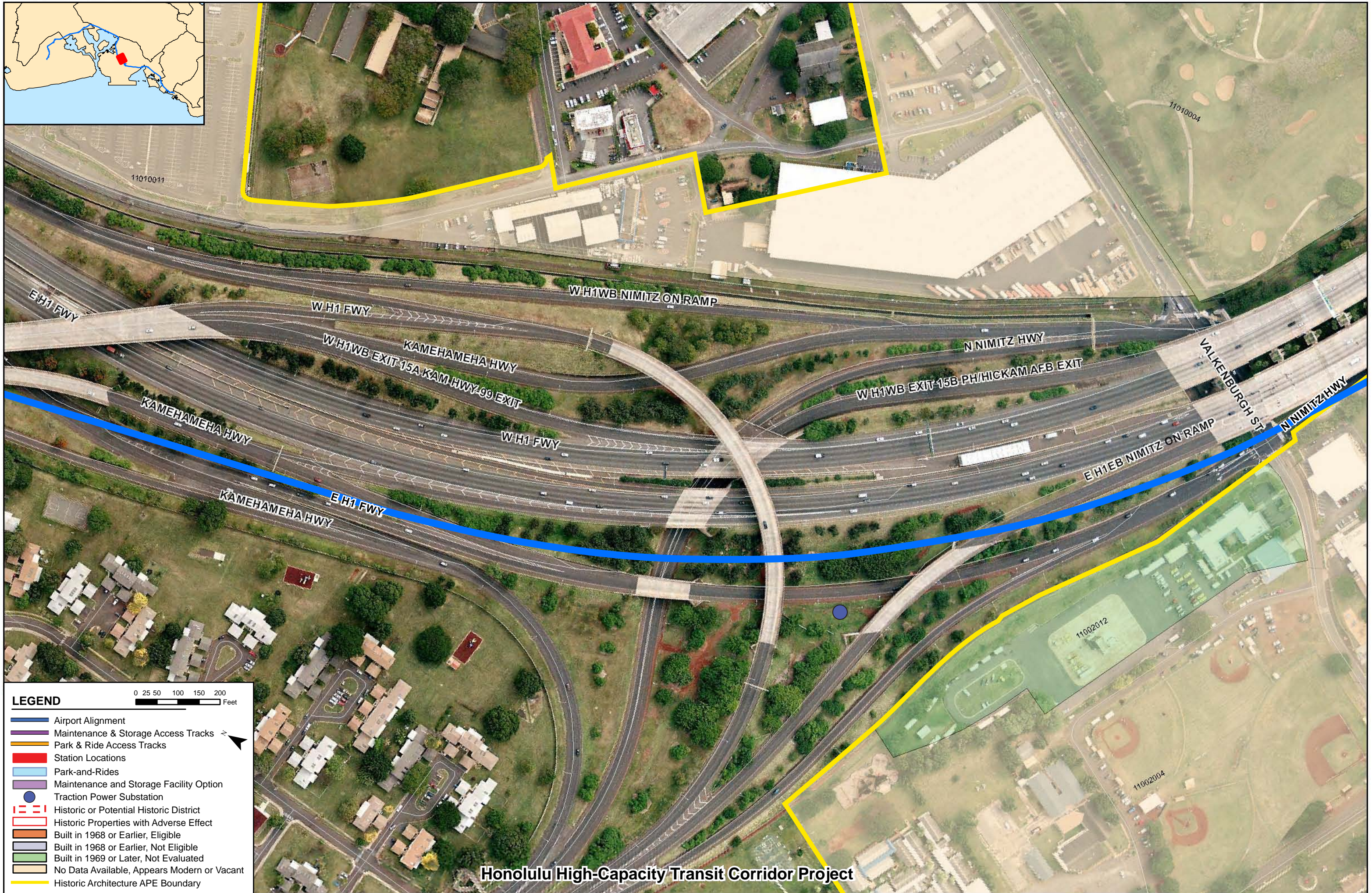
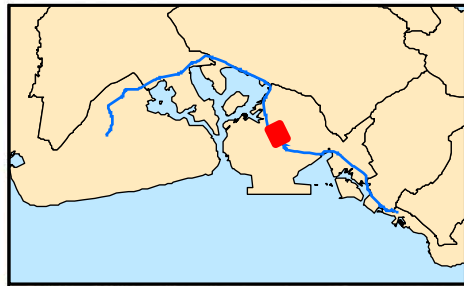
Pearl Harbor National Historic Landmark

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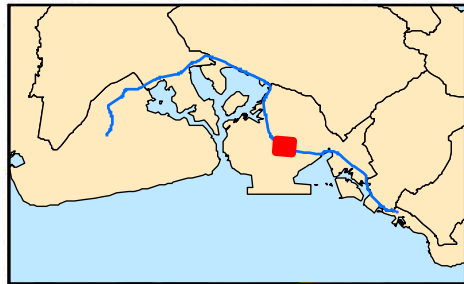


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Honolulu High-Capacity Transit Corridor Project



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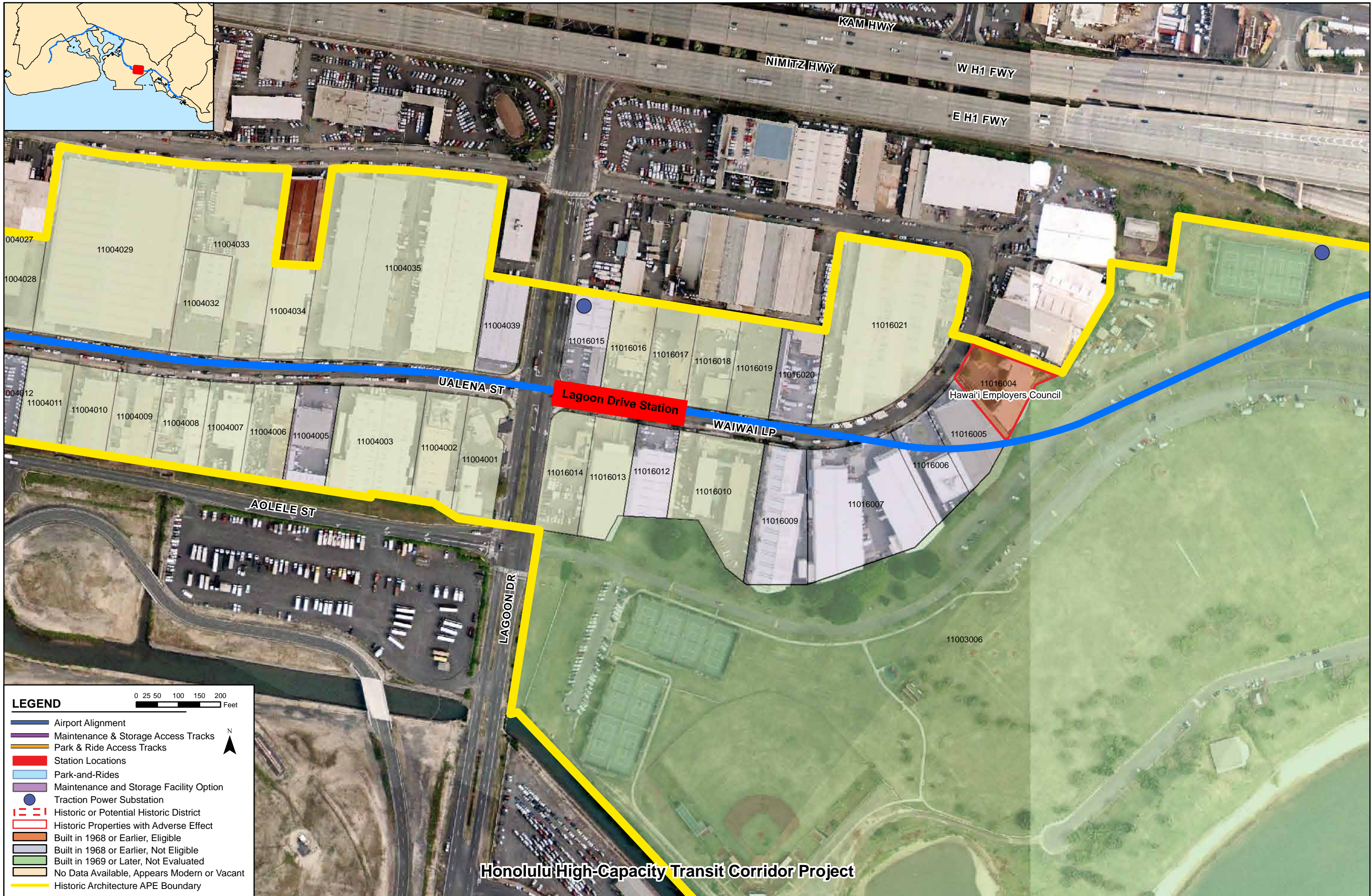


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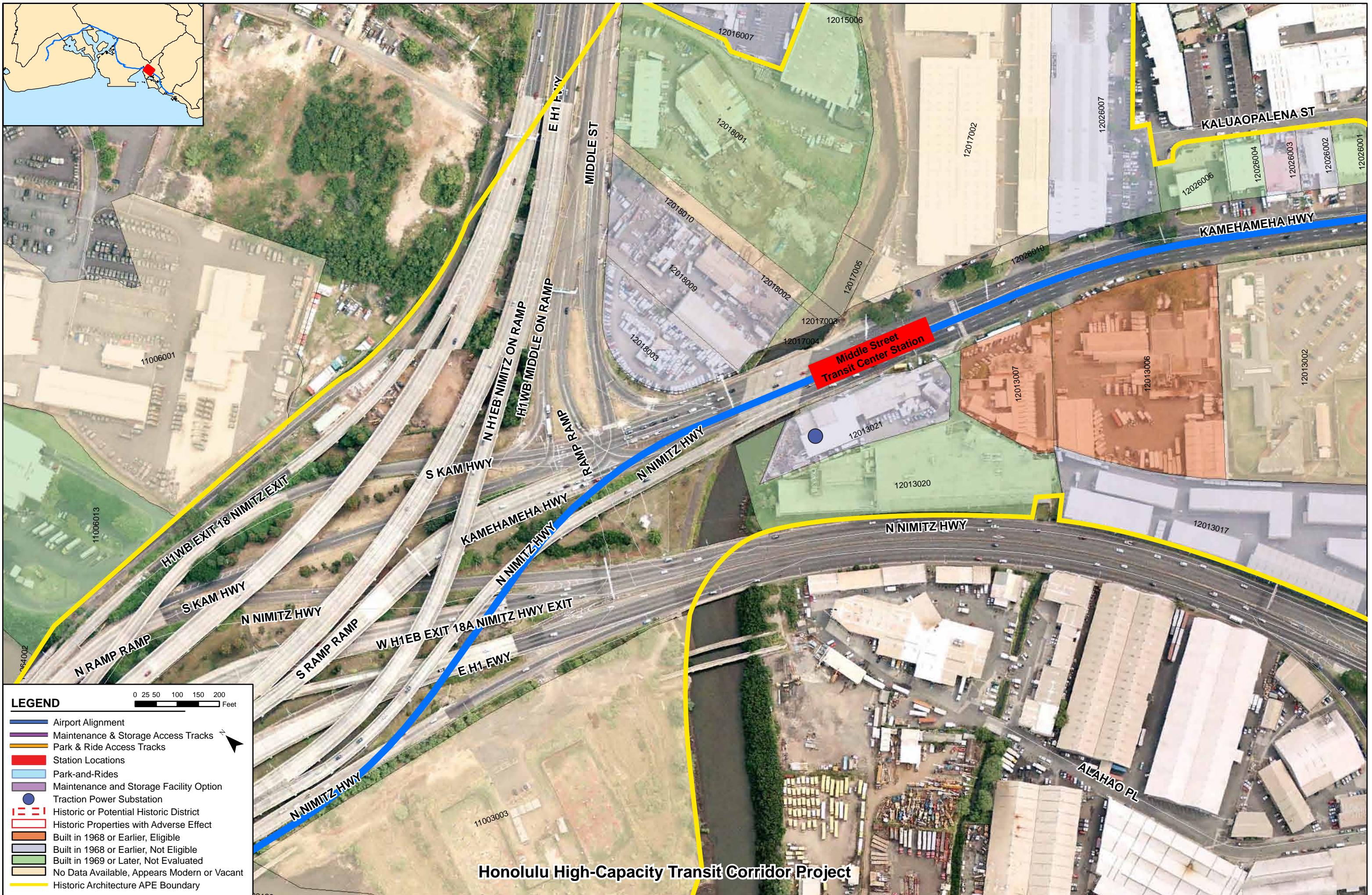


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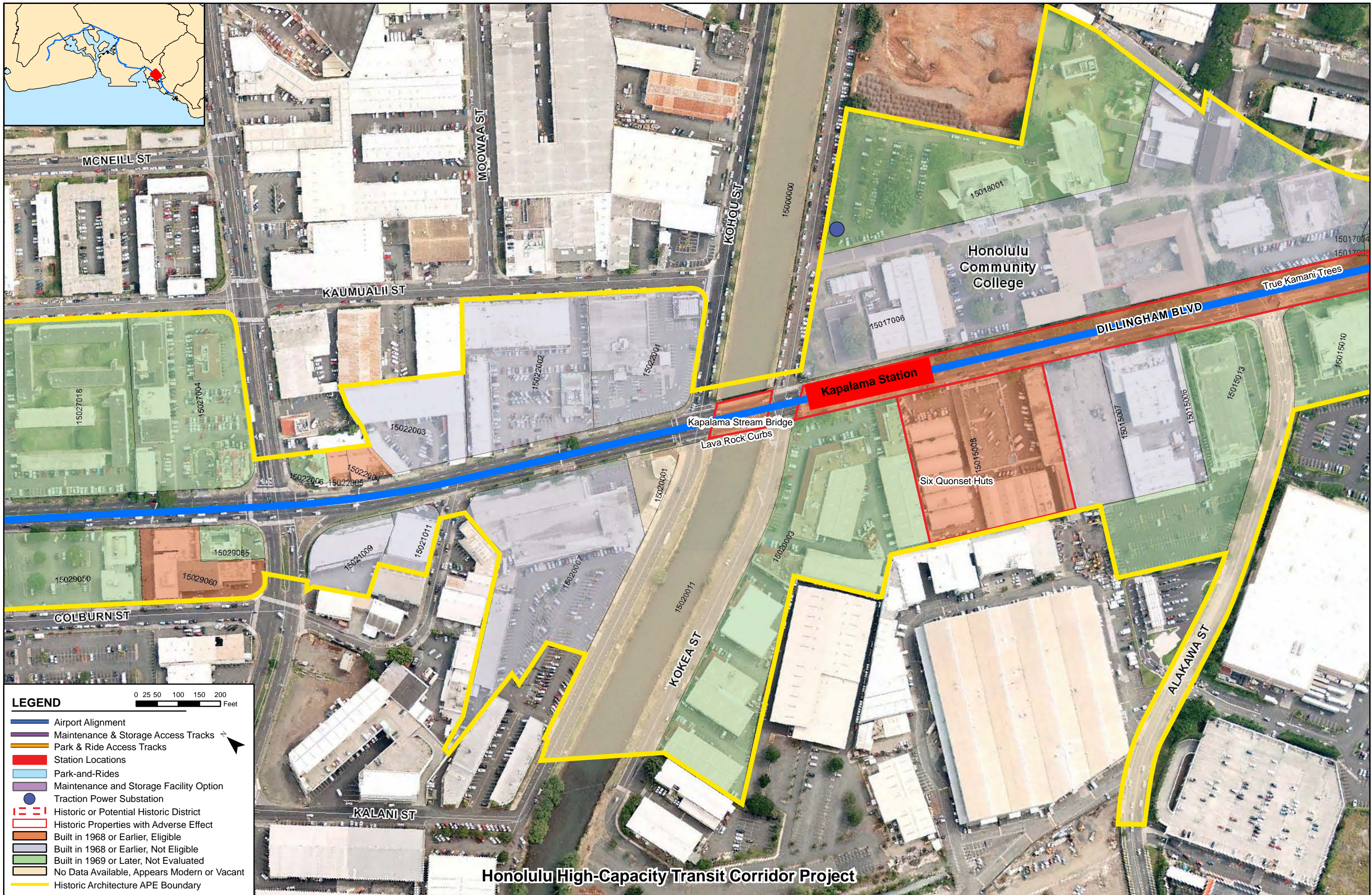


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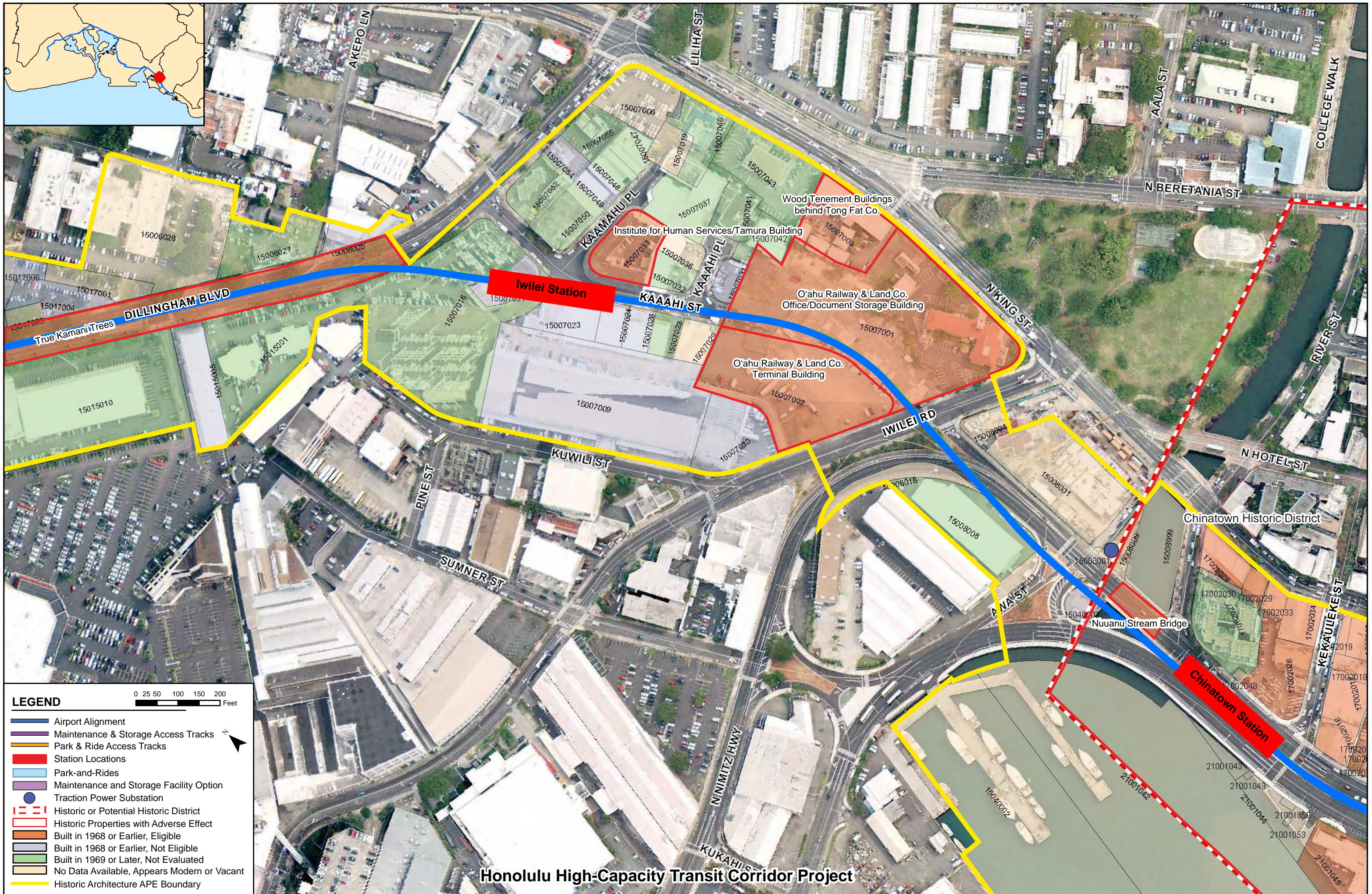


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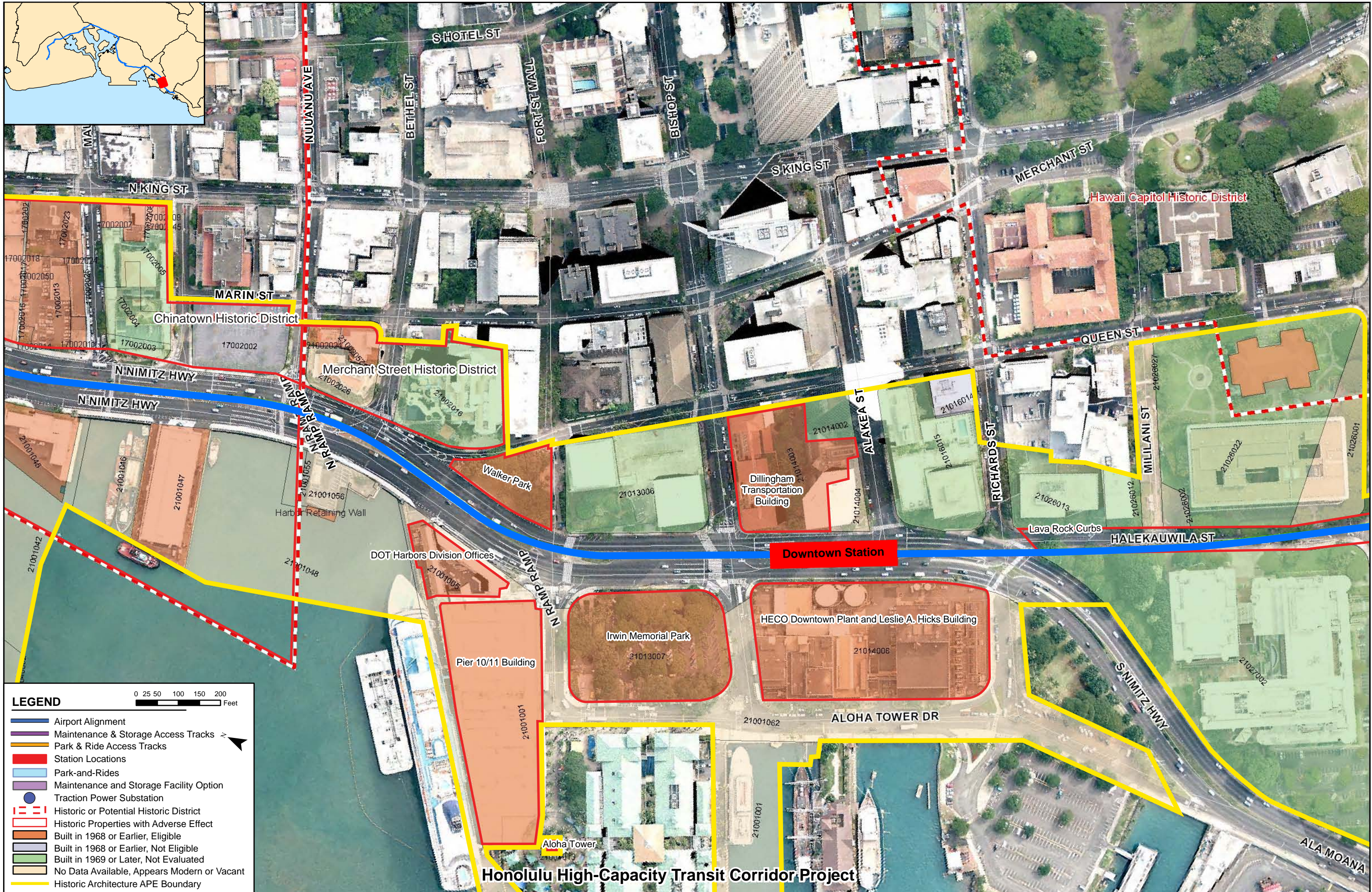


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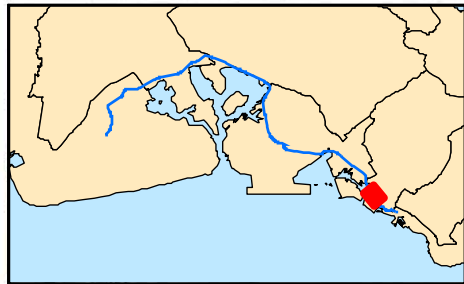


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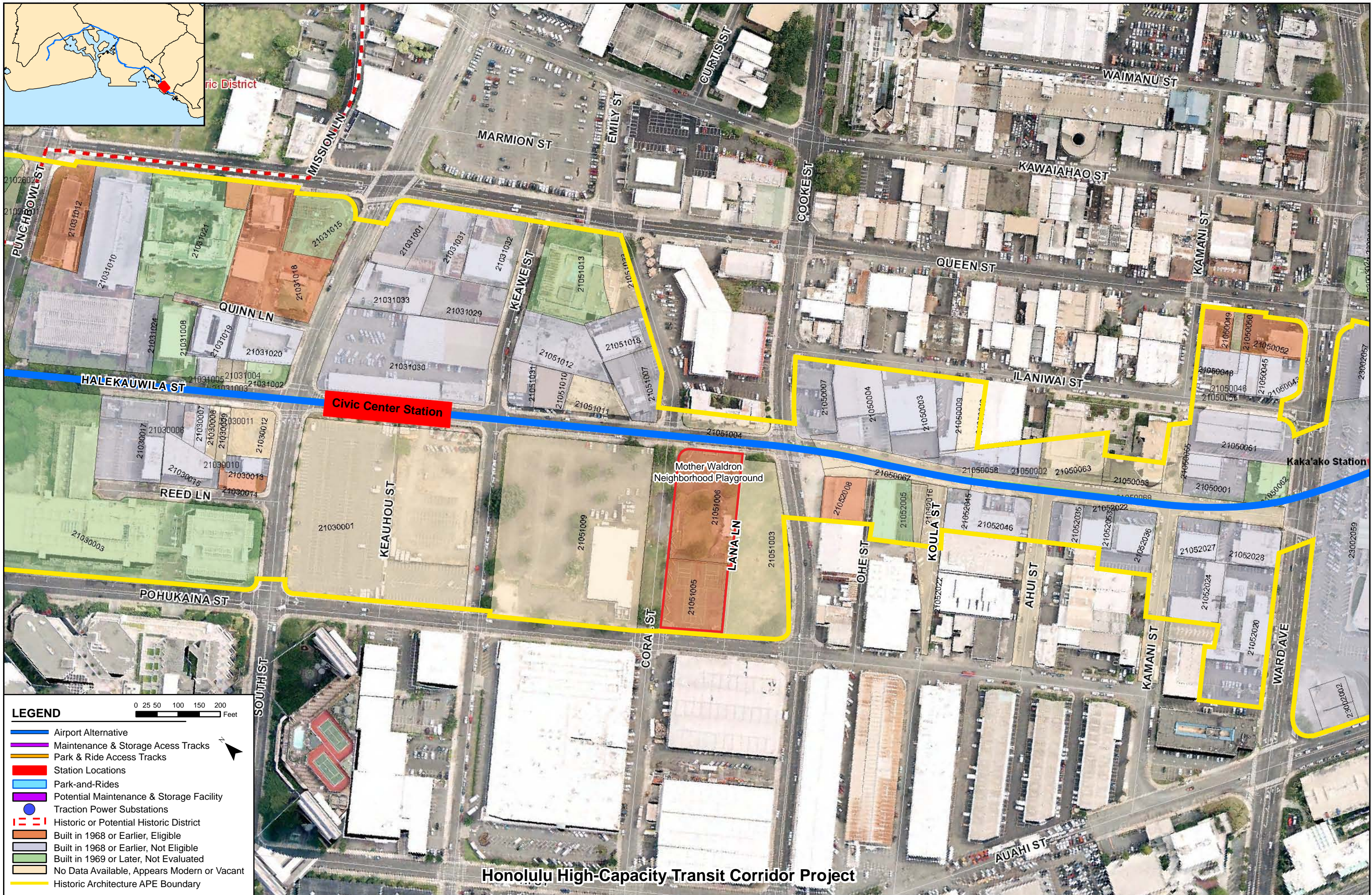
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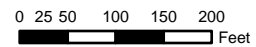
Honolulu High-Capacity Transit Corridor Project



Historic District

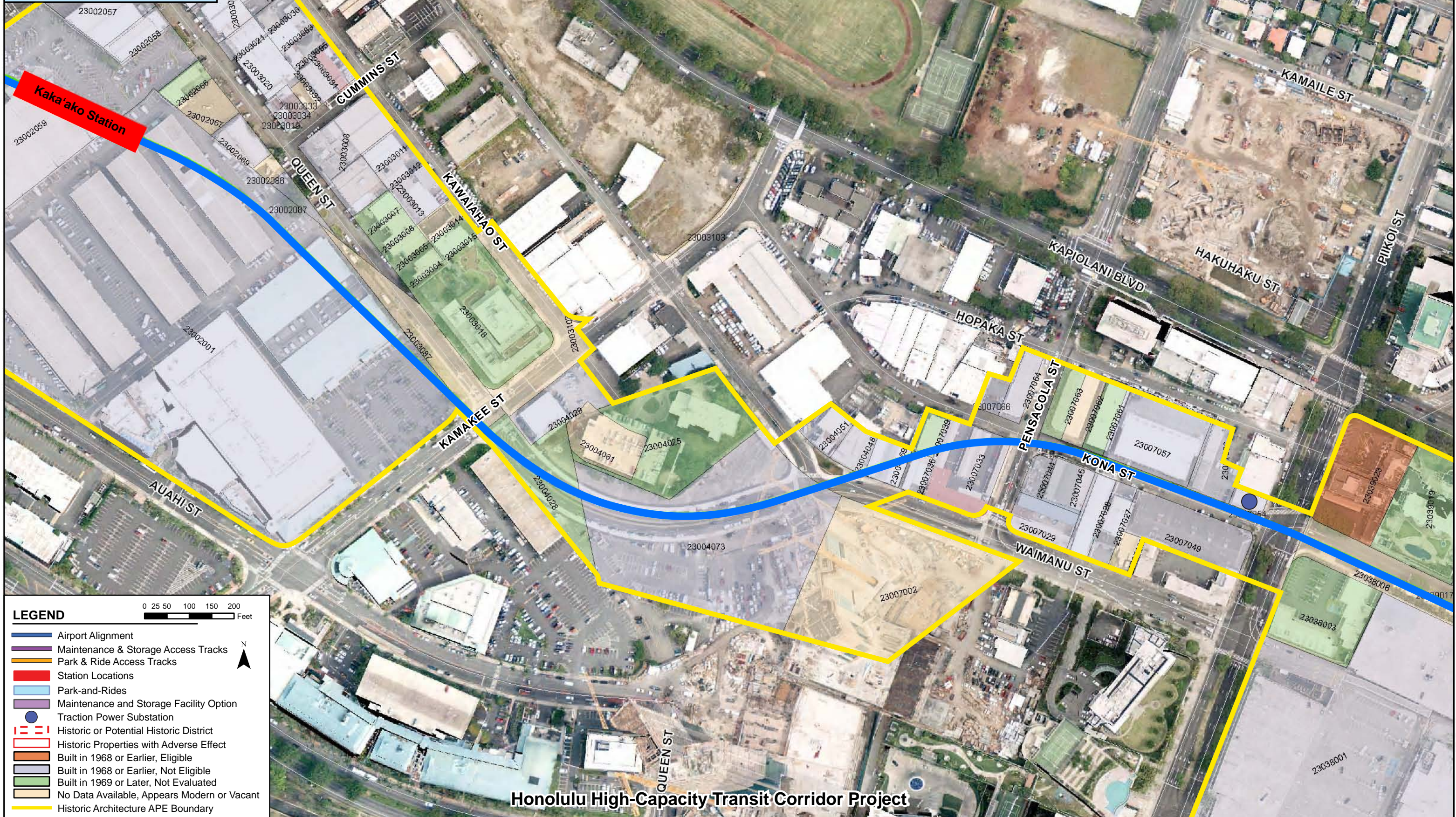


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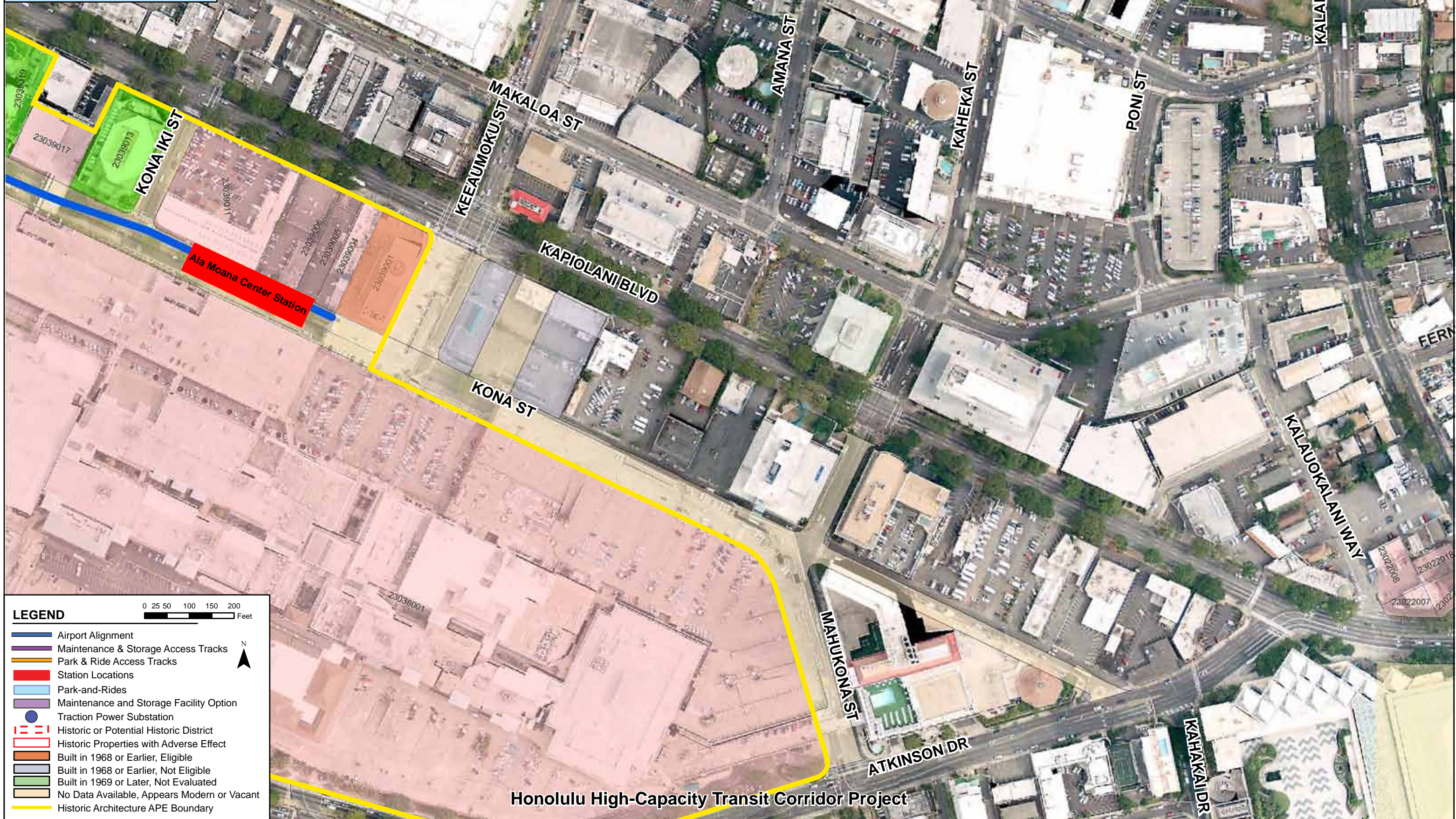


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Honolulu High-Capacity Transit Corridor Project

FINAL PROGRAMMATIC AGREEMENT

**Honolulu High-Capacity Transit Corridor Project
in the City and County of Honolulu, Hawai'i**

**Attachment 2: Information on Resources with Adverse
Effect Determinations**

January 2011

HHCTCP Programmatic Agreement

Attachment 2

Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
Hono`uli`uli Stream Bridge	The bridge built in 1939 is eligible for inclusion in the NRHP under Criterion A because of its association with construction of Farrington Highway and under Criterion C because of its elongated Greek-cross voids, typical of the time period.	There is no direct impact to the bridge. The elevated guideway will be mauka and about 40 feet above this bridge. While the Project would not eliminate views of the architectural features of this bridge or alter its relationship to the existing transportation corridor, there will be an effect to integrity of setting, feeling and association.
Waikele Stream Bridge eastbound span and Bridge over OR&L spur	This pair of vehicular bridges was built in the late 1930's. It is eligible for nomination in the NRHP under Criterion A because of its association with the development of the Waipahu community and the transportation history of the area and under Criterion C for its design.	There is no direct impact to the bridge. The guideway will be constructed between these two bridges along Farrington Highway, 10 feet mauka of the Koko Head-bound span. While the Project will not eliminate views of the architectural features of this bridge or alter its relationship to the existing transportation corridor, there will be an effect to integrity of setting, feeling and association.
Waiawa Stream Bridge 1932 (westbound lanes)	The bridge built in 1932 is eligible for nomination to the NRHP under Criterion A because of its association with the history of transportation in the area and also under Criteria C as it is an example of concrete bridge engineering and design.	There is no direct impact to the bridge. The elevated guideway and Pearl Highlands Station will be about 20 feet mauka and 65 feet above the Koko Head bridge approach. While the Project will not eliminate views of the architectural features of this bridge or alter its relationship to the existing transportation corridor, there will be an effect to integrity of setting, feeling and association.
Waimalu Stream Bridge	The bridge built in 1936 and modified in 1945 is eligible for nomination to the NRHP under Criterion A because of its association with the roadway infrastructure development of	There is no direct impact to the bridge. The elevated guideway will be constructed in the median of Kamehameha Highway over Waimalu Stream with supports placed on either side of the bridge approaches, not within the bridge

HHCTCP Programmatic Agreement

Attachment 2

Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	Kamehameha Highway in the Pearl City and 'Aiea areas.	structure. While the Project will not eliminate primary views of the bridge or alter its relationship to the existing transportation corridor, there will be an effect to integrity of setting, feeling and association.
Kalauao Springs Bridge	The bridge was built in the late 1930's is considered eligible for nomination to the NRHP under Criteria A for its association with the roadway infrastructure development of Kamehameha Highway and development in the Pearl City and 'Aiea area and its historic associations.	There is no direct impact to the bridge. The elevated guideway will be constructed in the median of Kamehameha Highway with supports beyond the stream and not within the bridge structure. The guideway will be approximately 30 feet above the bridge. While the Project will not impact primary views of this bridge, there will be an effect to integrity of setting, feeling and association.
Kalauao Stream Bridge	The bridge was built in the late 1930's is considered eligible for nomination to the NRHP under Criteria A for its association with the roadway infrastructure development of Kamehameha Highway and development in the Pearl City and 'Aiea area and its historic associations.	There is no direct impact to the property. The Project elevated guideway will be in the median of Kamehameha Highway with supports beyond the stream and not within the bridge structure. The guideway will be approximately 30 feet above the bridge and will not impact primary views of this bridge nor alter its relationship to the existing transportation corridor; there will be an effect to integrity of setting, feeling and association.
Commander-in-Chief Pacific Fleet (CINCPACFLT) Headquarters – Facility 250, National Historic Landmark	The Commander-in-Chief of the Pacific Fleet (CINCPACFLT) Headquarters was built in 1942 on Makalapa Hill. The building is individually listed in the NRHP, although the NRHP documentation does not address eligibility	There is no direct impact to the property. The Project guideway will be constructed approximately 650 feet makai from the building and approximately 40 to 45 feet above grade. Due to topography and vegetation, the Project will be minimally visible from select vantage points from within

**HHCTCP Programmatic Agreement
Attachment 2**

Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>criteria. It is also individually designated as an NHL. It is assumed to be important for its historic association with development of the Pearl Harbor Naval Base.</p>	<p>the property boundary. The historic setting of the property consists of its immediate surroundings, which include the drive from Kamehameha Highway (which is not part of the NHL) and the surrounding plantings.</p> <p>The rather dense vegetation will screen the Project from the CINCPACFLT Headquarters.</p> <p>The elevated guideway will be far enough away so that the Project will not eliminate primary views of this historically significant building; however, there will be a general effect to this property.</p>
<p>Potential Makalapa Navy Housing Historic District</p>	<p>This housing area is significant under several National Register criteria—under Criterion A for its association with the buildup of officers’ housing just prior to World War II; under Criterion B for its association with Admiral Chester Nimitz, CINCPACFLT, who lived in the neighborhood for most of the war; and under Criterion C, both for its association with the firm of master architect C.W. Dickey, designer of the houses and the neighborhood, and as an example of military residential planning in Hawai‘i, which followed the “Garden City”</p>	<p>There is no direct impact to the district. The elevated guideway will be constructed along the median of the multiple-lane Kamehameha Highway approximately 10 to 25 feet makai from the district. The elevated guideway will be approximately 30 to 45 feet above grade, and the Pearl Harbor Naval Base Station will be located at the intersection of the highway with Radford Drive. The station entrance will be approximately 25 feet Koko Head from the district boundary on the mauka side of the highway.</p> <p>The elevated guideway will not substantially affect primary views of this architectural features complex. The Project will</p>

**HHCTCP Programmatic Agreement
Attachment 2**

Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	concept prevalent at the time. This district is eligible for nomination to the NRHP under Criteria A, B, and C.	not affect its design or historic association; however there will be an effect to setting and feeling.
United States Naval Base, Pearl Harbor National Historic Landmark	<p>The U.S. Naval Base Pearl Harbor NHL was listed in the NRHP in 1974 (with boundaries accepted in 1978) and designated as an NHL in 1964. This property includes the USS Arizona Memorial and the USS Bowfin. Portions of Pearl Harbor were designated as part of the World War II Valor in the Pacific National Monument in 2008. These designations attest to Pearl Harbor’s national significance, its critical support of the U.S. Navy fleet, and establishment of the United States as a major power in the Pacific.</p> <p>The NRHP Inventory–Nomination Form for the U.S. Naval Base Pearl Harbor NHL defines the boundary of the NHL. The boundaries of the landmark include those water and land areas historically, intimately, and directly associated with the property’s use as a historic naval base, with mission to support the U.S. fleet, and the attack on December 7, 1941.</p>	<p>There is no direct impact to Pearl Harbor NHL. The Project will be constructed in the median of Kamehameha Highway which is adjacent to the U.S. Naval Base Pearl Harbor NHL. The NHL is primarily in and surrounding the South Channel area of Pearl Harbor. The guideway will be a minimum of 30 feet from the mauka edge of the property’s boundary. The entrances of the elevated Aloha Stadium Station and the Pearl Harbor Naval Base station were designed to touch down on the mauka side of the highway to avoid taking any of the Pearl Harbor NHL property.</p> <p>The noise analysis found there would be no adverse noise impacts at the World War II Valor in the Pacific National Monument per FTA impact criteria. The visual simulations illustrated that the Project will be barely visible in mauka views from the harbor. As a result, the Project will not adversely affect Pearl Harbor’s NHL’s visual integrity. In addition, the elevated guideway will not eliminate primary views of this historic district nor alter its relationship to the water since the guideway and the stations will be on the mauka side of the busy highway. However, there will be a</p>

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>The boundary excludes much of the land areas added during World War II. Portions of land areas added during World War II are now being diverted piecemeal to civilian or non-governmental uses, but all or parts of these land areas may lie within the setting of the NHL. All of the water areas of Pearl Harbor are included within the boundaries along with certain adjacent lands. Pearl Harbor's national significance, critical support of the U.S. Navy Fleet, and establishment of the United States as a major power in the Pacific.</p>	<p>general effect to this property.</p>
<p>Ossipoff's Aloha Chapel, SMART Clinic, and Navy-Marine Corps Relief Society – Facility 1514</p>	<p>Facility 1514 was built in 1975 and is constructed of split concrete and brick. It is an excellent example of architect Vladimir Ossipoff's modern architecture. The building is a landmark at Makalapa Gate. Although this building is less than 50 years old, it meets National Register Criteria Consideration G for properties of exceptional importance built within the last 50 years.</p>	<p>There is no direct impact to the property. The elevated guideway would be constructed in the median of Kamehameha Highway. It will be approximately 100 feet makai from the structure (approximately 45 feet above grade), and the station will be about 40 feet away (on the mauka side of the highway). Facility 1514 was built out-of-period for the Pearl Harbor NHL, is not associated with the historic events there, and is not considered a contributing element. It is located within the Pearl Harbor Naval Base, diagonally at the corner of Kamehameha Highway and</p>

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Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		<p>Radford Drive.</p> <p>The elevated guideway will not eliminate primary views of the architectural features of this historic building, however, there will be an effect to the setting.</p>
Hawai'i Employers Council	This property is eligible for nomination to the NRHP and is significant under Criterion A for its association with the history of labor relations in Hawai'i and under Criterion C for its association with the architectural firm of Wimberly and Cook.	There is no direct impact to this property. The two-story building is oriented makai toward Ke'ehi Lagoon Beach Park, and other industrial and light industrial type properties surround the other building sides. The elevated guideway and support columns will be constructed though the mauka perimeter of Ke'ehi Lagoon Beach Park. These elements will be about 40 feet makai of the building, with the bottom of the guideway about 22 feet above ground level. Views of the architectural elements and historic associations will not be impacted by the Project; however, there will be an effect to setting, feeling and association.
Afuso House	This structure embodies the distinctive characteristics of a type and period of construction and retains a high degree of integrity of location, design, materials, workmanship, feeling, and association. The integrity of its original setting has changed substantially, as there are now adjacent vacant	To construct the guideway Dillingham Boulevard will be widened ten feet. The Project will require acquisition of the properties (including demolition of the Afuso House, Higa Four-plex and Teixeira House).

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	lots on one side and a convenience store across the street. Several other historic residential buildings are present in the immediate area, also on Dillingham Boulevard. The added carport and jalousie windows are apparent non-historic alterations; most of the other features are historic and part of the design history of the house.	
Higa Four-plex	This structure is also associated with Dillingham Boulevard's historic development and its effect on the Kalihi Kai neighborhood, which originally consisted of mostly single-family residences. The building has a high degree of integrity, and all alterations appear to be historic and are considered part of the building's design history.	To construct the guideway Dillingham Boulevard will be widened ten feet. The Project will require acquisition of the properties (including demolition of the Afuso House, Higa Four-plex and Teixeira House).
Teixeira House	This structure embodies the distinctive characteristics of a type, period, and method of construction and is a good example of a 1940s, single-wall, plantation style house. There have been some changes made to the structure, but it retains sufficient integrity to qualify for the NRHP. Integrity of setting is compromised from its historic dense residential character due to a	To construct the guideway Dillingham Boulevard will be widened ten feet. The Project will require acquisition of the properties (including demolition of the Afuso House, Higa Four-plex and Teixeira House).

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>new, large commercial building on the adjacent lot; historic setting remains apparent due to the presence of other historic residential buildings</p> <p>In the immediate area. There has been some non-historic design changes made to the structure, including installation of jalousies and removal of a rock wall fronting the lot.</p>	
Lava Rock Curbs	<p>The lava rock curbs are eligible as a single property under Criterion A for their association with roadway infrastructure development in Honolulu. They also are eligible under Criterion C as examples of the distinctive method of street construction in Honolulu during the late 1800s and early 1900s. The curbs are located at various places along Dillingham Boulevard and Halekauwila Street.</p>	<p>During construction of the Project lava rock curbs in two locations—on Dillingham Boulevard and Halekauwila Street will be impacted. Widening Dillingham Boulevard 10 feet to the makai side of the Kapālama Canal Bridge and widening Halekauwila Street will require the removal of the curbs during construction. After construction, the lava rock curbs will be replaced as practicable. There will be an effect to location, design, setting, materials, workmanship, feeling and association. To mitigate for this effect, all affected lava rock curbs will be marked prior to removal, stored securely, and replaced at their approximate original milepoint locations. Any stones that are damaged or destroyed during extraction or re-installation will be replaced with in-kind materials.</p>
Kapālama Canal Bridge	<p>The bridge is eligible for nomination to the NRHP under Criterion A for its association with</p>	<p>The elevated guideway will be constructed over the bridge. Consistent with the necessary widening of Dillingham</p>

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>the transportation history of the area and the extension of Dillingham Boulevard. It is also eligible for nomination under Criterion C as an example of concrete bridge engineering and design in Hawai'i.</p>	<p>Boulevard, construction of the guideway will require widening of the bridge on its makai side to accommodate a new median within which the guideway will be built. Two support columns will be placed in the roadway median beyond the bridge. The bridge will need to be upgraded to current standards, although it has previously been seismically retrofitted. To mitigate adverse effects to setting, feeling and association, the City will maintain or replace the bridge rails to match the appearance of the historic rails and consider the Secretary of Interior Standards for the Treatment of Historic Properties in developing these design plans.</p>
<p>Six Quonset Huts</p>	<p>Eligible for the NRHP under Criteria A for its association with the re-use of former military buildings by small businesses as well as Criterion C because it embodies distinctive characteristics of this Quonset building type. This is a relocated grouping of military Quonset huts, which were originally erected by the military on another during WWII and re-erected on this site sometime between 1953 and 1963.</p>	<p>The Project will acquire approximately 10-foot-wide strip of land within the property boundary of the Quonset huts along the makai edge of Dillingham Boulevard. In addition, a small area will also be acquired at the 'Ewa corner of the property, extending makai approximately 25 feet. A portion of this property will be converted to roadway and sidewalk to accommodate installation of the median and guideway on Dillingham Boulevard. The huts will not be impacted by the Project. However, there will be a general effect to this property.</p>

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Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
True Kamani Trees	Mature true kamani trees, planted in the mid- 1930s, still line both sides of Dillingham Boulevard. They stand approximately 30 feet tall and are spaced about 55 to 75 feet apart. Many have asymmetrical canopies as a result of pruning to avoid nearby utility lines. The trees are associated with the 1930s roadway infrastructure development of Dillingham Boulevard and the history of street tree plantings in Honolulu. They remain unaltered, except for necessary maintenance pruning.	<p>The Project requires that Dillingham Boulevard be widened by 10 feet to accommodate a median within which the fixed guideway will be placed. As a result, approximately 28 true kamani trees will be removed from the makai side of the street.</p> <p>During Final Design and construction, the City landscape architect will develop a planting plan to mitigate effects to these and other street trees affected by the Project on Dillingham Boulevard. The City will replace the true kamani trees within the corridor as close as feasible to the current location of the trees to be removed on the makai side of Dillingham Boulevard.</p>
Institute for Human Services/Tamura Building	This property is eligible for nomination to the NRHP as an example of an International-Style building (Criterion C).	There is no direct impact to the property. The elevated guideway will be constructed on a diagonal at this point between Dillingham Boulevard and Nimitz Highway, and near the Iwilei Station. The station will be the most prominent feature of the Project for this property, although it will not substantially affect views. The Iwilei Station will be constructed about 50 feet makai of the building and 35 to 40 feet above grade. Since the surrounding area is an urban environment with many other buildings that block longer range views, the Project will not substantially impair the visual and architectural

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		elements of this historic building. However, there will be an effect to setting, feeling and association.
Wood Tenement Buildings behind Tong Fat Co.	The Wood Tenement Buildings behind the Tong Fat Co. are a group of three two-story four-plex residential buildings and one single-story duplex constructed in 1914. The property was determined eligible for the NRHP under Criterion A for its association with the development of the 'A'ala neighborhood and under Criterion C as an example of the typical grouping and construction of early 20th-century tenement buildings in Honolulu. The buildings overlook the cleared, former OR&L rail yard on a parcel immediately mauka of the former filling station.	<p>There is no direct impact to the property. The elevated guideway will be constructed behind this parcel on a planned access easement through the OR&L property, 190 feet 'Ewa of the buildings. The guideway will cross through this block diagonally and connect with Nimitz Highway at Iwilei Road.</p> <p>No significant viewsheds were identified from this property since non-historic industrial buildings are located 'Ewa of the cleared area and constitute the building's viewshed. Therefore, the guideway will have no impact to existing views of or from the historic tenement grouping. Primary views of the buildings are from behind the Tong Fat Co. building, and the elevated guideway will not interfere with these since it is 'Ewa of the tenement buildings. The Project will not impact the architectural elements and historic association of this property. However, there will be general effects to this property.</p>
O'ahu Railway & Land Co. Office/Document Storage Building	The O'ahu Railway & Land Company (OR&L) Office and Document Storage Building is a two story, Colonial Revival-style building constructed in 1914. It is set back from North	There is no direct impact to the building. The elevated guideway will be constructed on a planned access easement that crosses the back section of this large parcel. The alignment is on the site of the former OR&L rail yard, an area

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>King Street, about 75 feet mauka of the Terminal Building. Both buildings are associated with OR&L, which was an important transportation network serving the sugar and pineapple plantations, the military, and residents of O’ahu until it discontinued service in December 1947. These properties are eligible under Criterion A for their association with the railway.</p>	<p>behind the buildings and their associated parking lots that has been cleared and paved. The City Department of Planning and Permitting (DPP) approved an easement for utility and access purposes through this property. The Project will impact approximately 0.75 acre within this easement.</p> <p>The alignment will be approximately 150 feet makai from the Office and Document Storage Building, 100 to 150 feet makai from the Terminal Building, and approximately 45 feet aboveground. Approximately five guideway support columns will be located in this segment of the alignment. The structure will be taller than both buildings, and the visibility and connection to the former rail yard area will be maintained; however, there will be an effect to integrity of location, design, setting, feeling and association.</p>
<p>O’ahu Railway & Land Co. Terminal Building</p>	<p>The terminal building is also eligible under Criterion C as an example of Spanish Mission Revival Style with high artistic value. Both are now office buildings with associated parking lots and open areas in back.</p>	<p>There is no direct impact to the building. The elevated guideway will be constructed on a planned access easement that crosses the back section of this large parcel. The alignment is on the site of the former OR&L rail yard, an area behind the buildings and their associated parking lots that has been cleared and paved. The City Department of Planning and Permitting (DPP) approved an easement for utility and access purposes through this property. The</p>

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		<p>Project will impact approximately 0.75 acre within this easement.</p> <p>The alignment will be approximately 150 feet makai from the Office and Document Storage Building, 100 to 150 feet makai from the Terminal Building, and approximately 45 feet aboveground. Approximately five guideway support columns will be located in this segment of the alignment. The structure will be taller than both buildings, and the visibility and connection to the former rail yard area will be maintained ; however, there will be an effect to integrity of location, design, setting, feeling and association.</p>
Nu`uanu Stream Bridge	<p>Nu`uanu Stream Bridge is eligible for nomination to the NRHP for its association with the history of transportation along the Honolulu waterfront and Queen Street before it was renamed Nimitz Highway (Criterion A). This bridge carries the `Ewa-bound traffic of Ala Moana Boulevard/Nimitz Highway out of Downtown and is an important transportation link between Iwilei and Downtown. It is also significant as a late example of a concrete bridge with solid parapet design, incorporating unusual molded detailing and a rounded top</p>	<p>There is no direct impact to the property. The elevated guideway will be constructed in the median of Nimitz Highway makai of the Chinatown Station, 250 feet Koko Head of the bridge. The bridge is in Downtown Honolulu and is surrounded by major urban highways. The guideway elevation at about 35 feet above bridge and will not change the appearance of its design elements nor alter its relationship to the existing transportation corridor. However, there will be an effect to integrity of setting, feeling and association.</p>

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	rail (Criterion C).	
Chinatown Historic District	<p>The thirty-six acre historic district was listed on the NRHP on January 17, 1973. The makai boundary of the district expresses the importance of Chinatown’s connection with the harbor and its historic ties to the waterfront, a factor of great importance in its origin and evolution. It is recognized as a place of cultural importance to the City’s Asian community since the early 20th century, which retains its distinctive cultural surroundings and architectural character.</p>	<p>The Project guideway will be constructed 30 to 42 feet above ground within a median on Nimitz Highway at the ‘Ewa edge of the district. The Chinatown Station entrance will touch down in a parking lot that is on a parcel containing properties that are contributing elements to the Chinatown Historic District associated with the non-historic Chinatown Marketplace. The Project will require acquisition of 0.3 acre of this property parking lot. There is no direct impact to the building.</p> <p>The district’s NRHP eligibility includes the relationship between the district’s elements, including architecture, and Honolulu Harbor within the district. The Project will not substantially impair the physical connection to the waterfront. The Project will be a dominant visual element that contrasts in scale with the pedestrian environment and substantially changes makai views of Honolulu Harbor from Chinatown. There will be an adverse effect to integrity of design, setting, feeling and association.</p> <p>Although currently unanticipated as described in the cumulative effects section of the FEIS, there is some concern that the Project will have potential for indirect and</p>

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		cumulative adverse effects to the district from construction of the elevated guideway and potential development.
Merchant Street Historic District (including Walter Murray Gibson Building/Honolulu Police Station)	<p>The Merchant Street Historic District covers a four block area in Downtown directly Koko Head of Chinatown. The only contributing property in this commercial district within the Project's APE is the Walter Murray Gibson Building/Honolulu Police Station (on Merchant Street near Nu'uaniu Avenue). The four-story Gibson Building/Honolulu Police Station was built in 1930 and 1939. It was individually evaluated and found to be eligible for the NRHP under Criterion A for its association with the history of the City's police department and under Criterion C as an excellent example of Hawaiian Mediterranean-style architecture of the 1930s.</p> <p>The building is approximately 150 feet mauka from the Project, which runs down the center of Nimitz Highway.</p>	<p>There is no direct impact to the district. The Project will be constructed 40 feet above grade in the median of the six-lane Nimitz Highway approximately 150 feet makai of the Gibson/Honolulu Police Station Building. The guideway will not affect the primary views of the building, which are from Merchant Street, Nu'uaniu Avenue, and North Bethel Street. The alignment will be visible from the building only in the distance from North Bethel Street and Nu'uaniu Avenue. There will be general effects to this property.</p> <p>Although currently unanticipated, there is some concern that the Project will have potential for indirect and cumulative adverse effects to the district from construction of the elevated guideway and potential development.</p>
Walker Park	Eligible under Criterion A for its association with the development of Downtown Honolulu waterfront and Central Business District and	There is no direct impact to the property. The Project guideway will be approximately 50 feet makai of the park within the median of Nimitz Highway. The project will

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	under Criterion C as an “early example of a created greenspace in the Central Business District.”	nominally affect makai views from the park but not the views of the park from the Central Business District it serves; however, there will be general effects to this property.
DOT Harbors Division Offices	Eligible under Criterion A for its association with the Harbor Commission of the Territory of Hawai’i and for its primary relationship with the water.	There is no direct impact to the property. The Project guideway will be in the median of the six-lane Nimitz Highway approximately 70 feet mauka of the building. Views of the building from Nimitz Highway and farther mauka will be partially obstructed by the alignment. The building will still be visible from the makai side of the highway and through the columns farther mauka. The property’s historically important ‘Ewa/makai viewshed toward Honolulu Harbor will not be affected. The Project will not impact its association with the Harbor Commission of the Territory of Hawai’i and for its primary relationship with the water; however, there will be general effects to this property.
Pier 10/11 Building	Eligible for NRHP under Criterion A for its association with the maritime passenger industry and under Criterion C as an example of neo-classical architecture of the 1920s in Honolulu. The building derives significance from its relationship to the harbor.	There is no direct impact to the property. The Project guideway will be in the median of the six-lane Nimitz Highway approximately 140 feet mauka of the building. The only view that is partially affected as a result of the Project would be the view from Fort Street Mall. The Project will not affect views of the building’s design elements and historic associations; however, there will be general effects

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Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		to this property.
Aloha Tower	Eligible under Criterion A for its association with the development of Hawai'i as a tourist destination and for its role as a harbor control tower during World War II. Eligible under Criterion C as an example of 1920s Art Deco architecture in Hawai'i.	There is no direct impact to the property. The Project guideway would be in the median of the Nimitz Highway approximately 420 feet mauka of the tower. Aloha Tower will still be able to be viewed from many vantage points without seeing the Project. The tower's visual setting is dominated by the surrounding marketplace and less by the highway, which is already a major transportation corridor. The Project will be visible in views from the observation deck, but it will not impact views of the tower's design elements nor alter its historic setting; however, there will be general effects to this property.
Irwin Memorial Park	Eligible under Criterion A for its association with the history of beautification efforts in the Honolulu waterfront passenger terminal area; Under Criterion B for its association with William G. Irwin, noted Hawaiian businessman; and under Criterion C for representing the work of leading Honolulu landscape architect Robert O. Thompson.	There is no direct impact to the property. The Project would be constructed mauka of the park in the median of an adjacent highway. The Project would not obstruct excellent makai views from the park or views of the park from the harbor and Aloha Tower. There will also be no noise and vibration impacts at the park from the Project. However, there will be general effects to this property.
Dillingham Transportation Building	The building was constructed in 1930. The NRHP listed building is significant for its association with commercial development of	There is a minor parcel acquisition, but no impact to building. The Project elevated guideway will be constructed in the median of Nimitz Highway, approximately 40 feet

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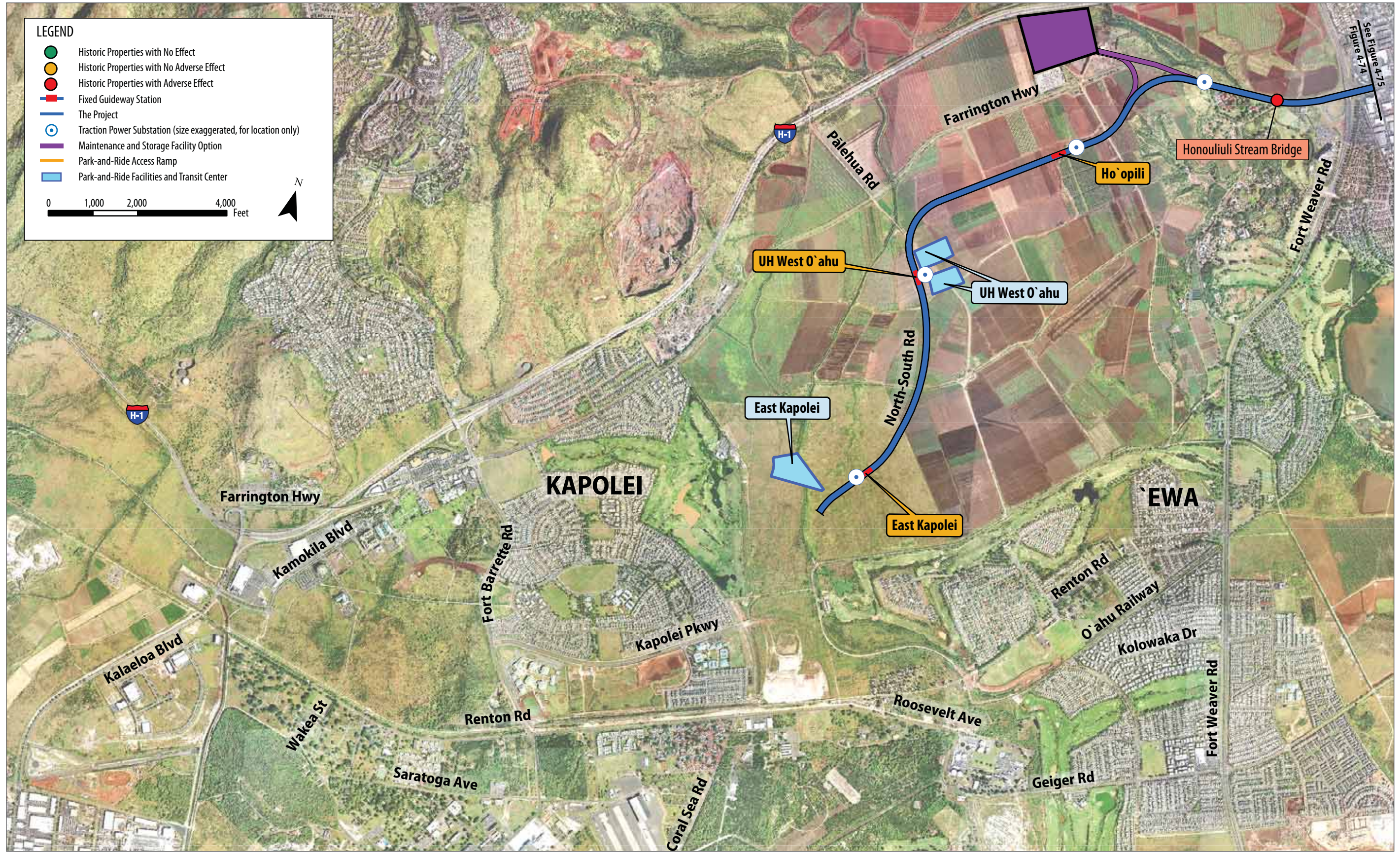
Information on Historic Properties with Adverse Effect Determinations Under Section 106

Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
	<p>the time, Dillingham family’s business empire as well as for its architectural design. While there have been changes to the structure particularly to the ground floor, the building maintains much of its original integrity.</p>	<p>makai of the building. The Downtown Station entrance will be sited on a modern plaza next to the Dillingham Transportation Building on the same parcel. This station will serve the Central Business District and is projected to be the second highest volume station in the system. Approximately 3,000 square feet of the plaza will be used by the project for the station entrance. This landscaped plaza is not a contributing element to the NRHP listed building but is part of the parcel listed on the NRHP with extends into the Nimitz Highway roadbed. The plaza is privately owned and is currently used as open space for neighboring office buildings featuring chairs, tables and walkways. The station entrance will be located at the makai end of the plaza and will not alter the existing use of open space. The station entrance will be designed to be compatible with the use of the open space. There will be an effect to integrity of setting, feeling and association.</p>
<p>HECO Downtown Plant and Leslie A. Hicks Building</p>	<p>Eligible under Criterion A for its association with the historic of electric power in Honolulu.</p>	<p>There is no direct impact to the property. Associated features of the transit station, including an at-grade-level entry, escalator, and elevator shaft, as well as electrical, mechanical, and security components, will be located immediately mauka of an in the location of a small addition to the 1929 building at its ‘Ewa/mauka corner and within the National Register of Historic Places boundary. These</p>

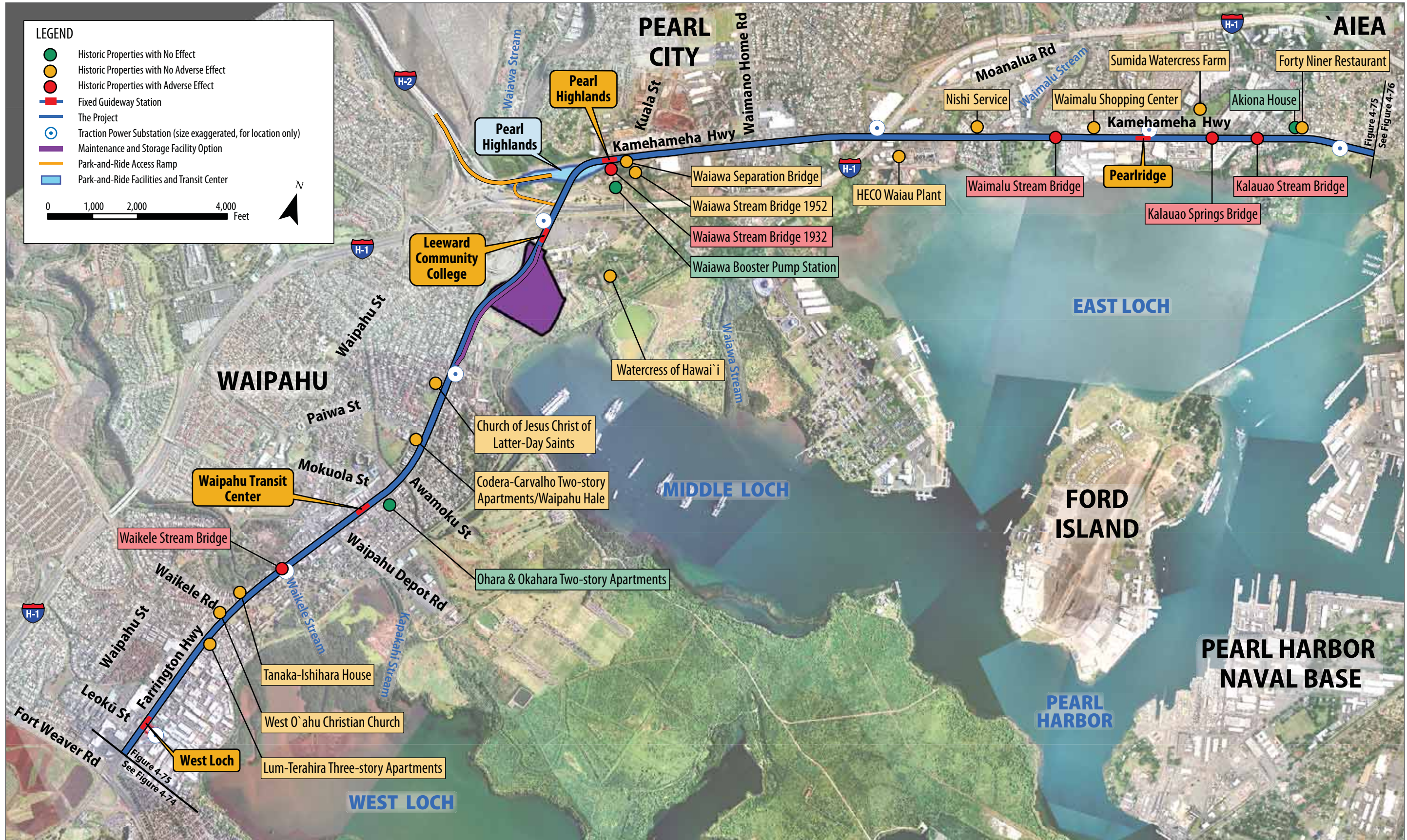
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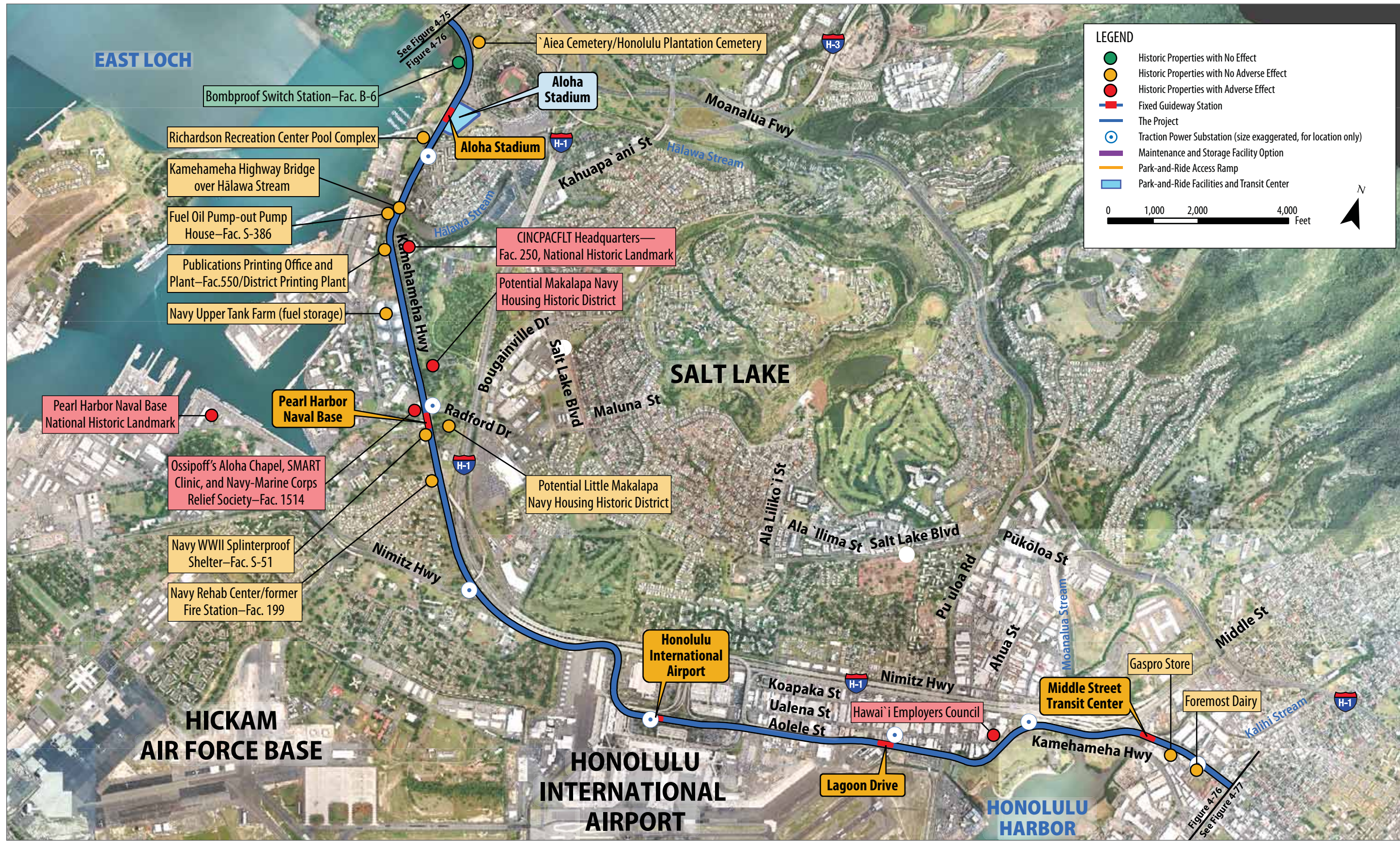
Historic Property Name	Eligibility Criteria	Description of Effect of the Project on the Historic Property
		features require that approximately 7,900 square feet of area within the NRHP boundary be acquired and the metal roof of the extension be demolished. The extension is not a contributing element that makes the property eligible for the NRHP; however, there will be a general effect to this property.
Mother Waldron Neighborhood Playground	Mother Waldron Neighborhood Playground is situated within Mother Waldron Neighborhood Park, a one-acre park located in the mixed-use area of Kaka’ako. This park is in a mixed commercial and industrial area and not in a residential neighborhood, as its name implies. The park is surrounded by vacant lots, warehouses, commercial buildings, and high-rise apartment buildings. It was listed on Hawaii Register of Historic Places on June 9, 1988 as an element of the thematic group, “City and County of Honolulu Art Deco Parks.” It is significant for its associations with the playground movement and architectural and landscape design by Harry Sims Bent and this meets Criterion A and C of NRHP.	There is no direct impact to the property. The Project will be about 10 feet mauka of the park’s edge, 150 feet makai of the Art Deco/ Art Moderne-style comfort station and elevated about 35 to 40 feet high in this location. The Project will not affect the park’s design elements or aesthetic features that contribute to the park’s use and enjoyment. However, there will be an effect to setting.



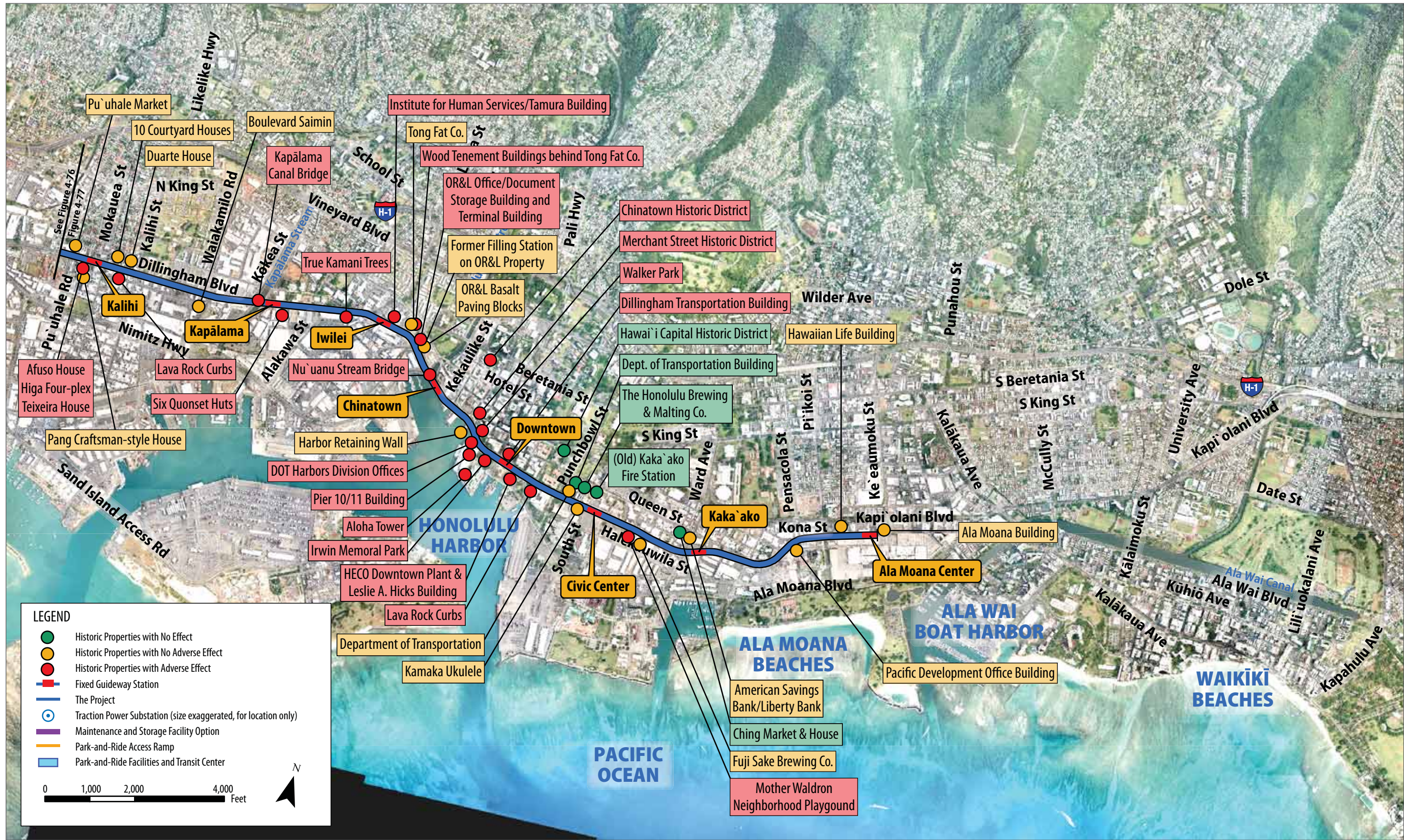
Historic Properties in Area of Potential Effects (East Kapolei to Fort Weaver Road)



Historic Properties in Area of Potential Effects (Fort Weaver Road to Aloha Stadium)



Historic Properties in Area of Potential Effects (Aloha Stadium to Kalihi)



Historic Properties in Area of Potential Effects (Kalihi to Ala Moana Center)

HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **Evaluated Eligible**

Resource Name/Historic Name: **Hono'uli'uli Stream Bridge**

Location: **Farrington Highway at Hono'uli'uli Stream**

Owner: **State of Hawaii**

Date-Original: **1939**

Source: **Thompson, 1983. *Historic Bridge Inventory, Island of Oahu.***

Present Use/Historic Use: **Bridge**

Architectural Description:

This is a one-span, reinforced-concrete tee beam structure, measuring 54' in total length, 32' in height, and about 10' in height above the stream bed. The concrete parapets of the bridge are pierced to form balustrades with vertically oriented openings in the form of a thick cross (commonly referred to as a "Greek-cross void"), which was a standardized pattern for bridge railings of that period.

Significance:

Criterion "A" for its association with the history of government road development in this southwestern corner of O'ahu. The construction of this bridge in 1939 represented a transportation improvement for the whole Leeward community, and is part of the new transportation corridor from here through Waipahu. The formerly winding alignment of the road to Waianae was straightened in this section by this larger bridge over Hono'uli'uli Stream. The older road segment and bridge, that snaked through the gully and crossed the stream with a smaller span, remain on the makai side of Kahi Mohala. It was designed by City and County of Honolulu engineer, Frederick Ohrt. Criterion "C" as an example of concrete bridge engineering and design in Hawaii. This bridge is a good examples of a concrete tee beam bridge of the late 1930s period.

TMK: **none**

Portion of Alignment: **'Ewa portion**

Sector: **08 Ho'opili Station Sector**

Station Block:

Integrity:

Bridge has high integrity. Parapets and abutments are unaltered



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: none

Historic Status: **Evaluated Eligible**

Portion of Alignment: **'Ewa portion**

Resource Name/Historic Name: **Waikele Stream Bridge east-bound span and
Bridge over OR&L spur**

Sector: **10 Waipahu Transit Center
Station Sector**

Location: **Farrington Highway at Waikele Stream**

Owner: **State of Hawaii**

Station Block:

Date-Original: **1939**

Source: **Thompson, 1983. *Historic Bridge Inventory, Island of Oahu.***

Present Use/Historic Use: **Bridge**

Architectural Description:

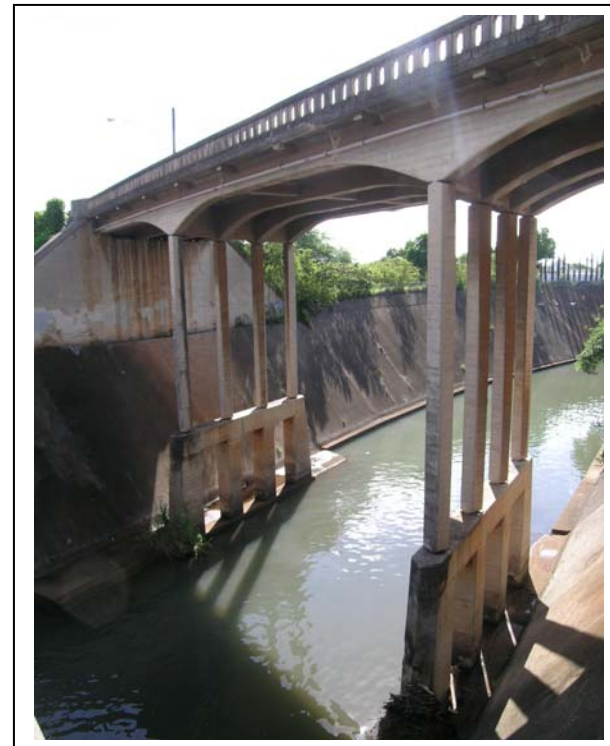
Both are concrete deck girder bridges. The one over the stream has three spans with a combined length of about 130'. At the ends of the bridge the spans are supported on board-formed concrete abutments. Two rows of four slender concrete columns carry the spans across Waikele Stream. The bridge girders become thicker as they approach the columns, increasing to about 3' in height where they rest on the columns. The columns are about 30' tall with a cross section of about 16" square. Each row of four columns rests on a narrow beam (about 10" above the channel bed) supported by four wider posts (the outer ones have slightly widening ends) which rise from the stream bed at its concrete-lined banks. The concrete parapets of the bridge are pierced to form balustrades with vertically oriented openings in the form of a thick cross (commonly referred to as a "Greek-cross void"), which was a standardized pattern in that period of Territorial Highway Department bridges.

Integrity:

Bridges have high integrity. Parapets, girders, columns, and piers are unaltered.

Significance:

Criterion "A" for its association with the development of the Waipahu community and the transportation history of the area. Criterion "C" as an example of concrete bridge engineering and design in Hawaii. These bridges are good examples of concrete deck girder bridges of the late 1930s period. Originally, Waikele Stream ran eastward from a point mauka of the bridge and joined Kapakahi Stream before emptying into Pearl Harbor. This natural drainage pattern created frequent flooding in the Waipahu business district, centered around Waipahu Depot Road. In the 1930s the present drainageway that the bridge spans was cut to drain Waikele Stream directly into the harbor (the stream was lined with concrete at a later date). The excavated material became a ramp for the future Farrington Highway, and also allowed the grade separation over the OR&L right-of-way, just east of Waikele Stream. These bridges are associated with several important community improvement projects, the stream realignment and the construction of Farrington Highway, which greatly affected the history of Waipahu. (Source: *Waipahu: Its People and Heritage* 1997, p. 9-11.)



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **'Ewa portion**

Resource Name/Historic Name: **Waiawa Stream Bridge 1932 (west-bound lanes)**

Sector: **12 Pearl Highlands Station Sector**

Location: **Farrington Highway west-bound over Waiawa Stream**

Station Block: **Pearl Highlands Station Block**

Owner:

Date-Original: **1932**

Source: **Thompson (1983) VII-129 and inscription**

Present Use/Historic Use: **Bridge**

Architectural Description:

This six-span, reinforced-concrete bridge is a continuous deck girder type, measuring 332 feet in length, about 34 feet in width, and approximately 30 feet in height above the stream bed. The concrete parapets of the bridge are pierced to form balustrades with arched-topped openings. This arched-top design was a standardized pattern of Territorial Highway Department bridges of the early 1930s. The balustrades on this bridge are divided by stanchions into six segments, each about 20' long. Each segment has cast end pieces with a recessed panel, each pair of end pieces forms a stanchion. The end segments of parapets are slightly curved as they approach the larger end stanchions. These end stanchions are rectangular, and have rectangular panels with an incised border. The panels are inscribed "Waiawa" and, on the opposite end stanchion, "1932."

Integrity:

Parapets and abutments are unaltered.

Significance:

Criterion "A" - for its association with the transportation history of the area. Criterion "C" - as an example of concrete bridge engineering and design in Hawaii. This bridge originally carried Kamehameha Highway to the Ewa Junction and represents a road straightening improvement project that replaced an earlier, more winding, road segment and smaller bridge crossing of Waiawa Stream. Merritt A. Trease was the design engineer. This bridge carried Kamehameha Highway until the bypass was built about 1940, when this bridge and road segment became an extension of Farrington Highway. It is a good example of an early 1930s continuous deck girder bridge. Its relatively long length indicates the importance of this transportation link in the circle-island main road system.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Ewa portion**

Resource Name/Historic Name: **Waimalu Stream Bridge**

Sector: **13 Pearlridge Station Sector**

Location: **Kamehameha Hwy at Waimalu Stream (near Ka'ahumanu St)**

Owner: **State of Hawaii - DOT**

Station Block:

Date-Original: **1936, 1945, 1966**

Source: **Inscriptions**

Present Use/Historic Use: **Bridge**

Architectural Description:

The two center parapets of the bridge are identical -- concrete balustrades pierced by vertically oriented openings in the form of a thick cross (commonly referred to as a "Greek-cross void"). This was a standardized pattern for Territorial Highway Department bridges of that period. End stanchions (1936 & 1945) are also quite similar, massive rectangular blocks of concrete with a stepped pattern along their edges. However, the stanchions marked "1936" (makai) are longer and curved outward slightly, away from the traffic lanes. The two outer parapets (1966) are each formed of a high concrete curb (approximately 18") with an incised horizontal line. On top of the curbs are metal brackets supporting two tubular metal rails. Stanchions at the ends of the 1966 sections are rectangular blocks of concrete with two incised horizontal lines.

Integrity:

Parapets and stanchions of all sections of the bridge are unaltered except for the addition of guardrails (W-beams and Thrie-beams) at some end stanchions.

Significance:

Criterion "A" - associated with the roadway infrastructure of Kamehameha Hwy in the Pearl City/Aiea area. Kamehameha Hwy has been a major transportation route through the Pearl City/Aiea area since the early decades of the 20th century. The bridges constructed over this crossing at Waimalu Stream have been significantly integral to its development as an effective transportation route and have contributed meaningfully to development of this geographic area. They also have facilitated major passage through the area to points east and west that are served by the highway and are representative of important public works projects initiated by the Territorial and State governments.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Ewa portion**

Resource Name/Historic Name: **Kalauao Spring Bridge**

Sector: **13 Pearlridge Station Sector**

Location: **Kamehameha Hwy at Kalauao Spring (west of Pali Momi St)**

Owner:

Station Block:

Date-Original: **1936, 1945, 1966**

Source: **Inscription**

Present Use/Historic Use: **Bridge**

Architectural Description:

The two center parapets of the bridge are identical, concrete balustrades pierced by vertically oriented openings in the form of a thick cross (commonly referred to as a "Greek-cross void"). This was a standardized pattern for Territorial Highway Department bridges of that period. End stanchions (1936 & 1945) are also quite similar, massive rectangular blocks of concrete with a stepped pattern along their edges. However, the stanchions marked "1936" (makai) are curved outward slightly, away from the traffic lanes. The two outer parapets (1966) are each formed of a high concrete curb (approximately 18") with an incised horizontal line. On top of the curbs are metal brackets supporting two tubular metal rails. Stanchions at the ends are rectangular blocks of concrete with two incised horizontal lines.

Integrity:

Parapets and stanchions of all sections of the bridge are unaltered except for the addition of guardrails (W-beams and Thrie-beams) at some end stanchions.

Significance:

Criterion "A" - associated with the roadway infrastructure of Kamehameha Hwy in the Pearl City/ Aiea area. Kamehameha Hwy has been a major transportation route through the Pearl City/ Aiea area since the early decades of the 20th century. The bridges constructed over this crossing at Kaluao Spring have been significantly integral to its development as an effective transportation route and have contributed meaningfully to development of this geographic area. They also have facilitated major passage through the area to points east and west that are served by the highway and are representative of important public works projects initiated by the Territorial and State governments.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Ewa portion**

Resource Name/Historic Name: **Kalauao Stream Bridge**

Sector: **13 Pearlridge Station Sector**

Location: **Kamehameha Hwy at Kalauao Stream (at Pali Momi St)**

Owner:

Station Block:

Date-Original: **1936, [1945], 1966**

Source: **Inscriptions**

Present Use/Historic Use: **Bridge**

Architectural Description:

The two center parapets of the bridge are identical, concrete balustrades pierced by vertically oriented openings in the form of a thick cross (commonly referred to as a "Greek-cross void"), which was a standardized pattern of Territorial Highway Department bridges. End stanchions (makai section is marked 1936 & mauka section is like those on nearby 1945 bridges, but has no readable inscription since that area of stanchion is covered by a W-beam) are also quite similar, massive rectangular blocks of concrete with a stepped pattern along their edges. However, the stanchions marked "1936" (makai) are curved outward slightly, away from the traffic lanes. The two outer parapets (1966) are each formed of a high concrete curb (approximately 18") with an incised horizontal line. On top of the curbs are metal brackets supporting two tubular metal rails. Stanchions at the ends are rectangular blocks of concrete with two incised horizontal lines.

Integrity:

Parapets and stanchions of all sections of the bridge are unaltered except for the addition of guardrails (W-beams and Thrie-beams) at some end stanchions.

Significance:

Criterion "A" - associated with the roadway infrastructure of Kamehameha Hwy in the Pearl City/'Aiea area. Kamehameha Hwy has been a major transportation route through the Pearl City/ 'Aiea area since the early decades of the 20th century. The bridges constructed over this crossing at Kalauao Stream have been significantly integral to its development as an effective transportation route and have contributed meaningfully to development of this geographic area. They also have facilitated major passage through the area to points east and west that are served by the highway and are representative of important public works projects initiated by the Territorial and State governments.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 99003029

Historic Status: **PH NHL**

Portion of Alignment: **Airport portion**

Resource Name/Historic Name: **Richardson Recreation Center Pool Complex**
(Swimming Pool - Fac. S-21; Recreation Facility - Fac. 1; Bath House/Locker Room - Fac. 2; Handball Court - Fac. S-20)

Location: **Kamehameha Hwy & Salt Lake Blvd.**

Sector: **35 Richardson Recreation Center Sector**

Owner: **U. S. Navy**

Date-Original: **1941**

Station Block: **Aloha Stadium Station/
Kamehameha Hwy (if only Airport
portion is built, not Salt Lake)**

Source: ***Paradise of the Pacific* (Dec. 1941, 103)**

Present Use/Historic Use: **Military**

Architectural Description:

Fac. S-21, the swimming pool, is concrete, 100 feet square. Fac. 1, the Recreation Facility, is a two-story concrete building on the southeast side of the pool. The first floor, at pool level, was designed to provide lavatories, showers, a women's locker room, and storage. The second floor was designed to contain a lounge open on the pool side, with ship's service (bar), lavatories, and women's toilet/powder room. Steps on both sides of the building lead down to the pool area. Fac. 2, the Bath House/Locker Room, on the northwest side of the pool, is a single-story concrete building with a flat roof and high windows on the sides facing the pool and the Handball Court. The latter is Fac. S-20, and its concrete back wall parallels the Locker Room's southwest side. Projecting at right angles from that wall are five sloping walls, which form the four bays of the court. Fac. 51 is the ballfield to the south of the swimming pool complex. It once contained three softball diamonds but is now an open grassy field dotted with pavilions.

Integrity:

The Richardson Recreation Center Pool Complex maintain its integrity, although the overall recreation area has been changed in recent decades. The overall function of the pool complex remains the same and the main structures have not been greatly altered. The upper floor of the clubhouse (Fac. 1) was enclosed. Nearby recreational elements such as tennis courts, baseball and softball diamonds, bleachers, and a few restrooms have been removed, but this does not diminish the overall resource's contribution to the Pearl Harbor National Historic Landmark. The biggest change to the recreational center was the construction of the bridge to Ford Island in 1999. Fac. 51, the open grassy area to the south of pool, contributes to the integrity of the resource's setting, although altered from its WWII ballfield configuration.

Significance:

Richardson Recreation Center, located on the eastern shore of Pearl Harbor, was built to serve Navy personnel on visiting ships as well as those based at the installation. During the war years, ships ran hourly liberty boats to this center, which was open from 0900 to 1800 daily. The center offered the largest fresh-water swimming pool on the island, as well as playing fields and facilities for baseball, softball, track, tennis, handball, archery, boxing, and wrestling. Intramural teams from the ships played baseball or softball in the morning, barbecued food brought from the ships and picnicked in areas adjacent to the playing fields, then swam in the pool. The clubhouse also had a canteen and dance floor, and dances were held every two weeks. The recreational facilities are significant for their role in building morale among Pearl Harbor personnel during WWII (Criteria A).



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 99002004

Historic Status: **NR-NHL/CINCPAC Headquarters NHL, Site # 80-13-1384**

Portion of Alignment: **Airport portion**

Resource Name/Historic Name: **Commander-in-Chief Pacific Fleet (CINCPACFLT) Headquarters - Fac. 250**

Sector: **35 Richardson Recreation
Center Sector**

Location: **Halawa Drive (overlooking Kamehameha Hwy.)**

Owner: **U.S. Navy**

Station Block: **Arizona Memorial Station
(if Salt Lake AND Airport
portions built)**

Date-Original: **1941**

Source: **Navy records**

Present Use/Historic Use: **Military**

Architectural Description:

See NHL nomination form

Integrity:

Navy renovated building several times, with latest project completed in 2001. The rehabilitation work was carried out in accordance with the 1979 Pearl Harbor Memorandum of Agreement. Integrity sufficient to retain NHL status.

Significance:

See NHL nomination form



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 99002004

Historic Status: **Agreed Eligible**

Portion of Alignment: **Airport Portion**

Resource Name/Historic Name: **Makalapa Navy Housing**

Sector: **36 Pearl Harbor Naval Base
Station Sector**

Location: **Kamehameha Hwy. between Radford & Halawa Drives**

Owner: **U.S. Navy**

Station Block: **Pearl Harbor Naval Base Station**

Date-Original: **ca. 1941**

Source: **Navy database**

Present Use/Historic Use: **Military**

Architectural Description:

There are 14 types (and minor variations within several types) of single-family and duplex homes, ranging in size from 1748 to 3602 s.f., among the 89 residential buildings (97 units) at Makalapa. Remodeling has created further variety, but typical characteristics of houses include two-stories, asphalt-shingled hip roofs with 3'-wide eaves, concrete brick and/or horizontal board-drop siding, entry porches, pent roofs or concrete ledges over first-floor windows, wood-sash windows (double-hung, sliding, and hopper), plywood interior walls, and canec ceilings. Carports are incorporated into 14 houses, but detached carports are the norm.

Integrity:

The neighborhood has high integrity in all aspects, although a few detracting features and additions have been made to some houses. Current revitalization programs to upgrade the units and bring them up to modern housing standards are being undertaken in a historically sensitive manner.

Significance

This housing area is significant under several National Register criteria: under Criterion A for its association with the build up of officers' housing just prior to World War II; under Criterion B for its association with Admiral Chester Nimitz, Commander-in-Chief of the Pacific Fleet (CINCPACFLT), who lived in the neighborhood for most of the war; and under Criterion C, both for its association with the firm of master architect C.W. Dickey, designer of the houses and the neighborhood, and as an example of military residential planning in Hawaii, which followed the "Garden City" concept prevalent at the time. In 1939 the Navy purchased the Makalapa Crater land and designated the site for officers' quarters, complete with recreational facilities, overlooking the naval base. Admiral Nimitz lived at 37 Makalapa Drive, at the highest point of the crater rim. He and the other officers were within walking distance of the CINCPACFLT administration buildings. The houses, mostly completed in 1941, were constructed of pre-fabricated components and represent an early use of



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 99001008

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Airport Portion**

Resource Name/Historic Name: **Ossipoff's Aloha Chapel, SMART Clinic, and Navy-Marine Corps Relief Society - Fac. 1514**

Sector: **36 Pearl Harbor Naval Base
Station Sector**

Location: **Kamehameha Highway & Radford Drive**

Owner: **U. S. Navy**

Station Block: **Pearl Harbor Naval Base Station**

Date-Original: **1975**

Source: **Navy database**

Present Use/Historic Use: **Military**

Architectural Description:

The floor plan of Facility 1514 consists of three roughly rectangular single-story sections, two of which include courtyards. These sections have flat roofs except the northernmost portion of the roofs, for two of the sections, incorporate a row of twelve parallel barrel vaults. The six northernmost vaults cover the Aloha Jewish Chapel and have large openings over its adjoining courtyard. There are six-pointed stars in the courtyard wall and in one of the barrel vault ends. The other six vaults were originally designed to provide natural lighting to the central library space (now the SMART clinic). The flat-roofed southern section houses the Navy-Marine Corps Relief Society. The clinic and the Society share the second courtyard, and their entrances are located there. The exterior walls of the building are split concrete brick; the vaults and upper walls are concrete.

Integrity:

Despite the change in function of the original library space, the building appears to be generally unaltered and has high integrity.

Significance:

Although this building is less than 50 years old, it meets National Register Criteria Consideration G for exceptional importance. This building is an exceptional example of the work of a master architect, Vladimir Ossipoff (1907-1998), who was the subject of a recent exhibition and publication of the Honolulu Academy of Arts. Also, the building is believed to be the first chapel built on a military base specifically as a Jewish place of worship. This building is a landmark at Makalapa Gate.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 11016004

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Airport Portion**

Resource Name/Historic Name: **Hawaii Employers Council**

Sector: **38 Lagoon Drive Station Sector**

Location: **2682 WAIWAI LOOP**

Owner: **HAWAII EMPLOYERS COUNCIL**

Station Block:

Date-Original: **1961**

Source: **Tax Office**

Present Use/Historic Use: **Commercial**

Architectural Description:

This two-story, flat-roofed building of reinforced concrete and CMU is constructed with an irregular floor plan which reflects the lines of the rear parcel boundary that abuts Keehi Lagoon Park. The building is set back on its parcel to accommodate parking on the street side. The front facade of the building consists of nine bays. Counting north to south, Bays 1, 4, 5, 6, 7, and 9 are identical, each about fifteen feet wide and two stories tall. These bays are faced with painted CMU set in a pattern of projecting headers. Bays 2 and 3 are hidden by a slightly concave wall of smooth CMU which projects about ten feet from adjacent bays. This wall is about thirty feet wide and the makai half creates an entry area in front of the two-story glass entrance to the building in Bay 2. Bays 7-9 are set back about three feet from Bays 4-6. Bay 7 has a doorway leading to an open service area. Bay 8, about 30-feet wide, forms a second-story bridge between Bays 7 and 9, and has a slightly angled footprint. The bridge structure is concrete and has horizontal band of windows on front and rear. The ground-floor area behind Bays 7 and 9 are used for parking. The pattern of vertical divisions between bays is repeated on the rear facade of the building with unusual structural elements. Vertical piers rise slightly above the walls, connected to beams that support the roof projection over the exterior hall. Tall metal-framed windows and doors are set back from the exterior plane of the piers, especially on the upper story. There is a small garden at the northeast corner of the building.

Integrity:

Appears unaltered.

Significance:

This building is significant under Criterion A for its association with the history of labor relations in Hawaii and under Criterion C for its association with the architectural firm Wimberly and Cook and its successor firm, Wimberly, Allison, Tong & Goo, which had a major influence on Hawaiian architecture in this period. The Hawaii Employers Council was founded in 1943 in response to the National Labor Relations Act of 1935, which guaranteed the rights of workers to organize. Relations between labor and management had been stormy before the war, when the ILWU had organized the dock workers and was making gains on the sugar and pineapple plantations. The Council was formed to organize the employers, bring the unions to the table, and stabilize these relations through wages and working conditions fair to both sides rather than endure further strikes and lockouts. By February 1962, when the Council moved to its new offices, it had over 300 members, who acted as a solid bloc under Council discipline.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 12009017

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Afuso House**

Sector: **20 Kalihi Station Sector**

Location: **1933 DILLINGHAM BLVD**

Owner: **AFUSO, TSUYOSHI**

Station Block: **Kalihi Station Block**

Date-Original: **1914 & 1939**

Source: **Tax Office and inventory form from 1970s transit project**

Present Use/Historic Use: **Residential**

Architectural Description:

Single-story plantation-style residence with hip roof and hip-roof dormers, one on each roof slope. Constructed of vertical tongue and groove with a mid-wall girt on a post-and-beam foundation with horizontal board screening, except for concrete-hollow-tile foundation walls near concrete entry stair. The stair leads to a central recessed entry porch, which resulted from the 1939 enclosure of a portion of the original corner porch.

Integrity:

Retains a high degree of integrity of location, design, materials, workmanship, feeling and association. Integrity of setting, with adjacent vacant lots on one side, is somewhat changed from its historic dense residential character, but is still apparent, due to the presence of other historic residential buildings in the immediate area. Jalousie windows and an added carport are the most apparent non-historic alterations. The porch enclosure, concrete entry stair and metal railing were built in 1939 and are considered historic alterations, and part of the design history of the house.

Significance:

Criterion "A" – associated with the residential development of the Kalihi Kai neighborhood in the early 1900s and with this road's (formerly North Queen Street) period of transition to a mixed commercial-residential area, when it was extended in the 1930s, with extensions connecting to downtown and to Kamehameha Highway. (North Queen Street was renamed Dillingham Boulevard a few years after the extensions.)
Criterion "C" – embodies the distinctive characteristics of a type and period of construction, as an early urban house in a plantation style with some unusual features, such as the hipped dormers.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 12009017

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Higa Four-plex**

Sector: **20 Kalihi Station Sector**

Location: **1945 DILLINGHAM BLVD**

Owner: **AFUSO, TSUYOSHI**

Station Block: **Kalihi Station Block**

Date-Original: **1941 & 1944**

Source: **Tax Office**

Present Use/Historic Use: **Residential**

Architectural Description:

Two-story plantation-style four-plex residence with a hip roof. Constructed with CMU walls on the ground floor, and with vertical tongue-and-groove siding and double girts at the second floor. Windows are original three-light sliding sash and 1/1 double hung. The front entries have concrete stairs with decorative metal railings to the second floor. There is also a 1940 two-story residence at the rear of the lot that was not visible from the street.

Integrity:

This building has a high degree of integrity. Tax office records and the different construction materials suggest that the building house was raised in 1944, soon after it was built in 1941. Since the first floor addition of CMU and the concrete entry stairs with metal railing appear to be historic alterations, they are considered part of the building's design history.

Significance:

Criterion "A" – associated with the residential development of the Dillingham Boulevard area in the 1940s when there was increased demand for housing in the build-up period before WWII. Criterion "C" – a distinctive example of a plantation style duplex design (the top story) transmuted into a four-plex in an urban neighborhood. It is associated with the history of Dillingham Boulevard, whose development affected the Kalihi Kai neighborhood, originally consisting mostly of single-family residences.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 12009018

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Teixeira House**

Sector: **20 Kalihi Station Sector**

Location: **1927 DILLINGHAM BLVD**

Owner: **RODRIGUES, BEVERLY P S TR**

Station Block: **Kalihi Station Block**

Date-Original: **1945**

Source: **Tax Office**

Present Use/Historic Use: **Residential**

Architectural Description:

Single-story plantation-style house with a hip roof covered in asphalt roll roofing. Single-wall, vertical tongue-and-groove construction with two horizontal girts and outset window frames on a post-and-beam foundation that is screened with horizontal boards. Original windows are 1/1 double hung.

A second house (dated 1936 per Tax Office records) at the rear of the lot was not visible enough from the street to survey.

Integrity:

Although there have been some changes, the house retains sufficient integrity to qualify for the National Register. Integrity of setting is compromised from its historic dense residential character due to large new commercial building on the consolidated adjacent lot. The historic setting is still apparent, due to the presence of other historic residential buildings in the immediate area. Design changes include replacement of some original windows with jalousies, and of lattice foundation screening with boards, and removal of rock wall at front of lot.

Significance:

Criterion "A" – associated with the residential development of the Kalihi Kai neighborhood in the first half of the 20th century and with this road's (formerly North Queen Street) period of transition to a mixed commercial-residential area, when it was extended in the 1930s with extensions connecting to downtown and to Kamehameha Highway. (North Queen Street was renamed Dillingham Boulevard a few years after the extensions.) Criterion "C" – embodies the distinctive characteristics of a type, period, and method of construction, as a good example of a 1940s, single-wall, plantation-style dwelling.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Lava Rock Curbs**

Sector: **20 Kalihi Station Sector thru 25
Civic Center Station Sector**

Location: **From about Laumaka St to South St (except not along Nimitz Hwy)
Not yet precisely mapped.**

Owner: **CITY AND COUNTY OF HONOLULU**

Station Block:

Date-Original: **ca. 1889 to 1949**

Source: **Liedemann, Mike "Moiliili Quarry," in Cheever, David and Scott, *Pohaku: The Art and Architecture of Stonework in Hawaii*. Editions Limited, 2003, p. 32.**

Present Use/Historic Use: **Curbing**

Architectural Description:

These curb stones are dense sections of (basalt) lava rock that are rough-hewn below grade, but squared at their exposed surfaces. The width and height of the exposed surfaces are typically about 6 inches, but the buried depth is several feet. They are of varying lengths, from 2' to over 5'. Some curbs at intersections exhibit a slight curvature to follow the contour of the street corner.

Integrity:

Unaltered.

Significance:

Criterion "A" – these objects are associated with the roadway infrastructure development of Honolulu. Criterion "C" – these objects qualify as examples of the distinctive method of street construction in Honolulu during the late 1800s and the early 1900s. The lava rock curbs are an important and labor-intensive part of the history of Honolulu's street and road infrastructure. Some of the lava rock used for curbstones was taken from the Mo'ili'ili quarry which operated from 1889 to 1949. The stone from this quarry was considered to be high quality.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **15015008**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Six Quonset Huts**

Sector: **21 Kapalama Station Sector**

Location: **1001 DILLINGHAM BLVD**

Owner: **URBAN INVESTMENTS**

Station Block: **Kapalama Station Block**

Date-Original: **1954**

Source: **Tax Office**

Present Use/Historic Use: **Commercial**

Architectural Description:

Six Quonset huts with 40' x 100' footprint, constructed of corrugated metal with sliding doors on their southeast ends. The one closest to Dillingham Boulevard has added large-scale doors on its long side, and some have roofs have been altered by the addition of round vents or raised roof sections for ventilation.

A Butler Manufacturing pre-fabricated metal warehouse building with four gables and a three-story building of concrete masonry units are also on the parcel.

Integrity:

The basic integrity of the grouping, after re-erection on this site, remains high, despite the addition of the three-story building ca. 1970. Most of the Quonset huts are unaltered since they were erected on this site. Some have added doors or ventilation openings.

Significance:

Criterion "A" - associated with the re-use of former military buildings by small businesses and others on Oahu. Criterion "C" – they embody the distinctive characteristics of this notable building type. They are a rare extant grouping of re-located military Quonset huts. These Quonset huts were originally erected and used by the military on another site during WWII. According to aerial photos they were re-erected on this site sometime between January 1953 and January 1963. They are associated with the economic development of Oahu after WWII, some of which was spurred by the release of excess military buildings to the civilian Oahu population after the war, and the resulting use of these excess buildings by small businesses and others.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **Evaluated Eligible**

Resource Name/Historic Name: **Kapalama Canal Bridge**

Location: **Dillingham Blvd**

Owner: **City and County of Honolulu**

Date-Original: **1930**

Source: **Inscription on bridge & Thompson, Bethany, *Historic Bridge Inventory, Island of Oahu, 1980.***

Present Use/Historic Use: **Bridge**

Architectural Description:

This bridge is a five-span, reinforced-concrete, tee-beam deck-girder bridge, about 113' in length. It was built for the City & County of Honolulu, under the tenure of Bureau Engineer D. Balch and design engineer George Dawson. Its concrete parapets are pierced to form balustrades with arched-topped vertically oriented openings. This arched-top design pattern for balustrades was a standardized pattern of Territorial Highway Department bridges of this period. The balustrades of this bridge are divided by four regularly spaced stanchions that have thick rectangular tops with a very-low-slope hipped cap. The face of each stanchion has a recessed rectangular panel with a raised pyramidal design. The end stanchions are similar but slightly larger with flat panels that are inscribed "Kapalama Canal" and on the opposite stanchion, "1930." There are 10' sidewalks on both sides of the bridge.

Significance:

Criterion "A" - for its association with the the transportation history of the area and the extension of Dillingham Boulevard from the Kalihi Kai neighborhood to downtown. Criterion "C" - as an example of concrete bridge engineering and design in Hawaii. This bridge was an important transportation link between Kalihi and downtown Honolulu and an important aspect of the construction of Dillingham Boulevard between Waiakamilo and King Street in the early 1930s.

TMK: **None**

Portion of Alignment: **Koko Head portion**

Sector: **21 Kapalama Station Sector**

Station Block:

Integrity:

Integrity appears high, parapets and stanchions are unaltered.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **Evaluated Eligible**

Resource Name/Historic Name: **Kamani Trees**

Location: **From about Kapalama Drainage Canal to Ka'aahi Street**

Owner: **CITY AND COUNTY OF HONOLULU**

Date-Original: **ca. 1934**

Source: **Hawaii State Archives photograph collection, folder PP58-11, neg #hc 31,847.**

Present Use/Historic Use: **Street trees/ Urban landscape element**

Architectural Description:

These mature kamani trees (*Calophyllum inophyllum*) were planted along both sides of Dillingham Boulevard ca. 1934, with a typical spacing of 55 to 75 feet. Many trees have asymmetrical canopies resulting from been pruned away from overhead utility lines.

Significance:

This designed historic landscape qualifies under Criterion "A" for its association with the 1930s roadway infrastructure development of Dillingham Boulevard and the history of street tree plantings in Honolulu. More research may reveal that it also qualifies under Criterion "C" for its embodiment of distinctive characteristics of 1930s street tree planting and landscaping.

TMK: **None**

Portion of Alignment: **Koko Head portion**

Sector: **21 Kapalama Station Sector and
22 Iwilei Station Sector**

Station Block:

Integrity:

Unaltered, except for maintenance pruning.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **15007033**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Institute for Human Services / Tamura Bldg**

Sector: **22 Iwilei Station Sector**

Location: **536 KA'AAHI STREET**

Owner: **PROPERTY INVESTMENTS LLC**

Station Block: **Iwilei Station Block**

Date-Original: **1968**

Sources: **Tax Office**

Present Use/Historic Use: **Office & Residential**

Architectural Description:

This three-story International-Style building has a prominent rounded corner where its two street-facing sides join at Ka'aahi Street and Ka'amahu Place. The building has exterior walls of CMU in a grid pattern, a flat roof, and cantilivered concrete canopies above the storefronts and the second and third story windows. Storefronts have aluminum-framed double doors and fixed light windows, both with jalousie transoms. Upper-floor windows are jalousies. Some windows and transoms have window air conditioners. Two cargo bays provide access to an open area behind the building. According to Tax Office records the building has ten storefronts on the ground floor and thirteen apartment units on each of the second and third floors.

Integrity:

Appears unaltered. Window air conditioners added.

Significance:

Criterion "C" - as an example of an International-Style building.



**HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER**

TMK: 15007003 (page 2)

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Wood Tenement Buildings behind Tong Fat Co.**

Sector: **22 Iwilei Station Sector**

Location: **425 N. King St.**

Owner: **Cupboard LLC**

Station Block: **Iwilei Station Block**

Date-Original: **1914**

Source: **Tax Office**

Present Use/Historic Use: **Residential**

Architectural Description:

Three of the four buildings are two-story four-plexes and one is a single-story (duplex). These are built of vertical tongue and groove boards on post and beam foundations. The two-story buildings have gable-on-hip roofs and concrete stairs with lava-rock cheekwalls at the entries to the first-floor apartments. The single-story building has a gable roof and concrete stairs with wood railings at the entries. Wooden stairs provide access to the second floors. Jalousie windows have replaced the original double-hung ones. The single-story building was apparently altered by removing the second floor.

t

Integrity:

The buildings retain sufficient integrity for National Register listing, despite numerous changes over the decades. The windows have been replaced with jalousies. One of the four tenements (#6 on Tax Office sketch) was changed from 2-story to 1-story (second-floor removed) before November 1964.

Significance:

Criterion "A" - associated with the development of the A'ala neighborhood. Criterion "C" - an example of typical grouping and construction of early twentieth century tenement buildings in Honolulu. The tenement buildings are a very rare example of an early-20th-century, high-density, wood-framed, residential cluster, typical in the A'ala area and Chinatown before massive urban renewal of the 1960s replaced the wooden buildings and narrow lanes with public housing.



HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **15007001 & 15007002 (Page 2)**

Historic Status: **HR, Site No. 80-14-1380 (NRHP Determined Eligible 2/12/79)**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Oahu Railway & Land Co. Office & Document Storage Building**

Sector: **22 Iwilei Station Sector**

Location: **355 N. KING ST.**

Owner: **STATE OF HAWAII**

Station Block: **Iwilei Station Block**

Date-Original: **1914**

Source: **Mason, Glenn [1978] Inventory Form**

Present Use/Historic Use: **Offices**

Architectural Description:

This two-story Colonial Revival Style building is built of stuccoed concrete with a gable roof. A heavy molded pediment is found at the southeast gable, the molding continuing along the eaves at the sides of the building. The building has a sill course at the bottom of the second-floor windows and a string course between the first and second stories. The entry, on the southeast end, is topped with a pediment and flanked by small two-light windows. At the southeast side of the building is a projecting platform supported by solid curved brackets. A double door provides access to this platform from the second floor. The entry, on the southeast end, is topped with a pediment and flanked by small two-light windows with label moldings. At the rear of the building is a walk-in concrete vault.

Integrity:

The buildings on this lot all have a high degree of integrity, with the facades of the buildings essentially unchanged. The primary alterations are to the windows -- some have been changed to jalousies and some sealed with solid panels. The grade-level rail yard on the property has been replaced by paved grounds, but the open feeling around the buildings is similar to that of its past. NOTE: See additional form for these two TMKs for information on historic paving which is also located on this property.

Significance:

Criterion "A" - associated with the Oahu Railway & Land Co., an important force in the development of Oahu. Criterion "C" - it embodies the distinctive characteristics of a type and period of construction. The unknown designer of this building crafted a building in a style typical of public structures of the early 20th century in Hawaii; it is now a rare surviving example of Colonial Revival architecture in Honolulu.



HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **HR, Site No. 80-14-1380 (NRHP Determined Eligible 2/12/79)**

Resource Name/Historic Name: **Oahu Railway & Land Co. Terminal Building**

Location: **355 N. KING ST.**

Owner: **STATE OF HAWAII**

Date-Original: **1925**

Source: ***Honolulu Advertiser* May 14, 1925, p. 1**

Present Use/Historic Use: **Offices / Train Station**

Architectural Description:

This two-story Spanish Mission Revival Style building is constructed of stuccoed concrete with a gable-on-hip roof covered in red tile. An outset arcade with arched openings extends around most of the building. The arcade has a thin projecting band at its cornice and at the spring line of the arches. There is a porte cochere on the southeast side, and a large clock tower with a crenelated battlement is located on the northeast side. The clock tower extends about a full story above the roof and at its base is the main entry to the building. Windows are 1/1 double-hung and eight-light casement types.

Significance:

Criterion "A" - associated with the Oahu Railway & Land Co., an important force in the development of Oahu. Criterion "C" - an example of Spanish Mission Revival Style with high artistic value. The terminal building which opened in May 1925, was designed by Honolulu architect Guy N. Rothwell. It embodies the distinctive characteristics of public buildings during the 1920s period in Honolulu. The terminal building is associated with the Oahu Railway & Land Co., a very important transportation network for the sugar and pineapple plantations, the military, and the residents of Oahu, until it stopped service in December 1947.

TMK: **15007001 & 15007002**

Portion of Alignment: **Koko Head portion**

Sector: **22 Iwilei Station Sector**

Station Block: **Iwilei Station Block**

Integrity:

The buildings on this lot all have a high degree of integrity, with the facades of the buildings essentially unchanged. The primary alterations are to the windows -- some have been changed to jalousies and some sealed with solid panels. The grade-level rail yard on the property has been replaced by paved grounds, but the open feeling around the buildings is similar to that of its past. NOTE: See additional form for these two TMKs for information on historic paving which is also located on this property.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **None**

Historic Status: **Evaluated Eligible (also within NR/Chinatown Historic District)**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Nu'uuanu Stream Bridge**

Sector: **23 Chinatown Station Sector**

Location: **N NIMITZ HWY**

Owner:

Station Block: **Chinatown Station Block**

Date-Original: **1932**

Source: **date on bridge**

Present Use/Historic Use: **Bridge**

Architectural Description:

This concrete bridge has a solid parapet with molding at its base and under its rounded top rail. The concrete abutments supporting the bridge show the impressions of their board-forming. Four rounded concrete piers with molded bases rise out of Nu'uuanu Stream to support the span. The parapet on the mauka side curves about 90 degrees at its ends to run parallel with the stream. Each end is inscribed "Nuuanu Stream 1932."

Integrity:

Parapets and piers appear unaltered.

Significance:

Criterion "A" - associated with the transportation history of the Honolulu waterfront and Queen Street before it was renamed Nimitz Highway. Criterion "C" - as a late example of a concrete bridge with solid parapet design, incorporating unusual molded detailing and a rounded top rail. The solid parapet is somewhat unusual for its 1932 construction date, since most bridges constructed in that period by the Territory had balustrades pierced with vertically-oriented openings. This bridge carries the 'Ewa-bound traffic of Ala Moana Boulevard/ Nimitz Highway out of downtown and is an important transportation link between Iwilei and downtown. Also, this building is within the Chinatown Historic District and is considered a contributing resource.



HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: 17002, 17003, & 17004 plats

Historic Status: **Listed on National Register, Site No. 80-14-9986**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Chinatown Historic District**

Sector: **23 Chinatown Station Sector**

Location: **Roughly bounded by Nuuanu Stream, Beretania St., Nu'uanu Ave., & Honolulu Harbor**

Owner: **Multiple public/ private**

Station Block: **Chinatown Station Block**

Date-Original: **ca. 1900 – ca. 1968**

Source: **Tax Records**

Present Use/Historic Use: **Various commercial, residential & public uses**

History/ Description of District:

The district has an abundance of architecturally notable buildings of varied ages which combine with plainer, vernacular ones to yield a distinct streetscape. This is unified by the use of sidewalk canopies and storefront entries with either wide opening doors for maximum shop exposure or with recessed doorways with splayed shopfront windows. The makai areas of the district still enjoy some unobstructed views of Honolulu Harbor, from Maunakea Street (Fox 1971, NR Property Photography Form, SHPD files) and other mauka/ makai streets.

This historic district, covering about 36 acres, was listed on the National Register on January 17, 1973. The district boundaries, as mapped and described in the National Register nomination form, run in a line 50' Ewa (north) of Nuuanu Stream, along the mauka (east) side of Beretania Street, 50' Diamond Head (south) of Nuuanu Avenue, and extend into the waters of Honolulu Harbor, 50' makai (west) of the longest pier.

Significance:

The makai boundary of the district expresses the importance of Chinatown's connection with the harbor and its historic ties to the waterfront, a factor of great importance in its origin and evolution. "The major reason for its [Chinatown's] early development and continuous history as a commercial area was due to the close proximity to Honolulu Harbor" (Riconda 1973, National Register Nomination form for Chinatown Historic District, SHPD files).

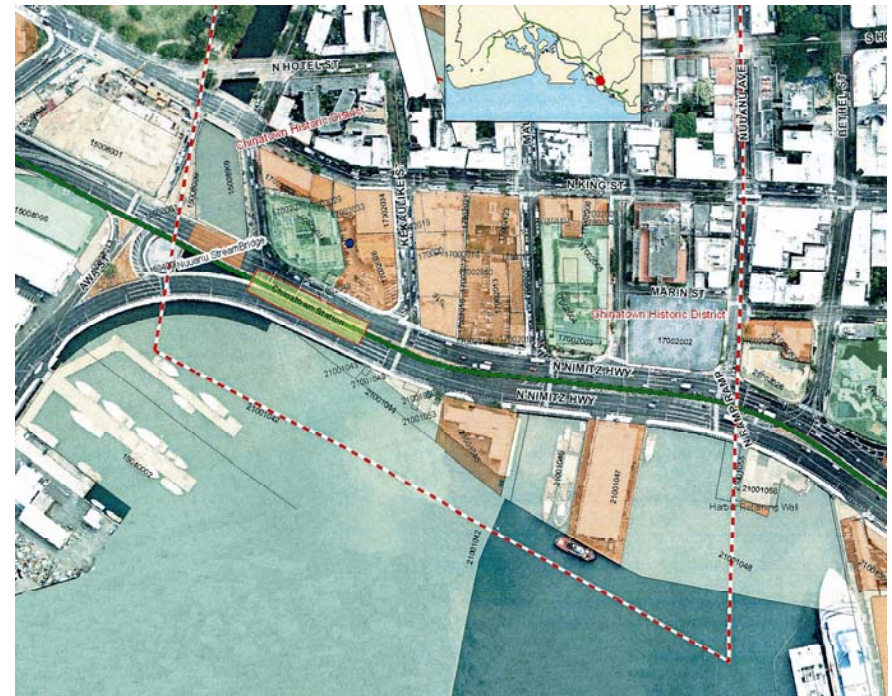
The district is also considered significant as traditional cultural property, according to the National Register Bulletin on that topic. It is recognized as a place of cultural importance to the city's Asian community, which retains its distinctive cultural surroundings and architectural character.

In the Chinatown Historic District buildings from the early 20th century are combined with later, mid-century construction (often in International Style) to yield a significant concentration of buildings that are united historically and aesthetically by physical development.

Integrity:

The district retains levels of integrity which qualify it for inclusion in the National Register. Alterations have included changes to streets, new high-rise construction and other non-contributing buildings, and alteration of waterfront elements, including walls and piers.

NOTE: Dashed line shows the district boundaries as indicated on NR nomination form, within the makai portion of the Chinatown Historic District which is traversed by the proposed rail line.



NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE: Hawaii	
COUNTY: Honolulu	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME
COMMON:
Merchant Street Historical District (80-14-9905)
AND OR HISTORIC:

2. LOCATION
STREET AND NUMBER:
individual addresses for buildings are shown on the attached
CITY OR TOWN: map of the area.
Honolulu
STATE: Hawaii CODE: 15 COUNTY: Honolulu CODE: 03

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input checked="" type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object <input type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> Object	<input type="checkbox"/> Public <input type="checkbox"/> Private <input checked="" type="checkbox"/> Both	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input checked="" type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Entertainment	<input checked="" type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ _____ _____

4. OWNER OF PROPERTY
OWNER'S NAME:
Multiple Ownership
STREET AND NUMBER:
CITY OR TOWN: STATE: CODE:

5. LOCATION OF LEGAL DESCRIPTION
COURTHOUSE, REGISTRY OF DEEDS, ETC:
Bureau of Conveyances
STREET AND NUMBER: Tax Office Annex
P.O. Box 2867
CITY OR TOWN: STATE: CODE:
Honolulu Hawaii 15

6. REPRESENTATION IN EXISTING SURVEYS
TITLE OF SURVEY: Most of the buildings appear in the survey done by the Historic Buildings Task Force and are mentioned in their publication, Old Honolulu.
DATE OF SURVEY: 1962 Federal State County Local
DEPOSITORY FOR SURVEY RECORDS:
Archives of Hawaii
STREET AND NUMBER:
Iolani Palace Grounds
CITY OR TOWN: STATE: CODE:
Honolulu Hawaii 15

SEE INSTRUCTIONS

STATE: Hawaii
COUNTY: Honolulu
ENTRY NUMBER: 1497
FOR NPS USE ONLY

7. DESCRIPTION

CONDITION	(Check One)					
	<input checked="" type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input checked="" type="checkbox"/> Fair	<input checked="" type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered		<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site	

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

The Merchant Street Historical District, occupying four square blocks in downtown Honolulu, contains a variety of interesting old buildings. The area is what remains of "old" Honolulu. Merchant Street, once the main street of the financial and governmental part of the city, bisects the district and is lined with low-rise, well maintained buildings of character and distinction (see attached map).

Beginning at Fort Street and heading down Merchant toward Nuuanu, on the left is the old Bishop Estate building, constructed in 1896. This small two story building, with its fortress-like appearance creates an illusion of being larger than it is. It is constructed of dark grey lava stone taken from the quarries found on Bishop Estate land. Next to this building is the old Bishop Bank building, built in 1878 to house the Bank of Bishop. Of brick construction, it has been stuccoed over and some of the first floor windows have been covered over to add wall space on the interior. Sensitive treatment would easily restore it to its original character. Across Merchant Street from these two buildings is a large empty space which up until June 1972 was occupied by the Hawaiian Gazette building. This empty space is also the site of the original Honolulu Hale (Honolulu City Hall). Next to this empty space, still heading toward Nuuanu Avenue, is the Kamehameha V Post Office. This building was previously nominated to and placed on the National Register. Across Merchant Street from Kamehameha V Post Office is the Melchers Building, now the home of the Honolulu Prosecuting Attorney's offices. This is the oldest commercial building still standing in Honolulu, having been constructed in 1854. It is constructed of coral blocks, but the texture has been lost under layers of stucco and paint. It is a very simple two story structure, reflecting the simplicity and pragmatism of construction in mid-nineteenth century Hawaii.

Across Bethel Street from the Melchers Building is the Old Honolulu Police Station. While not as old as the other buildings in the District, its low-rise Mediterranean style is harmonious with the rest of the buildings. Across Merchant Street from the Old Police Station is the Yokohama Specie Bank building. This building, built in 1909, is a major contributor to the character of Merchant Street. It is a two-story, eclectic style building with an elaborate corner entry way. The building is further embellished by an ornate frieze with portals decorated by classic wreath and floral carvings above the second floor. Heading up Bethel Street from Merchant Street are two other valuable buildings, the Friend building and the McCandless building. Both of these buildings contribute to the over all scale and character of the District.

SEE INSTRUCTIONS

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE Hawaii	
COUNTY Honolulu	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

7.

Returning to Merchant Street and again continuing toward Nuuanu Avenue, the Waterhouse building and the Old Royal Saloon occupy the right side of the street. The Waterhouse building is a simple two story building with a peeling stucco over brick facade. The Old Royal Saloon, the last reminder of Honolulu's once thriving waterfront community, has been successfully turned into a restaurant and has been rennovated in a harmonious eclectic style. It occupies the corner of Merchant Street and Nuuanu Avenue.

Across Nuuanu Avenue from the Old Royal Saloon is the T.R. Foster building. This building, now known as Alfie's Pub to much of the downtown community, was the first building in the Merchant Street area to be recognized for its potential economic value because of age, style and character. The stucco exterior was removed to reveal one of the finest examples of brick artistry and craftsmanship existing in Honolulu. The T. R. Foster building and the small brick warehouse behind it (now also a small restaurant) were built in 1891. While actually geographically situated within the area designated as the Chinatown Historical District, in character and in style, both of these buildings belong with the Merchant Street buildings.

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- Pre-Columbian
- 15th Century

- 16th Century
- 17th Century

- 18th Century
- 19th Century

- 20th Century

SPECIFIC DATE(S) (If Applicable and Known)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- Aboriginal
- Prehistoric
- Historic
- Agriculture
- Architecture
- Art
- Commerce
- Communications
- Conservation

- Education
- Engineering
- Industry
- Invention
- Landscape Architecture
- Literature
- Military
- Music

- Political
- Religion/Philosophy
- Science
- Sculpture
- Social/Humanitarian
- Theater
- Transportation

- Urban Planning
- Other (Specify)

STATEMENT OF SIGNIFICANCE

The buildings along Merchant Street between Nuuanu and Bishop Streets provide a unique opportunity to preserve a significant aspect of Honolulu's architectural heritage. Dating from 1854, these buildings portray tangible evidence of the growth and development of Honolulu's professional and business community. A great deal of the economic and political history of Hawaii was created and written by the previous occupants of these buildings. Ranging from banks to bars and post office to newspapers, they have paid silent witness to the creation of present day Hawaii.

Individually, the buildings along Merchant Street are of great architectural and historical value. The oldest existing commercial building in Honolulu, (Melchers Building, 1854) first use of precast concrete block construction, (Kamehameha V Post Office, 1871), the "romantic" old Honolulu Police Station.

As a group, they represent an incalculable asset as an historic record of Honolulu's past. The variety of architectural styles depict the changing attitudes and living patterns during the emergence of Honolulu as a major city. The loss of even the simplest of these buildings would lead to the destruction of the harmony and continuity created by their combined existence.

The variety of styles, forms and materials create an unplanned character of great value, unified by the common element of human scale. Being adjacent to the vertical growth area of Bishop Street, the need to preserve this small scale human environment becomes all the more apparent.

The recent interest and restoration of many of these buildings gives evidence to the growing concern and reappraisal being directed towards Honolulu's architectural heritage. The need to establish a sense of identity and permanency in the downtown area is becoming increasingly evident as in recent years many of the finest historic buildings have been needlessly lost.

It is fortunate to have such a valuable group of buildings in sound condition that require no great effort than recognition.

SEE INSTRUCTIONS

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE	
Hawaii	
COUNTY	
Honolulu	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

8a.

Merchant Street allows Honolulu the opportunity to create an Historic District that would provide a permanent area for future generations to participate in a living element of Hawaii's heritage. The outer limits of this historical district are: Nuuanu Avenue, King Street, Fort Street, and Queen Street (extended in a straight line to intersect with Nuuanu Avenue).

9. MAJOR BIBLIOGRAPHICAL REFERENCES

"Merchant Street Notes" by Richard Greer in Hawaii Historical Review, Honolulu, 1969, pp.183-199.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds	Degrees	Minutes	Seconds	
NW	21 ° 18 ' 49 "	157 ° 52 ' 00 "	°	'	"	
NE	21 ° 18 ' 50 "	157 ° 51 ' 56 "	°	'	"	
SE	21 ° 18 ' 45 "	157 ° 51 ' 53 "	°	'	"	
SW	21 ° 18 ' 43 "	157 ° 51 ' 58 "	°	'	"	

APPROXIMATE ACREAGE OF NOMINATED PROPERTY:

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES:

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:
Robert M. Fox, Architect

ORGANIZATION: State of Hawaii DATE: Sept. 22, 1972
Hawaii Register of Historic Places

STREET AND NUMBER:
P.O. Box 621

CITY OR TOWN: Honolulu STATE: Hawaii CODE: 15

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National State Local

Name _____

Title _____

Date _____

NATIONAL REGISTER VERIFICATION

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

Date _____

ATTEST:

Keeper of The National Register

Date _____

SEE INSTRUCTIONS



LAT. 21° 18' 49"
LONG. 157° 52' 00"

LAT. 21° 18' 50"
LONG. 157° 51' 56"

LAT. 21° 18' 45"
LONG. 157° 51' 53"



Honolulu
LAT. 21° 18' 43"
LONG. 157° 51' 68"

Lat 21° 17' 30"
Long. 157° 51' 50"

HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21001005**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **DOT Harbors Division**

Sector: **24 Downtown Station Sector**

Location: **South Nimitz Highway & Fort Street**

Owner: **STATE OF HAWAII**

Station Block:

Date-Original: **1952**

Source: **Tax Office**

Present Use/Historic Use: **Offices**

Architectural Description:

This three-story building is built with an International-style façade that is typified by its bands of metal-frame multi-light windows at the upper two floors, unadorned cornice, and lack of decorative detailing. The first floor has a recessed entry and flanking fixed-light windows which are the full height of the first story and are protected by a cantilevered canopy. To the sides of the canopy are fixed-light windows of slightly lesser height. At both ends of the building are open stairways accessed from the building's interior that have a perforated-pattern wall at the first floor and solid panel railings at the upper floors.

Integrity:

Appears unaltered.

Significance:

Criterion "A" - for its association with the Harbor Commission of the Territory of Hawaii in the period after WWII and before the 1959 advent of jet airliners. This building replaced an earlier section of the 1926 Pier 11 building (containing offices and storage) that was destroyed when Nimitz Highway was re-aligned/ widened.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21001001**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Pier 10/11**

Sector: **24 Downtown Station Sector**

Location: **600 Fort Street**

Owner: **STATE OF HAWAII**

Station Block:

Date-Original: **1926**

Source: **Tax Office**

Present Use/Historic Use: **Maritime passenger terminal**

Architectural Description:

This single-story passenger terminal building is about 550' long and extends most of the length of Piers 10 & 11. Viewed from the harbor side, it has a gable roof covered with clay tiles at the Pier 11 facade, and an unadorned stepped cornice at Pier 10. There are numerous large-scale metal roll-up doors along its harbor-side length at the first story. The second story has an inset covered walkway with numerous openings to allow passengers access to the upper decks of large vessels. These second story openings are rectangular at Pier 10, and at Pier 11 they have arched tops. The railing at Pier 11 is also more decorative with metal railings and solid sections alternating, the latter with diamond-pattern decorations. Near the mid point of the second story of the building is a larger rectangular opening with shed roof that holds the movable gangway for access to vessels. Near the mid-point of Pier 11 is a hip-roofed clerestory. The Fort Street side of the building has pilasters with simple capitals and bases that define the bays and support a simple cornice with a projecting band. At the second story each bay has a segmental-arched opening that is filled with multi-light windows with pivot sash sections. The first floor bays typically have large fixed-light windows and double entry doors with large single lights. Some bays have large-scale roll-up doors for vehicle access. Continuous canopy.

Integrity:

Entries replaced. Canopy changed.

Significance:

Criterion "A" - for its association with the maritime passenger industry. Criterion "C" - as an example of neo-classical architecture of the 1920s in Honolulu. This building is associated with the maritime passenger industry in Hawaii; its construction date of 1926 corresponds with Matson Navigation's construction (with Castle & Cooke) of the opulent Royal Hawaiian Hotel and their new luxury flagship, the *Malolo*. During the 1920s and 1930s passenger steamships brought wealthy tourists to Honolulu. "The commodity of the day was the tourist who could afford about what he wanted [sic]. For him, there must be great ships and great hotels" (Worden, *Cargoes: Matson's first Century in the Pacific*, 1981).



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21001013**

Historic Status: **NR & HR Site No. 80-14-9929**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Aloha Tower**

Sector: **24 Downtown Station Sector**

Location: **Fort Street**

Owner: **State of Hawaii**

Station Block:

Date-Original: **1926**

Source: **Tax Office**

Present Use/Historic Use: **Observation deck and offices**

Architectural Description:

This 184' tower has an elongated eight-sided convex-curved spire for its main roof. This main spire is topped by a small, eight-sided deck with a thin railing and a "t"-shaped mast. Each of the cardinal faces of the main spire have an engaged elongated feature with a small gabled cap and narrow arched opening that appears to contain windows or vents. At the base of the main spire, at each of the building's four corners, is a convex-curved hip roof atop each of the vertical members that form the structure of the tower. Each spire has a gable-shaped decoration below its peak, and below that a narrow arched opening filled with awning windows. On each side of the tower, between the four spires, are the inset observation decks, with the word "Aloha" cut through the solid panel railings. Just above each observation deck opening is a narrow molded projection that is supported by two brackets. Below the observation-deck level are large clock faces, one on each side of the tower. On the nine floors of the tower below the clocks, between the four vertical corner members, are three vertical bands of alternating awning windows and solid panels. The base of the tower has a tall arched opening with molded imposts on each of its four sides. The top portion of these openings is filled with metal grilles and a sign with the word "Aloha."

Integrity:

Original 40' mast (with ornamental lightning rod ball) changed to a "t"-shaped mast. Not originally free-standing, the abutting building demolished in 1994 when Aloha Tower Marketplace was developed.

Significance:

Criterion "A" - for its association with the development of Hawaii as a tourist destination for travelers from the mainland, and for its role as a harbor-control tower during WWII. Criterion "C" - as an example of 1920s Art Deco architecture in Honolulu. Aloha Tower is probably the most famous architectural landmark in Honolulu. It was designed by Arthur Reynolds in Art Deco style.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21013007**

Historic Status: **HR Site No. 80-14-9829**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Irwin Park**

Sector: **24 Downtown Station Sector**

Location: **Nimitz Highway, between Bishop and Fort Streets**

Owner:

Station Block: **Downtown Station Block**

Date-Original: **1930**

Source: **Tax Office**

Present Use/Historic Use: **Parking lot**

Architectural Description:

This two-acre park is unique in Hawaii, because it is largely a parking lot with grass medians and numerous mature monkeypod trees and coconut palms. At its northern end is the commemorative part of the park. This includes a wide sunken sidewalk leading from the corner of the park to a circular fountain (currently dry) with seating and tables.

Integrity:

Re-alignment of Nimitz Highway has altered the mauka boundary, but the historic configuration of parking spaces among the mature trees remains.

Significance:

Criterion "A" - associated with the history of beautification efforts in of the Honolulu waterfront passenger terminal area., as well as the site of welcome for visiting dignitaries and other ship passengers in the 1930s and 1940s. Criterion "B" - the NR nomination form notes the association with William G. Irwin. Criterion "C" - represents the work of the leading Honolulu landscape architect, Robert O. Thompson.



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **Evaluated Eligible**

Resource Name/Historic Name: **Walker Park**

Location:

Owner:

Date-Original: **ca. 1951**

Source: **Tax Office**

Present Use/Historic Use: **Park**

Architectural Description:

This triangular parcel, bounded by Fort Street Mall, Queen Street, and Nimitz Highway, has no listed TMK number. It is landscaped with an undulating lawn planted with numerous mature coconut palms and four mature monkeypod trees. Along the east side, facing Fort Street Mall, are a fountain and sculpture in memory of Henry A. Walker Sr. and his wife Una. Also on the parcel are items with commemorative plaques: stones from the original H. Hackfeld Co. building, coral blocks from the courthouse that originally stood on the H. Hackfeld property, a monkeypod tree originally sprouted on the grounds, the original gates to H. Hackfeld, and a plaque to Henry A. Walker, Jr. Also on the grounds is a muzzle-loading cannon on a wooden carriage.

Significance:

Criterion "A" - for its association with the development of the downtown Honolulu waterfront and central business district. Criterion "C" - as an early example of a created greenspace in the central business district. Under Criteria Consideration "F" - the associated memorial items and plaques are understood to be commemorative in nature, and do not constitute NR-eligible objects. The park was created in 1951 from the realignment and widening of Queen Street and Nimitz Highway. Since that time it has become an important visual signpost at the edge of Honolulu's central business district, and a complement and gateway from downtown to historic Irwin Park and Aloha Tower. The memorial items and plaques in the park are commemorative in nature, without their own historic significance. They are not themselves eligible for the National Register, but they do not add to or detract from the park's eligibility for its own significance. The park is an early example of a created greenspace in Honolulu's central business core, an idea begun in Honolulu with 1930s Irwin Park and continued through Wilcox Square on Fort Street Mall, and Tamarind Square.

TMK: **None**

Portion of Alignment: **Koko Head portion**

Sector: **24 Downtown Station Sector**

Station Block:

Integrity:

Setting has been changed by the conversion of Fort Street to a pedestrian mall and by the addition of a paved area and fountain.



HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21014006**

Historic Status: **Evaluated Eligible**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **HECO Downtown Plant & Leslie A. Hicks Building**

Sector: **24 Downtown Station Sector**

Location: **222 ALA MOANA**

Owner: **HAWAIIAN ELECTRIC CO INC**

Station Block: **Downtown Station Block**

Date-Original: **1929 & 1955**

Source: **Tax Office, *Honolulu Star-Bulletin*, March 4, 1955, p. 24**

Present Use/Historic Use: **Electric power generation**

Architectural Description:

The 1929 building has stepped-back massing at the upper levels, and has a stucco coating with most of the original windows sealed. The building features two arched tops of original openings (now sealed) and horizontal banding. Small additions of corrugated metal and an exterior stair are found on the Diamond Head side of the building. The 1955 building has a three-step massing; the lower walls are 2"x 12" brick in a running bond pattern, while the taller sections have concrete walls with a pattern of vertical scored lines. One the side walls vertical bands of metal louvers provide ventilation.

Photo at right: 1929 building on the right, 1955 building on the left.

Integrity:

The 1929 building has been much altered, including addition of roll-up doors and metal mesh gates and many façade changes. In 1941, installation was begun on new generators and boilers. The building retains sufficient integrity of location, materials, workmanship, feeling and association to convey its role in the history of electric power in Honolulu.
The 1955 building appears unaltered.

Significance:

Criterion "A" - associated with the history of electric power in Honolulu. Power plants built in 1929 (designed by Dwight P. Robinson Co. of New York) and 1955 (designed by Merrill, Simms & Roehrig of Honolulu) are important for their associations with the history of electric power and the development of Honolulu.

The 1955 building was named for Leslie A. Hicks, HECO president at the time the building was opened (Pratt, Dudley. *HEI – The Start of a New Tradition*. Newcomen Society: New York, 1988: 16).



HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

TMK: **21014003**

Historic Status: **NR Site No. 80-14-9900**

Portion of Alignment: **Koko Head portion**

Resource Name/Historic Name: **Dillingham Transportation Building**

Sector: **24 Downtown Station Sector**

Location: **735 Bishop Street**

Owner: **PACIFIC GUARDIAN CENTER**

Station Block: **Downtown Station Block**

Date-Original: **1930**

Source: **Tax Office**

Present Use/Historic Use: **Offices/ Commercial**

Architectural Description:

This four-story, Italian Renaissance Revival-style building has many typical high-style elaborations: rusticated stonework (joints emphasized) at the first story, quoins (at the upper floor corners), arcaded entry, and upper-story setback sections with simulated second-story porches. In addition, the building displays many other features which typify the style: low-pitch hip roof covered in tile, widely overhanging eaves with decorative brackets, and arched windows and doors at the first story. The entry lobby has elaborate Art Deco embellishments on walls, floors, fixtures, and ceiling, featuring geometric, nautical, and tropical motifs, along with a memorial plaque to Benjamin F. Dillingham.

Integrity:

Retains high integrity. Only major changes involve first-floor storefronts and the creation of two arcades by removal of some store spaces, to provide Bishop Street access (and addresses) for the ca. 1980 Grosvenor Center (now Pacific Guardian Center) towers.

Significance:

Criterion "A" - associated with the commercial development of Honolulu and the Dillingham family empire of businesses. An important association with the early development of Bishop Street in downtown Honolulu as the center of commerce for the territory of Hawaii. Criterion "C" - a good example of the Italian Renaissance Revival Style with an ornate Art Deco lobby. Designed by San Diego architect Lincoln Rodgers, working with Burton Newcomb who specialized in designing offices (Ames, Kenneth, *On Bishop Street*, First Hawaiian Bank, 1996: 107).



HONOLULU HIGH CAPACITY TRANSIT CORRIDOR PROJECT
SURVEYED PROPERTY CONSIDERED ELIGIBLE FOR NATIONAL REGISTER

Historic Status: **HR/ Site No. 80-14-1388 (Art Deco Parks)**

Resource Name/Historic Name: **Mother Waldron Playground**

Location: **Halekauwila, Coral & Pohukaina Sts.**

Owner: **STATE OF HAWAII**

Date-Original: **1937**

Source: **Tax Office**

Present Use/Historic Use: **Park**

Architectural Description:

This almost two-acre park has a zig-zag painted brick perimeter wall, with circular piers articulating the corners and entries. The inner angles of the wall also have rounded ends. Poinciana trees are planted in the spaces outside the walls to shade the red-tile-topped benches inside the walls. The comfort station pavilion design incorporates a stage and has covered, curving pergolas extending from it. These are also built of brick with rounded forms. Sandstone paving is used in this area of the park.

Significance:

Listed on the Hawaii Register of Historic Places on June 9, 1988 as an element of the thematic group "City & County of Honolulu Art Deco Parks." This park, along with Ala Moana Park, Ala Wai Park Clubhouse, Haleiwa Beach Park, and Kawanakoa Playground are listed on the Hawaii Register of Historic Places (site # 80-14-1388) as the thematic group "City & County of Honolulu, Art Deco Parks." Criterion "A" - significant for its associations with the playground movement, both nationally and locally. Criterion "C"- for its architectural and landscape design by Harry Sims Bent. This park is considered one of Bent's best playground design and a good example of Art Deco/Art Moderne styles in hardscape.

TMK: **21051005 & 21051006**

Portion of Alignment: **Koko Head portion**

Sector: **25 Civic Center Station Sector**

Station Block:

Integrity:

Retains high integrity.



Attachment C

Comments on the Final Environmental Impact Statement and FTA Responses

January 2011

Agency Comments Received on the Final EIS and FTA Responses

The Notice of Availability of the Final EIS was published in the *Federal Register* on June 25, 2010. The review period to receive public and agency comments was extended to August 26, 2010.

Within the Abstract, and Section 5.1 of the Final EIS, a request for comment was made concerning a design refinement in the vicinity of the airport and the Section 4(f) *de minimis* impact findings for the Ke‘ehi Lagoon Beach Park and the Pacific War Memorial sites. Both of these changes occurred subsequent to the issuance of the Draft EIS. Although a request for comments was made, FTA only received one comment regarding the Ke‘ehi Lagoon Beach Park and the Pacific War Memorial sites during the period between the FEIS and this ROD. The City’s Department of Parks and Recreation, the official with jurisdiction over these Section 4(f) properties, concurred that the Project will not adversely affect the activities, features, or attributes that make these properties eligible for Section 4(f) protection.

FTA received a number of letters from local, state, and federal agencies commenting on the Final EIS. These agencies commented on the FTA response to their comments on the Draft EIS or on the results of further coordination with these agencies after the Draft EIS. Summaries of the comment and FTA’s response follows:

- U.S. General Services Administration - this agency reminded the City of its commitment to implement security measures and to continue to meet and discuss concerns on noise and vibration levels from the Project for the Prince Jonah Kuhio Kalaniana‘ole (PJKK) Federal Building and Courthouse. In response, the City held meetings with the General Services Administration (GSA) and their federal tenants (e.g., Department of Homeland Security/US Immigration and Customs Enforcement, the U.S. Marshal for the District of Hawai‘i, and several federal judges) concerning safety and security measures which were subsequently presented in the Project’s *Threat and Vulnerability Assessment* (TVA) and design considerations regarding noise analysis. GSA reviewed the TVA and related project information and was satisfied with the assessment and the design changes made for clearance distance to this federal building. Although, FTA and the City did not find any impacts to the Federal Building through FEIS noise analysis that followed FTA’s guidance *Transit Noise and Vibration Impact Assessment* (2006), the City agreed to continue to coordinate with GSA on the agency’s noise concerns through preliminary engineering and final design.
- U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) – this agency reminded the City that it is a participant in the National Flood Insurance Program (NFIP) and, as such, must comply with NFIP floodplain management building requirements as described in 44 C.F.R. §§ 59 through 65. Compliance with

Executive Order 11988, *Floodplain Management*, is addressed in Section 4.14 of the Final EIS. The City will comply with the NFIP requirements in final design.

- U.S. Environmental Protection Agency (EPA) – this agency commented that most of their concerns regarding the alternatives analysis, wetlands, water quality, environmental justice, noise impacts and various consultation processes were addressed in the Final EIS. EPA also stated that the Section 106 consultation process must be completed and mitigation for impacts to historic resources must be committed to in the ROD. EPA also encouraged the City to continue coordination with residents and business owners who will be relocated due to the Project. The Section 106 review has been completed and the resulting Agreement is attached to this ROD (Attachment B). The Mitigation Monitoring Program in Attachment A commits to coordination with displaced residents and business owners.
- U.S. Department of the Interior, Office of Environmental Policy and Compliance – this agency’s comments: (1) requested that they be given the opportunity to review the Section 106 Agreement to ensure that the stipulations contained in the Agreement were consistent with the Section 4(f) analysis; (2) stated that the Archaeological Inventory Survey (AIS) conducted for Segment 1 of the Project appeared incomplete; (3) requested an understanding of how archaeological sites were evaluated in the Section 4(f) analysis for significance and integrity; (4) requested that additional simulations of the Waikele Stream Bridge and the bridge over the OR&L spur be completed to better assess view impacts; (5) questioned why the USS Utah was not mentioned as being within the National Historic Landmark (NHL) boundary at the US Naval Base at Pearl Harbor; (6) questioned why it was not mentioned that both USS Bowfin and USS Arizona are also NHL sites; and (7) expressed a concern that historic views of Makalapa Navy Housing Historic District were not acknowledged in the Section 4(f) analysis. Responses to these concerns are noted below in the same order listed above:
 - Executed Section 106 Agreement – The finalized Section 106 Agreement is attached to this ROD as Attachment B. The National Park Service, a bureau of DOI, participated extensively during the Section 106 consultation process, provided comments and specific language for inclusion in the Agreement, and was invited to be an invited signatory of the Agreement.
 - Archaeological Inventory Survey (AIS) – The AIS was completed for Phase 1 of the Project (the area between East Kapolei and Pearl Highlands) and identified a subsurface deposit. As described in Section 7 of the AIS, *Significance Assessments*, the evaluation for significance is according to the criteria established for the National and Hawai‘i Registers of Historic Places. The AIS concluded that SIHP 50-80-9-7751, a subsurface cultural deposit, is significant under criterion D (i.e., it has yielded or is likely to yield information important for research on prehistory or history). The AIS also concluded that this resource has integrity of location and materials but not integrity of design, setting, workmanship, feeling, or association. The report on the findings of the Segment 1 AIS is available from the City and the Hawaii’s State Historic Preservation Officer (SHPO).
 - Based on the evaluation of its significance and integrity, FTA concluded that this archaeological resource is important chiefly because of what can be learned by data

recovery and its preservation in place is not of comparable value. Therefore, a Section 4(f) evaluation of SIHP 50-80-9-7751 is not required, in accordance with 23 C.F.R. § 774.13(b).

- Section 4(f) criteria – As discussed above, a subsurface cultural deposit (lo‘i sediments) is significant under criterion D if it has yielded or is likely to yield information important for research on prehistory or history.
- Obstruction of historic views – this comment refers to Irwin Park and was previously addressed on page 5-52 the Final EIS. The seating areas in the park are oriented in the south-north (water-mountain) direction. The guideway and highway are south of the park in the median of Nimitz Highway. The northward views of the sea are identified as a feature of the park. These views will not be obstructed by the Project. In addition, there are mature trees that buffer the views of Nimitz Highway from the area where the benches and tables are located. The view in Figure 5-38 of the Final EIS is to the east and is not in the direction that park users would be looking.
- Request for Simulations - The Project will be 40 feet above the roadway (Farrington Highway) and will not eliminate the primary views of the design elements of the Waialeale Bridge or the bridge over the OR&L spur or alter their relationship to the existing transportation corridor. Moreover, there will be no use of the bridges. The current activities, features, or attributes of the property that qualify for protection under Section 4(f) are its design elements and historic association, and these will not be substantially impaired.
- Resources within the National Historic Landmark (NHL) - The Section 4(f) evaluation considered the US Naval Base Pearl Harbor NHL as a whole. As discussed on page 4-191 of the Final EIS, the Project is adjacent to the Pearl Harbor NHL and near the CINCPACFLT Building NHL but is not within the boundary of either of the NHLs and does not have a direct impact on these resources. The USS Bowfin and USS Arizona are noted on this page of the Final EIS as elements of the NHL. To avoid impacting this NHL resource, the entrances to the elevated Aloha Stadium Station and the Pearl Harbor Naval Station were designed to touch down on the mountain side of Kamehameha Highway, which is outside of the NHL boundary, in order to avoid taking any of the Pearl Harbor NHL property. Numerous meetings were held with NPS and other consulting parties to develop and commit to mitigation as stipulated in the Section 106 Agreement (Attachment B).
- View impacts to Makalapa Historic District – FTA considered the views from the Makalapa Navy Housing Historic District in the Section 4(f) evaluation when examining how the Project would affect the attributes of the district that make it historic. As discussed in Section 5.6.2 of the Final EIS, the views themselves are not considered a historic feature of the Section 4(f) property. The activities, features and attributes of the property that qualify it for protection under Section 4(f) are its architectural elements and historic associations. The elevated guideway would not substantially affect primary views of this architectural features complex and therefore would not result in a constructive use of the property.
- State of Hawai'i Department of Accounting and General Services (DAGS) – this agency re-affirmed that it had no objection to the *de minimis* impact finding for Aloha Stadium

and requested continued coordination with the City to consider options to improve transportation benefits to the Aloha Stadium, especially concerning parking, parking revenues, and access to stadium events. A proposed parking management plan is being developed in coordination with DAGS that will address its concerns about preserving access to parking for events and revenue from parking receipts. Coordination will continue during final design and construction to ensure that the Project will result in a net benefit, in terms of both enhanced access and parking.

- State of Hawai‘i Department of Transportation – this agency stated concerns regarding the loss of 110 parking spaces at the Honolulu International Airport, including potential parking impacts to the future south concourse. It is anticipated that the loss of 110 parking spaces at the Airport to make room for the rail station will be more than offset by the transit service provided by the Project. Every passenger arriving by transit reduces the demand for parking at the Airport. With this rail Project in place, the number of air passengers using transit to reach the Airport on a daily basis is projected to increase from 700 today to 3,500 in 2030.
- City Department of Parks and Recreation (DPR) – DPR confirmed that it is the official with jurisdiction over the Ke‘ehi Lagoon Beach Park pursuant to the Hawaii Governor’s Executive Order 2110. DPR also suggested that a property use agreement or partial acquisition be negotiated with the state concerning the Pacific War Memorial Site (DAV Ke‘ehi Lagoon Memorial). The Hawaii Department of Land and Natural Resources, Division of State Parks (DLNR-Parks) is the agency with jurisdiction over this property.
 - Ke‘ehi Lagoon Beach Park -- Based on the letter from DPR, FTA finds that the City is the “official with jurisdiction” over the Ke‘ehi Lagoon Beach Park. The City has agreed that, with the mitigation detailed in Chapter 5 of the Final EIS (pages 5-19 to 5-20), the use of this park by the Project will have *de minimis* impact on the park. This mitigation has been included in Attachment A (Mitigation Monitoring Program).
 - Pacific War Memorial Site (DAV Ke‘ehi Lagoon Memorial) – The City has consulted with DLNR-Parks and the Ke‘ehi Memorial Organization and Hawaii Disabled American Veterans (KMO-DAV), the organization that maintains the property under an agreement with DLNR-Parks. FTA finds that this property is protected by Section 4(f) and that the use of this resource, with the mitigation described in the Chapter 5 of the Final EIS (pages 5-22 to 5-23), will have *de minimis* impact on it. An agreement that allows the use of a strip of this property for the Project is under consideration by the City, and it would detail the mitigation commitments in the Final EIS. Any new consultation or other requirements in that agreement would be added to the Mitigation Monitoring Program (Attachment A) as that program proceeds during final design and construction.

Public Comments Received on the Final EIS and Responses

Forty-three comment letters or emails were received from the public. Most of these comments were essentially similar to comments submitted on the Draft EIS, and the Final EIS contains the

FTA response. Nevertheless, FTA reconsidered the duplicative comments and the new comments before making the decision presented in this ROD. New comments generally pertain to revised language in the Final EIS or to the FTA response to previous comments made by the individual or organization. The major themes presented in the comments are:

- Completion of the Section 106 process and Agreement
- Choice of technology selected and preference for other technologies
- Opportunity for public comment on design changes made after the Draft EIS
- Request for completion of the archaeology surveys before completing the NEPA process
- Consideration of the additional extensions in the locally preferred alternative
- Financial impact of the Project on the bus system in Honolulu
- Noise impacts of the Project
- Minimal traffic congestion relief from the Project
- Visual impacts too great and view protection not satisfactory
- Consideration of Additional Alternatives
- Plaza at the Dillingham Transportation Building
- Cost and Financial Plan for the Project

The following discussion summarizes these major comments on the Final EIS and the FTA response to those comments.

Unsigned Section 106 Agreement in the Final EIS

At the time the Final EIS was published, the Section 106 Agreement was not yet signed. The Agreement has now been signed and is included as Attachment B to this ROD. Some comments expressed concerns about the fact that the Agreement was unsigned in the Final EIS. Because of continued discussions with signatories and invited signatories on the draft Agreement, FTA chose to publish the Final EIS with the draft Agreement rather than to wait to publish the Final EIS with an executed Agreement. The comment letters on the Final EIS revealed some confusion on the NEPA and the Section 106 processes, linkages, and requirements. FTA followed its normal practice of coordinating the NEPA process with the Section 106 process as much as possible.

Consideration of Alternative Technologies

Several comments inquired why the original Notice of Intent (NOI) to prepare an EIS, published in the *Federal Register* on December 7, 2005, indicated that all technologies listed in the NOI (light-rail transit, rapid rail transit [steel-wheel on steel rail], rubber-tired guided vehicles, magnetic levitation system and monorail system) would be studied, yet only traditional steel rail was evaluated in the EIS. Several commenters stated that preparation of a Supplemental EIS was needed to evaluate all technologies listed in the original notice. As described in Section 2.2.3 of the Final EIS, a technical review of alternative technologies was conducted during the Alternatives Analysis. The Alternatives Analysis studied the performance, cost, and reliability of the proposed technologies and accepted public comment on the technology selection. The Alternatives Analysis, incorporated by reference into the EIS, resulted in the City establishing traditional steel wheel on steel rail as the technology to be further evaluated for the Project. The

subsequent Notice of Intent published in the *Federal Register* on March 15, 2007 proposed using the results of the Alternatives Analysis in scoping the EIS.

Project Refinements Made in Response to Agency and Public Comments on the Draft EIS

Comments on the Final EIS were also received concerning changes that occurred after the Draft EIS was circulated for comment. In particular, some comments shared concern that the public was not given the opportunity to weigh in on the alignment shift near the airport, and the effects on two parks (Ke‘ehi Lagoon Park and the Pacific War Memorial Site). As discussed in the Abstract and Section 5.1 of the Final EIS, comments were requested from the public concerning refinement of the design of the Airport Alternative (Project) and *de minimis* impact findings at Ke‘ehi Lagoon Beach Park and the Pacific War Memorial site during the comment period for the Final EIS. In addition, as described in Section 3.4.6 of the Final EIS, FTA and the City coordinated with the Federal Aviation Administration (FAA) and HDOT Airport Division concerning the decision to refine the project routing through the airport area to avoid the runway protection zone. Once the decision was made by these agencies to transition the alignment from Aolele Street to nearby Ualena Street, affected property owners were contacted in April 2010 via individual letters and personal meetings to discuss impacts to their respective properties and to explain the right-of-way acquisition process per the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended (49 C.F.R. part 24). A press release was also issued at that time on the alignment shift at the airport. No substantive comments were received from the public on this change during the Final EIS review period. Also, no comments were received from the public on the *de minimis* impact findings at Ke‘ehi Lagoon Beach Park and the Pacific War Memorial site.

Timing of Archaeological Inventory Surveys

Some comment letters requested that the Final EIS include the results of the Archaeological Inventory Surveys (AIS) so as not to risk violating provisions of state law known as HRS §§ 6E-8 and 6E-42. The National Historic Preservation Act (NHPA) and HRS Chapter 6E are both laws that protect historic resources. HRS Chapter 6E protects previously discovered and inadvertently discovered native Hawaiian burials.

The Agreement prepared for the Project is a requirement of the regulation implementing Section 106 of the NHPA to address federal historic preservation requirements. The Agreement was developed over a period of months in consultation with over 30 interested organizations including the State Historic Preservation Officer (SHPO), the Oahu Island Burial Council (OIBC), and other federal and state agencies. The document reflects what the consulting parties agreed is appropriate to comply with the NHPA and relevant state law. Consequently, the Agreement addresses HRS Chapter 6E but does not replace HRS Chapter 6E compliance. As documented in the Project’s *Archaeological Resources Technical Report* (RTD2008n), available at the City’s office and on the project website (www.honolulutransit.org), the entire project was studied for impacts to historic sites and native Hawaiian burials. Based on this study, there are no known or discovered burial sites within the Project area, although the study did make a determination that the likelihood of discovering burial sites is higher in some areas than in others. In addition to

the technical report, and prior to construction, the AIS will be completed in phases prior to final design and consistent with the construction phases planned for the Project. These construction phases are depicted in Figure 2-41 of the Final EIS and described in Stipulation III(A) of the Agreement. The state or City permit granting authority will be required to notify the SHPO when the Project applies for permits (e.g., grading and grubbing) if any AIS show that the Project may impact a burial or other resource. This would also include coordination with OIBC for discovered burials.

The advantage of a phased approach to the AISs is to limit disturbance of potential resources during the surveys. Plans developed for the AISs will follow the requirements of HAR Chapter 13-276. The AIS fieldwork will be completed in advance of the completion of final design as described in Stipulation III of the Agreement. The OIBC has requested, and the City has agreed, to a more thorough investigation than has previously been completed. The City has agreed to pre-explore every column location within the highest-risk portions of the corridor. By completing engineering at the same time as the excavation, only locations that would actually be disturbed by the Project will be excavated. Other areas will remain intact. If any human remains are encountered, the Project design is flexible to be able to design around the area and avoid the remains. If human remains are encountered, procedures will be followed and related mitigation plans will be prepared per the provisions described in Stipulation III of the Agreement.

Evaluation of the LPA

Some commenters requested that the full locally preferred alternative (LPA) be evaluated in the Final EIS. Several commenters stated that preparation of a Supplemental EIS was needed to evaluate the future extensions. As described in Section 2.2.3 of the Final EIS, the City Council passed City Council Resolution 07-039 and directed that the Project be fiscally constrained. The Council further directed, due to funding constraints, that the preliminary engineering and environmental analysis be completed for a portion of the LPA between East Kapolei and Ala Moana Center. FTA is considering grants not for the full LPA, but only for the portion of the LPA being advanced by the City. This Project has logical termini and independent utility from any extensions that may be constructed in the future. As discussed in Section 2.5.10 of the Final EIS, the planned extensions are anticipated to be advanced in the future as separate projects that would receive a separate FTA environmental review if proposed for FTA funding.

Potential Reallocation of 49 U.S.C. § 5307 (Section 5307 Urban Formula) Funds

Comments were received concerning the diversion of Section 5307 Urban Formula funds from bus projects to financing the Project due to a potential shortfall in collection of general use and excise tax (GET). As stated in Section 6.3.1 of the Final EIS, bus service will be expanded with the Project, and capital and operating and maintenance costs for enhanced bus service are included in the Project budget. Under any circumstances, the City will try to minimize the use of Section 5307 funds if they are needed for the Project, but it is an allowable funding source and consistent with the intended funding program. Bus service will not suffer in the program as presented.

Noise Impacts of the Project

FTA expects the noise mitigation that is now incorporated into the Project to eliminate all noise impacts of the Project. This mitigation consists of:

- a 3-foot parapet wall along the sides of the guideway wherever noise impacts would occur without it;
- issuing design specifications for the rail vehicles that includes solid wheel skirts outside of the wheels to block noise from the wheels;
- using sound absorptive treatment on guideway elements wherever the wheel skirts and parapet walls are insufficient to eliminate all noise impacts;
- installing automatic track lubrication devices on the curved tracks near Leeward College where wheel squeal would otherwise occur; and
- issuing design specifications for the traction power substations that allow a maximum hourly Leq of 50 dBA.

The Mitigation Monitoring Program in Attachment A of this ROD will ensure implementation of these and all other mitigation commitments.

FTA's noise assessment uses outdoor noise levels. Project noise levels inside a building near the guideway would be less than or equal to the Project noise level outside of the building, so mitigation that eliminates noise impacts outside of a building will ensure that noise impacts will not occur indoors.

Minimal Traffic Congestion Relief from the Project

Many commenters reiterated their concern that the Project will not relieve highway congestion in Honolulu. FTA agrees, but the purpose of the Project is to provide an alternative to the use of congested highways for many travelers. This alternative to the use of highways is especially important for households that cannot afford an automobile for every person in the household who travels for work or for other reasons.

Visual Impacts of the Project and Landscaping Details

Many commenters felt that the visual impacts of the Project are too great and the protection of views is inadequate. The Project is located in an urban context where visual change is expected. The City has attempted to locate the guideway and its stations with sensitivity to the resulting visual impacts, although the transportation considerations usually dictate these locations. As a result, many of the visual effects of the Project, such as view blockage, cannot be mitigated. These unavoidable, adverse visual impacts are presented in Section 4.8 of the Final EIS.

Several commenters said that the Final EIS presents limited information about how the City intends to use landscaping to mitigate the adverse visual effects of the Project. The comments suggest that details about the landscaping such as the number, size and location of planted trees should be included in the Final EIS. As previously noted, the adverse visual effects of the

Project have been fully evaluated in the Final EIS, which includes a commitment to use landscaping to soften, but not eliminate these visual impacts. The final design of a project, such as the landscaping details sought by the commenters, cannot be developed until the environmental process has been completed and a specific alternative has been selected and is being designed in detail. The City is committed to consulting with the affected local communities on the detailed design of the landscaping.

Consideration of Additional Alternatives

One of the alternatives mentioned in several comments is the Managed Highway Lane or High Occupancy-Toll (HOT) lane. The Final EIS responded to comments favoring these alternatives, which were evaluated and eliminated because they do not provide an alternative to highway travel.

Another frequent comment favored light rail transit that could be constructed at grade rather than on an elevated guideway. The primary reason for eliminating at-grade alignment was its conflict with existing streets and traffic. It would result in increased highway congestion, an increase in the transit travel times on the Project, and therefore a decrease in ridership.

One commenter suggested an alignment segment alongside the existing freeway, an alternative which had not been previously proposed. Such an alignment would reduce access by the community that would be served by the Project as the community would not have direct walk access, or if they did, it would be at quite a distance. Furthermore, waiting for a train in a station cantilevered off the elevated freeway would be an unpleasant experience and ridership would suffer.

Plaza at the Dillingham Transportation Building

One commenter is concerned that the Downtown station entrance near the Dillingham Transportation Building will change its plaza from a private tenant amenity to a public thoroughfare. The entrance of the Downtown station will be designed to fit carefully within the existing environment, minimizing the effect on the plaza and the Dillingham Transportation Building. The City will work with the Pacific Guardian Center, the manager of the building and plaza, to create a logical pathway for station users that minimizes the effect on the plaza and arcade.

Cost and Financial Plan for the Project

One commenter points out that recent reports by FTA and correspondence between FTA and the City indicate FTA's concerns about the robustness of the City's financial plan for the Project. The comment also points out that the Final EIS does not reflect these FTA concerns. For FTA, an environmental impact statement is not the primary determinant of FTA financial support for a project. FTA also performs a New Starts evaluation which includes assessments of the Project's capital and operating cost estimates and of the applicant's financial plans for building and operating the Project. FTA performs these cost and financial assessments outside of the

environmental process and the results of these assessments must be satisfactory before FTA will approve the Project into Final Design.

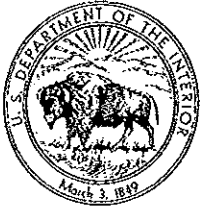
Attachment D Relevant Correspondence, including:

FTA letter to USFWS regarding Endangered Species Act Section 7

Letter from the City regarding Site for Pre-casting Concrete

Letters from the SHPD regarding Traditional Cultural Properties

September 2013



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



NOV - 3 2010

In Reply Refer To:
2010-I-0508

Mr. Leslie T. Rogers
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street Suite 1650
San Francisco, California 94105-1839

OCT 29 2010

Subject: Informal Section 7 Consultation for Honolulu High-Capacity Transit Corridor Project, Oahu

Dear Mr. Rogers:

We are writing in response to your September 15, 2010, letter requesting our concurrence that proposed implementation of the Honolulu High-Capacity Transit Corridor Project (HHCTCP) is not likely to adversely affect the endangered *Abutilon menziesii* (ko oloa ula) pursuant to section 7(a)2 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (ESA). The HHCTCP project is described in the June 2010, Honolulu High-Capacity Transit Corridor Project Final Environmental Impact Statement (FEIS). The project includes the development of a 20-mile long elevated rail line between Kapolei to Ala Moana Center in Honolulu. The project will increase the reliability and capacity of transportation serving central and west Oahu areas designated for urban growth in the Honolulu General Plan (FEIS p. 1-22). The construction phase of the HHCTCP will be completed in approximately 2019. According to your letter, the City and County of Honolulu will secure a Certificate of Inclusion in the March 2004, "State of Hawaii Department of Transportation Habitat Conservation Plan for *Abutilon menziesii* at Kapolei" (HCP, summarized below) from the State of Hawaii Department of Transportation (HDOT) to address the HHCTCP impacts to listed species pursuant to Hawaii Revised Statute 195D.

Abutilon menziesii is a long-lived perennial shrub that occurs in dryland forest and disturbed habitats on the islands of Lanai (fewer than 200 plants), Maui (approximately 14 individuals) (Hawaii Biodiversity and Mapping Program, 2008), and Oahu (approximately 741 plants) (Mansker, pers. comm. 2010) (Figure 1).

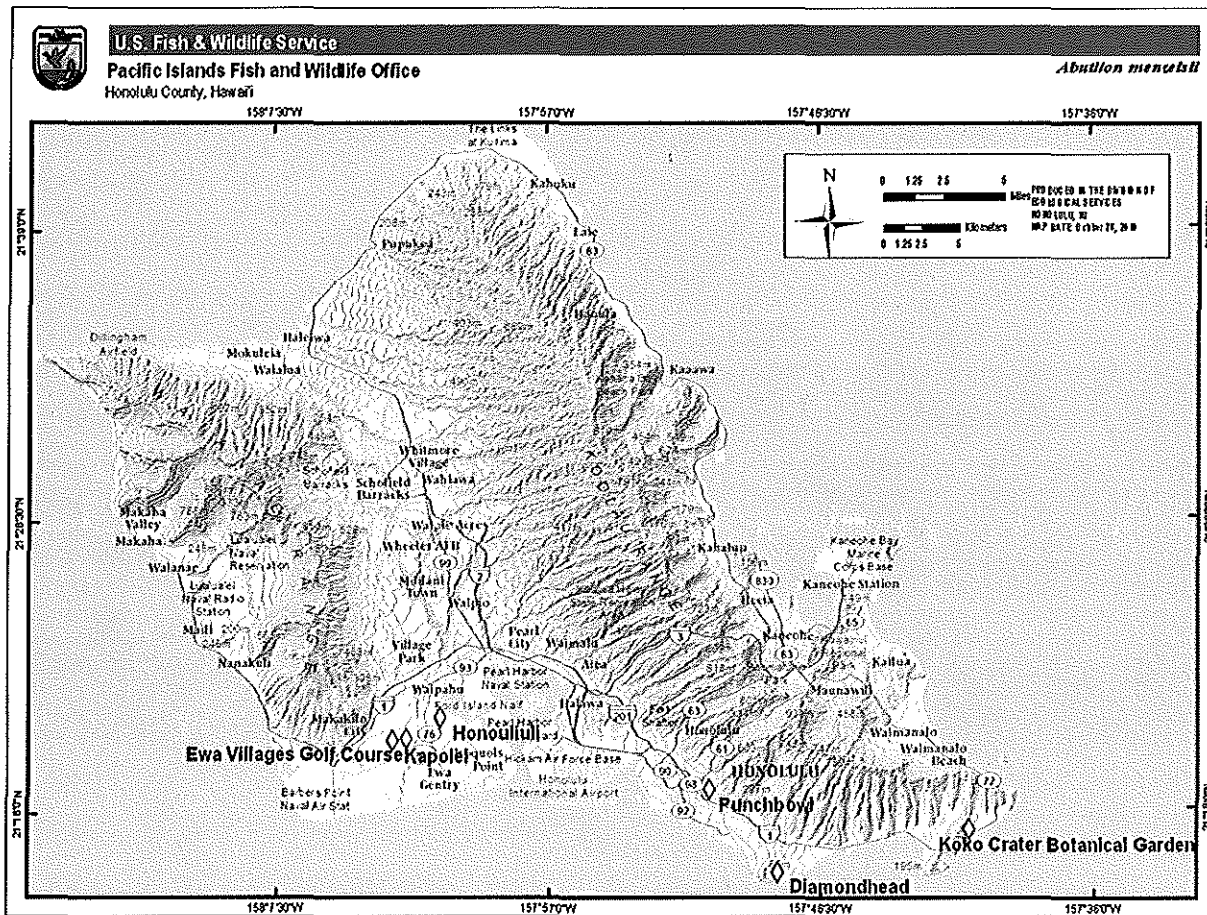


Figure 1. *Abutilon menzeisii* populations on Oahu.

Kapolei Population: A population of *Abutilon menzeisii* was discovered in 1996, on former sugarcane land vegetated by *Pennisetum ciliare* (buffelgrass) in Kapolei (Mansker 2006 pp. 2-9). The August 5, 2004, "Biological Opinion on Construction of the North South Road and the Kapolei Parkway" (Service file number 2004-F-0123 (Biological Opinion) and HCP addressed the loss of the 62 *A. menzeisii* growing in Kapolei expected to result from direct and indirect effects of the HDOT's North-South Road project. Full build-out on the land adjacent to the road was addressed in the Biological Opinion and HCP. Implementation of the Biological Opinion and HCP includes the conservation of an on-site contingency reserve population of the Kapolei plants until off-site mitigation populations meet objectives laid out in the HCP. The HCP prescribes measures such as fencing and fire management that will be taken at the contingency reserve area (Figure 2) to protect the Kapolei population from threats resulting from implementation of the North-South Road project. A contingency fund was established by HDOT to be augmented by cooperators who file for a certificate of inclusion (HCP, p. 30 – 31) for costs (such as fire protection) incurred in the implementation of the HCP. Pursuant to the HCP, the contingency reserve area will be protected until off-site HCP mitigation goals are met. Once off-site goals are met, the contingency reserve area could be developed. The HCP indicates off-site goals are expected to be met in approximately 2021 (HCP, pp. 31-32).

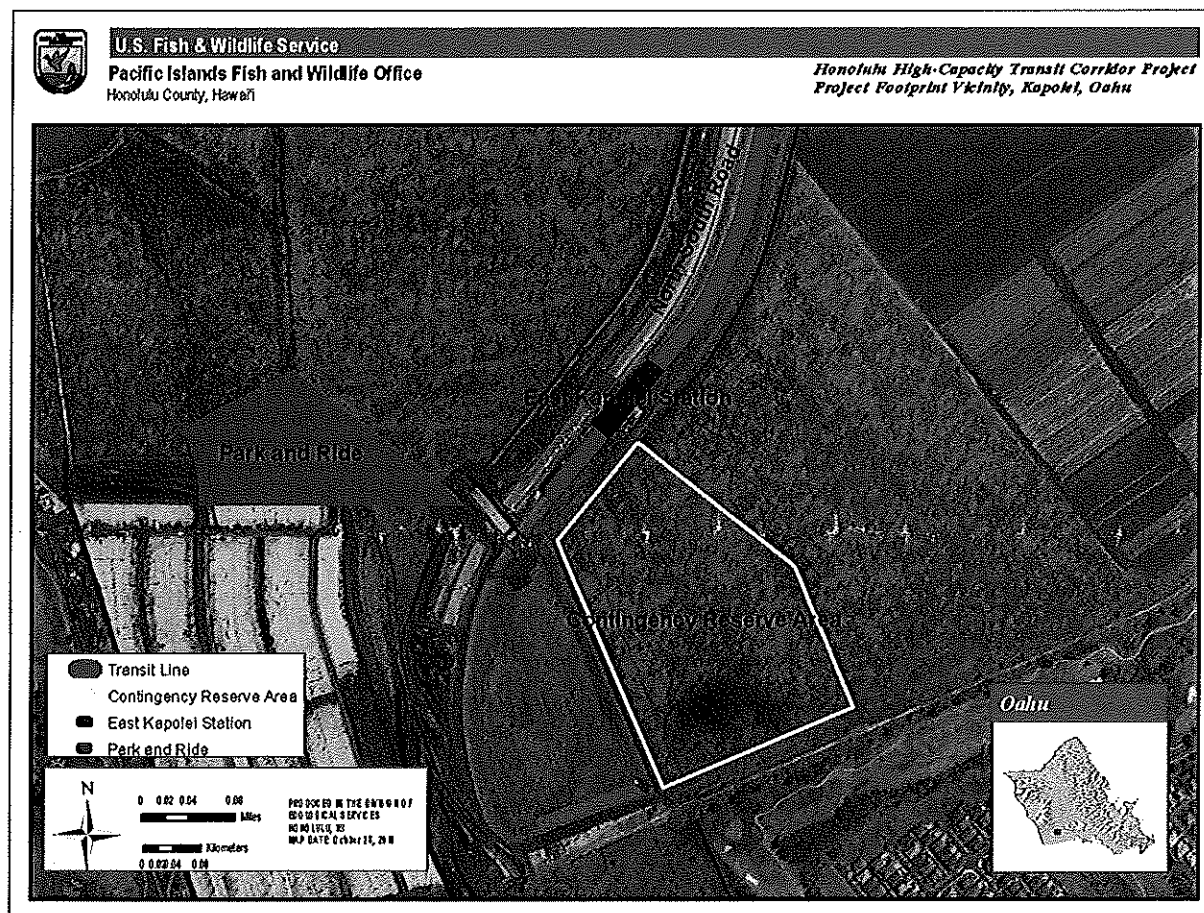


Figure 2. Contingency reserve area developed to conserve Kapolei population of *Abutilon menzeisii* pursuant to the Biological Opinion and HCP addressing the North-South Road project in the vicinity of the proposed HHCTCP.

The HHCTCP will remove vegetation within the transportation project footprint. In addition, implementation of the HHCTCP will result in increased development and human population in central and west Oahu. Indirect effects of increased development include potential increased spread of invasive species and increases in accidental ignitions of wildfires.

The East Kapolei Station at the western terminus of the proposed HHCTCP transit line will be located less than 120 feet from the *Abutilon menzeisii* contingency reserve area in Kapolei. Because anticipated completion of the HCP's off-site mitigation will not occur until 2021 or later, the transit system is expected to be in operation for at least a two-year period during contingency reserve area management. Operation of the completed transit system, anticipated to begin in approximately 2019, will result in significant increases in pedestrian traffic along the perimeter of the contingency reserve area. Although full build-out of the area immediately adjacent to the North-South Road was addressed in the Biological Opinion, some increase in the density of the population is likely to occur as a result of the subject action. Management actions to protect the contingency reserve area from potential impacts of the subject action will be funded by the HCP contingency fund.

Summary and Conclusion: The HHCTCP will construct a transportation system between Kapolei and Ala Moana Center in Honolulu to increase the reliability and capacity of transportation to areas designated for urban growth. Project implementation will result in increased human population that may result in increased spread of invasive species and increased wildfire threat. The reserve area will be protected from invasive species and fire pursuant to the established HCP contingency fund. Therefore, we concur with your determination the proposed action is not likely to adversely affect *Abutilon menzeisii* as any adverse effects would be insignificant.

Thank you for your ongoing efforts to conserve listed species. For additional information, please contact Consultation and Technical Assistance Program Fish and Wildlife Biologist, Aaron Nadig (phone: 808-792-9400; fax: 808-792-9581).

Sincerely,

A handwritten signature in black ink, appearing to read "Loyal Mehrhoff", with a long horizontal flourish extending to the right.

for Loyal Mehrhoff
Field Supervisor

References

Habitat Conservation Plan. 2004. State of Hawaii Department of Transportation Habitat Conservation Plan for *Abutilon menziesii* at Kapolei. March 2004. 65 pp.

Mansker, G. 2006. *Abutilon menziesii* 2005-2006 Status Report, May 2006. 13 pp.

Mansker, G. 2010. Personal communication. Telephone conversation with Dawn Greenlee, October 28, 2010.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

DEPUTY DIRECTOR

KENNETH TORU HAMAYASU, P.E.
DEPUTY DIRECTOR

December 16, 2010

RTD12/10-395932

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration
U.S. Department of Transportation
201 Mission Street, Suite 1650
San Francisco, California 94105-1839

Attention: Mr. Ted Matley

Dear Mr. Rogers:

Subject: Honolulu High-Capacity Transit Corridor Project

This is a follow-up to our December 8, 2010, letter that informed you that the contractor for the West Oahu/Farrington Highway (WOFH) Guideway Project, Kiewit Infrastructure West Company (KIWC), plans to pursue an existing casting yard to fabricate the pre-cast guideway elements.

The precast yard that has been determined to be used is GPRM Prestress, located at 91-063 Malakole Street, Kapolei, Hawaii. This approximately 20-acre site is in Campbell Industrial Park.

All contractors, in addition to KIWC, are to use this site to pre-cast the guideway elements.

Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu at (808) 768-8344.

Very truly yours,


Wayne Y. Yoshioka
Acting Director

cc: Ms. Elizabeth Zelasko – FTA HQ
(via E-mail)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 2, 2012

Kenneth Toru Hamayasu
Interim Executive Director and CEO
Honolulu Authority for Rapid Transportation
City and County of Honolulu
Alii Place Suite 1700
1099 Alakea Street
Honolulu, HI 96813

Dear Mr. Hamayasu:

RE: Section 106 Consultation (NHPA)
Request for Concurrence on a "no effect" determination for the Honolulu High Capacity Rail Project
Honouliuli, Ewa Moku, Oahu
TMK (1) 9-1-017:060-062; 9-1-019:001, 004-008, 013-015, 017-019, 023, 027, 029-031
(Po'ohilo TMK)

Thank you for your request for concurrence on a "no effect" determination for a possible TCP within the Honouliuli sector of the Honolulu High Capacity Rail project. We received the request by e-mail on March 20, with a request for expedited review. A second, more complete submittal was made on March 27, again, with a request to expedite. A third, revised request was submitted by e-mail on March 30, again, with a request to expedite. In support of your "no effect" determination you supplied the State Historic Preservation Office with the following materials:

- a) a letter requesting concurrence with your "no effect" determination, dated March 30, 2012.
- b) *Preliminary Draft Report: Study to Identify the presence of previously unidentified traditional cultural properties in sections 1-3 for the Honolulu High-Capacity Transit Corridor Project*, SRI Foundation and Kumu Pono Associates, March 26, 2012 (SRI and Kumu Pono Report)
- c) *He Mo'olelo 'Aina—Traditiona and storied places in the District of 'Ewa and Moanalua (in the District of Kona), IIsland of O'ahu: A Traditional Cultural Properties Study—Technical Report*, Kumu Pono Associates, LLC, January 20, 2012 (Kumu Pono report, Jan. 20, 2012)

Stipulation II of the PA requires the HART to:

- 1) Undertake a study . . . to determine the presence of previously unidentified TCPs within the APE, which includes cultural landscapes if present.
- 2) Prior to construction commencement . . . meet with . . . parties with expertise . . . to discuss and identify potential TCPs as defined by the National Register Bulletin 38.
- 3) Undertake studies to evaluate these TCPs for NRHP eligibility in accordance with guidance in Bulletin 38
- 4) The study shall be completed by qualified staff with experience in ethnographic studies and TCP assessments for NRHP eligibility.

Stipulations II also requires that “the City complete all fieldwork, eligibility and effect determination and consultation to develop treatment measures prior to the commencement of construction.” SHPD is only able to respond at this time to a “no effect” determination for Phase I of the project, as no further effect determinations have been made.

The reports cited in b) & c) above are submitted as partial requirements for Stipulation II. HPD’s overall comment is that there are many typos, specifically in the Kumu Pono technical report that should be corrected. Additionally, we note that Stipulation II does not limit Traditional Cultural Properties (TCPs) to Hawaiian TCPs. SHPD is concerned that for Phases II-IV there may be traditional cultural places of other cultures that are being missed.

Our comments below will be limited to Honouliuli rather than to a review of the whole report due to the request to expedite and to respond specifically to the request for concurrence regarding TCP’s in Honouliuli. In general, however, if HART is going to request that we review specific pieces of the report, then it would be easier if the analysis were separated by ahupua’a. This would also allow a better analysis of how potential TCP in the Ahupua’a were determined.

Fifty-three (53) named places were noted in the Honouliuli Ahupuaa (Kumupono Associates, Jan 20, 2012). Of these, three (3) are located in the immediate vicinity of the rail project. Of the three named sites located in the APE of the rail, only one, Po’ohilo, has a story connected to it. Therefore, Po’ohilo is the only “wahi pana” or storied place forwarded for consideration as a potential TCP in the report by SRI and Kumu Pono (March 26, 2012).

Based on the report provided to SHPD, Po’ohilo is outside of the APE and will not be affected by the rail. The SHPO concurs with your determination of “no effect” to Po’ohilo based on the information provided.

For the record, the State Historic Preservation Division (SHPD) is unclear as to why Po’ohilo is considered a TCP eligible for the National Register (it may still be a TCP to Native Hawaiians). As defined in Bulletin 38 a TCP is “eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history and (b) are important in maintaining the continuing cultural identity of the community.” There is no analysis of Native Hawaiians relationship to Po’ohilo today, or that it was ever a site of more than passing significance after the Battle of Kipapa Gulch.

We do note, however, that one Native Hawaiian informant, Mr. Michael Lee, has stated that there is a water system that carries fresh water from the mauka portion of Honouliuli to the ocean, where he gathers limu. Limu gathering is a traditional cultural practice, and the shoreline along which Mr. Lee gathers limu at Oneula is potentially eligible as a TCP. It would be an adverse effect if the rail pillars affected the water sources for the limu at Oneula. However, as indicated in your letter for concurrence, geotechnical borings have indicated that only the East Kapolei station approach or penetrate into the coralline deposits. You do not indicate whether karst caverns or water was encountered, or whether your geologists have opined on this question in the Kapolei area.

We further note that Po'ohilo is not the only TCP in the Honouliuli District. The SRI and Kumu Pono Preliminary Draft Report (March 26, 2012) notes that there is a Leina District that runs from Honouliuli to Moanalua. The sites in Honouliuli are connected with Kanehili and Kaupe'a. Neither Kanehili nor Kaupe'a are located near rail, however the district boundary as drawn runs fairly close to the East Kapolei station. No further analysis of the Leina has been conducted in relationship to the Honouliuli Ahupua'a. We suggested that before construction begins on Phase II, or perhaps sooner, additional consultation regarding the Leina Ka 'Uhane district occur.

Conclusion

SHPD concurs with the determination of "no effect" to historic properties for Po'ohilo. As no effect determinations were requested for any other sites, SHPD has commented on the Leina Ka Uhane district and on comments from Mr. Michael Lee regarding the possibility of a karst system in the Kapolei area of the rail project.

Please call Pua Aiu at 692-8040 or contact her by e-mail at pua.aiu@hawaii.gov if you have further questions regarding this letter.

Sincerely,



William Aila, Jr.
State Historic Preservation Officer

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Kakuhihewa Building
601 Kamokila Blvd. Room 555
Kapolei, HI 96706

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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WILLIAM TAM
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 3, 2012
Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration
201 Mission Street, Ste 1650
San Francisco, CA 94105-1839

LOG# 2012.1929
DOC#1207PA01

Dear Mr. Rogers:

RE: Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3
Ewa Moku, Island of Oahu
TMK (1) Various

Thank you for the opportunity to review the above referenced document. Based on information in *Moolelo Aina – Traditions and Storied Places in the District of Ewa and Moanalua (In the District of Kona), Island of Oahu. A Traditional Cultural Properties Study – Technical Report*. Kumu Pono Associates, LLA. April 20, 2012, on consultation with Native Hawaiians, and on the National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties* ((P.L Parker & T.F. King), FHWA has determined that the rail project will have **no adverse effect** on Traditional and Cultural properties eligible for the National Register in sections 1-3 of the proposed Honolulu Rapid Transit Corridor. **SHPD concurs** on the evaluation of significance for the 22 potential TCP sites evaluated, and for the no adverse effect on the two sites deemed eligible for the National Register (comments below). We question why the Leina Ka Uhane District was considered to be outside the APE, when a part of the Leina does cross the APE in Moanalua. Although all of the individual sites are outside of the APE, the path of the leina crosses the APE. We would appreciate your response to this question.

In keeping with the stipulations in *Programmatic Agreement among the U.S. Department of Transportation, Federal Transit Administration, the Hawaii State Historic Preservation Officer, the United States Navy, and the Advisory Council for Historic Preservation Regarding the Honolulu High-Capacity Transit Corridor Project In the City and County of Honolulu, Hawaii*, the Honolulu Authority for Rapid Transit (HART) undertook a traditional properties survey of the Transit Corridor. The study focused on Native Hawaiian Traditional Cultural Properties, as HART felt that other traditional cultural properties (Chinatown, Sumida Watercress Farm) has been adequately addressed in the Archaeology or Technical reports.

A total of 50 named places were identified. Land divisions, places without stories attached to them, and sites outside of the APE were dropped from the analysis, leaving a total of twenty-two (22) potential TCP sites along the rail corridor. Of these, only 2 were considered eligible for the register based mainly on integrity of location and association. SHPD would suggest that although many of the other sites do not retain integrity, or do not have enough history attached to them, it is possible that more information may be found about these sites. At that point their eligibility can be re-evaluated. The two eligible sites are Heuwaipi and Kuki'iahu. Huewaipi is a spring that feeds the Waiiau wetlands in Waimalu. Historic maps indicate that this area was once a lo'i. It is still used for subsistence farming and gathering. Thus, it retains integrity of association to traditional farming and is eligible under criterion A.

Kuki'iahu is the name of the battle between Kaeokulani and Kalanikupule where Kaeokulani was killed. Kaeokulani was a ruling chief of Maui, Lanai and Molokai and originally from Kauai. Kalanikupule was a ruling chief of Oahu. Because of their high chiefly status and the role that they played in the history of Hawaii, the site is eligible under Criterion A and B. However, it has been impacted by Sumida Watercress Farm and Pearlridge Shopping Center and therefore does not retain integrity of association. Despite this, because the TCP overlaps with Sumida Watercress farm, which is already eligible as a TCP, FHWA felt that Kuki'iahu is a non-contributing element of the Sumida Watercress Farm site.

Neither site will be directly impacted by rail and thus no mitigation specific to either site is required. Archaeological monitoring will occur as a standard practice for the entire construction route. SHPD would like to congratulate HART on the extensive work and care that went in the Kumu Pono document. We know that it will be a useful tool for future researchers on the history of this area.

Please call me if you have further questions.

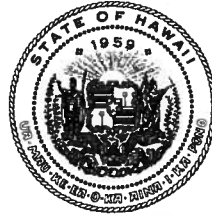
Sincerely,



Pua Aila
Administrator

C: William Aila, Jr, Chair

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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10465
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 27, 2013

Leslie T. Rogers
Regional Administrator
US Department of Transportation
Federal Transit Administration
201 Mission Street, Ste 1650
San Francisco, CA 94105-1639

Log No.: 2013.5117 A
Doc No. 1309PA04

Dear Mr. Rogers:

RE: NHPA Review, Section 106 Review of Stipulation II.A
Honolulu High-Capacity Transit Corridor Project Programmatic Agreement
Determinations of Effect for Traditional Cultural Properties, City Center
Kapalama, Kalihi, Kapalama, Nu'uuanu, Pauoa, Waikiki and Manoa Ahupua'a
Kona Moku, Island of Oahu
TMK: (1) 1-5, 1-7, 2-1,2-2,2-3, 2-6 (various plats and parcels)

Thank you for your request for concurrence on the Federal Transit Administration's determination that 1) there are no eligible Traditional Cultural Properties within the transit corridor, and 2) the Honolulu High Capacity Transit Corridor Project (HHCTCP) will have "no adverse effect" on National Register eligible traditional cultural properties within the HHCTCP city center corridor. Your letter was received at the SHPD office on August 29, 2013. SHPD responded on September 25, 2013 and asked for additional information and revisions. During that time my office has also been consulting with the HART office on the request for additional information, as well as suggested changes to the Determination of Eligibility, Finding of Effect for Previously Unidentified Traditional Cultural Properties in Section 4, Honolulu Rail Transit Project (HART, July 11, 2013 (DOE/FOE)). We have received an updated version of this document in electronic format today (9/27/13) which incorporates all of our requested changes. This letter is based on the electronic version we received today. We look forward to receiving the revised hard copy for our records.

The TCP study is composed of two documents:

1. He Mo'olelo 'Aina-Traditions and storied places in the district of Kona – Honolulu Region (Lands of Kalihi to Waikiki), Island of O'ahu. Traditional Cultural Properties Study –Technical Report. (Kumu Pono Associates, March 2013). (Kumu Pono, 2013)
2. Study to Identify the Presence of Previously Unidentified Traditional Cultural Properties in Section 4 for the Honolulu Rail Transit Project. Draft Management Summary (SRI Foundation and Kumu Pono Associates, April 2013). (SRI, April 2013)

The first document did archival and oral history research on named places within a broadly defined area that could potentially be affected by the HHCTCP. One-hundred and eighty (180) named places were identified in this study. Of those 180, one-hundred and five (105) were originally found to be within the APE or linked to the APE.

The second study, the Draft Management Study, further filtered these 105 sites by a) associating them with 5 thematic contexts, and eliminating those that had no story or actual practices associated with them. A total of 32 sites were left.

The DOE/FOE then evaluated these 32 sites for National Register Eligibility. Eight (8) of these 32 sites were found to be outside of the APE, leaving 24 potential traditional cultural properties to be evaluated. All twenty-four properties were found to meet at least one of the eligibility criteria, however, none of them were found to retain enough integrity of condition to be eligible for the National Register. Oral interviews and meetings with cultural descendants did not add any information regarding integrity of relationship.

SHPD **concurs** with the Federal Transportation Administration's determination that there are **no eligible Traditional Cultural Properties** within in the HHCTCP APA, and therefore the project will have **"no adverse effect"** to historic properties

Sincerely,



William Aila, Jr.
State Historic Preservation Officer

cc: Dan Grabauskas, HART
Jason Bright, HART
Susan Lebo, SHPD