

Attachment 1

Stipulation	Date Due	Due Date Met?	Stipulation Complete?	Issues Encountered	Plan of Action to Complete or Evidence of Completion
1. ON SITE POINT OF CONTACT	N/A	N/A	N/A		On site point of contact will continue to be updated annually during annual report or as needed
2. AREA OF POTENTIAL EFFECT (APE)	N/A	N/A	Complete	Because construction areas outside the 300' wide APE were not assessed for 1) historic sites and 2) effects to those sites, 22 ' of the Māmalahoa Trail was graded.	SHPD Concurred with expanded APE January 6, 2017 Log No. 2016.02942 Doc. No. 1701SL01. APE incorporated into MOA via Amendment 1 Dated _____
3. PROFESSIONAL STANDARDS	N/A	N/A	Complete	Makani Hou o Kaloko-Honokohau disagreed that Cultural Surveys Hawaii meets the professional guidelines as included in their formal disagreement under Stipulation 18.	Cultural Surveys Hawaii performed all work pertaining to the identification and treatment of archeological resources. The President, Principal of Firm, Dr. Hallett Hammatt, meets the professional qualification requirements.
4. ARCHAEOLOGICAL PRESERVATION AND MITIGATION PLAN (APMP, APRIL 2014), DATA RECOVERY AND PRESERVATION PLAN (DRPP, OCTOBER 2012), ARCHAEOLOGICAL MONITORING PLAN (AMP OCTOBER 2012) and BURIAL TREATMENT PLAN (BTP, OCTOBER 2012).	Prior to construction	Yes	Complete		Copies of subject plans are available on Socrata project site
5a. PROJECT REDESIGN	03/17/20	YES	Complete	The 4(f) requirement for a retaining wall to allow for a steeper slope to the highway where the Māmalahoa trail would be impacted by the widening, near the entrance to the National Park, was not included in construction plans. The archaeology coordinates and the construction coordinates were not aligned prior to construction. These mistakes led to the damage to the 2 trails in 4 locations.	Construction is now complete. Signed final plans dated 8/2016 available at HDOT district office

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5b. NATIVE HAWAIIAN CULTURAL OUTREACH AND EDUCATION	03/17/20	NO	NOT COMPLETE	This stipulation is late getting started due to funding, staffing, and other issues between HDOT and UH Hilo. A new MOU was executed on October 1, 2019. At the request of Makani Hou, it included the Kohala Center, to ensure some connection to the Kekaha side of the island. The new MOU also included additional funding to cover overhead and the addition of the Kohala Center.	New MOU drafted with UHH. Will require extension of current MOA.
6. CULTURAL MONITORS	03/17/20	YES	Complete		Construction is complete, no need for further monitoring.
7. STREET LIGHTING	03/17/20	YES	Complete	In letter dated June 16, 2015 NPS approved luminaire substitution of 92W LED Streetlight (2 Light Engine) and 46W LED Street Light (1 Light Engine) due to CWES KS04-100 being obsolete.	Photo of completed street lighting attached to 2018 Annual Report
8. NOISE STUDY	03/17/20	YES	Complete	Makani Hou o Kaloko-Honokohau disagreed that this item is complete. They would like decibel readings taken now that the highway is complete.	Noise study on file with HDOT - Hawai'i District Office
9. HIGHWAY DRAINAGE	Report Annually Beginning 10/19	YES for Installation NO for annual reporting	Construction Complete 10/2018, Annual Reporting to Begin 10/2019	2019 Report delayed due to contractor issues.	Photo of completed Highway Drainage attached to 2018 Annual Report.
10a. PEDESTRIAN CROSSINGS - AT GRADE PEDESTRIAN CROSSINGS	03/17/20	YES	Complete		Photo of completed at-grade pedestrian crossings attached to 2018 Annual Report
10b. PEDESTRIAN CROSSINGS. UNDERPASS FEASIBILITY STUDY	03/17/20	YES	Complete	Makani Hou o Kaloko-Honoko disagrees that this item is complete. They would like an underpass to be built.	Final feasibility study including design guidelines (in appendix) distributed at 6/26/19 CP meeting and posted on the SharePoint site.

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11. INTERPRETIVE SIGNS	03/17/20	NO	NOT COMPLETE	This Stipulation is late getting started. The NPS proposed to FHWA and HDOT that the NPS Harper's Ferry Group design, manufacture and install sign(s) in September, 2017. MOA between FHWA, NPS and HDOT for NPS to design, manufacture and install interpretive signs was delayed in the review process and finally executed 5/2/19.	5/2/19 MOA executed for NPS to design, manufacture and install interpretive signs in consultation with NHOs. The deadline in the interpretive sign MOA is 5/2/21
12. AHUPUA'A SIGNS	03/17/20	YES	Complete	Paka Harp has requested that the Honokohau 1 and 2 signs be changed to Honokohau Nui and Honokohau Iki.	Photo of completed Ahupua'a signs attached to 2018 Annual Report
13. LANDSCAPING PLANS	03/17/20	YES	Complete		Photo of completed landscaping attached to 2018 Annual Report
14. RELATIONSHIP BUILDING WORKSHOP	3/17/17	NO	Complete	This Stipulation was delayed. HDOT acknowledges that the handoff between the HDOT design branch who drafts the MOA to the HDOT District that is responsible for completing the MOA needs improvement. The stipulation was further delayed due to the damaged sites.	HDOT and FHWA are currently working on including a mitigation tracking system that includes due dates and responsible party. HDOT opted to host 2 more relationship building meetings, one each on Maui and Oahu. Summary report of relationship building workshop was distributed 11/5/2018 and is posted on the HDOT Socrata site.
15. TERRAIN MODEL	03/17/20	YES	Complete	Makani Hou o Kaloko-Honokohau disagrees that this item is complete. They would like another model built with the Queen Ka'ahumanu Highway removed.	Final terrain model was available for viewing at 6/26/19 CP meeting and digital terrain model posted on the HDOT Socrata site.
16. ARCHEOLOGICAL MATERIALS AND RECORDS	03/17/20	YES	Complete		Archeological materials will be curated by HDOT until another curating/display opportunity becomes available.

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17. POST-REVIEW DISCOVERIES	Notification of CPs within 72 Hours of discovery	NO	NOT COMPLETE	<ul style="list-style-type: none"> • NHOs were not notified in the timeframe required by Stipulation 17. • On July 28, 2016, HDOT was notified of possible site encroachments during construction at the mauka termini of the mauka-makai trail of Site 10714 Features A and C. HDOT issue a stop work order at this site and requested the Contractor and the Contractor's archaeologist to assess the damaged area. • SHPO was notified on 8/2/16 • On 8/24 and 25, 2016 HDOT and SHPD did a site visit and confirmed the buffer breaches and damaged sites. • NHOs notified in email 9/30/16 and in meeting and site visit on 12/2/16 • A site visit was conducted on 5/5/17 with NHOs to expanded APE. • NHOs were asked to notify HDOT of any additional sites in SAIS for the expanded APE by 5/19/17. No comments received. • Mitigation meeting held with NHOs and other Consulting Parties May 23, 2017 at NELHA. • 8/23/17 FHWA issued Notification of Adverse Effect for damaged sites. 	<ul style="list-style-type: none"> • Action Plan during Construction drafted and used to address protection of known historic properties was developed to: 1) Fence all known sites at their construction buffers. Additionally, all sites were marked with a wooden lath which was marked with a pink flag and the site number. All laths were located in the southeast corner of the site fencing. 2) Clarify the role of the archaeological and cultural monitors and their ability to stop work. • FHWA began and will continue as necessary quarterly reporting to help ensure more timely reporting of issues. • The APE was revised and a Supplemental Archaeological Inventory was done. • HDOT and FHWA are both reviewing their 106 processes. • This Amendment 2 contains Stipulations to mitigate damaged sites
18. DISPUTE RESOLUTION	N/A	N/A	NOT COMPLETE	<ul style="list-style-type: none"> • 8/13/19 Fred Cachola of Makani Hou o Kaloko-Honokohau filed an objection via email to FHWA. • 10/25/19 In person meeting with representatives from Makani Hou, FHWA, SHPD and HDOT was held in Waimea to discuss objection and possible resolution. • FHWA responded to the complaint in writing 1/21/19. 	If the complaint cannot be resolved it will be forwarded to the ACHP per Stipulation 18.

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19. MONITORING AND REPORTING	Annually	NO	NOT COMPLETE	Due to poor handoff between HDOT design and construction and at FHWA, the MOA was late to get started and annual reporting was not completed. First annual report was sent out February 24, 2017 for all work to date. Document sent April 28, 2017 broke down report into 2015 Annual Report (2nd column), revised 2016 report (3rd column) and MOA update (4th column).	Reports since 2017 have been timely filed. In addition to annual reports, quarterly reporting began in 2018 and will continue in 2020.
20. DURATION	03/17/20	NO	NOT COMPLETE	Seven stipulations as outlined above were not completed on time, so the MOA requires extension.	
21. AMENDMENTS	N/A	N/A	NOT COMPLETE	Amendment 1 to extend the duration of the MOA, was executed on _____	