

**ANNUAL REPORT** Calendar Year 2019

Queen Kaahumanu Highway Widening Phase 2 Memorandum of Agreement

No.	Stipulation	Work Undertaken in 2018	Work Undertaken in 2019	
1	<p><b>ON SITE POINT OF CONTACT.</b></p> <p>a. The FHWA in coordination with the HDOT shall designate an on-site point of contact (POC) within fourteen days of the execution of this MOA.</p> <p>b. This on-site POC shall maintain hard copies of all documents relative to this MOA and provide electronic copies of them upon request by any consulting party to this MOA.</p> <p>c. The on-site POC shall be responsible for receiving and distributing any daily archaeological or cultural monitoring reports related to the construction of the Project to the other consulting parties to this MOA via email on a weekly basis.</p> <p>d. All signatories, concurring parties, and consulting parties to this MOA shall identify a POC for their respective organizations and transmit contact information to the FHWA and HDOT who shall maintain a current POC list.</p>	<p>a. The FHWA and HDOT designated on-site POC is now Don Smith.</p> <p>b. Don Smith maintains hard copies of documents relative to the MOA and can provide electronic copies upon request.</p> <p>c. Archaeological and cultural monitoring reports are completed. No further work required.</p> <p>d. 4/8/2017 email sent with current POC's requesting all parties to the MOA respond with any updates. Updates were incorporated. Current POC's as of 12/30/18 are:</p> <p><b>FHWA</b> Lisa Powell (Lisa.Powell@dot.gov)</p> <p><b>SHPD</b> Susan Lebo (Susan.A.Lebo@hawaii.gov)</p> <p><b>ACHP</b> Mandy Ranslow (mranslow@achp.gov)</p> <p><b>HDOT</b> Donald Smith (Donald.L.Smith@hawaii.gov) Deona Naboia (Deona.Naboia@hawaii.gov)</p> <p><b>NPS</b> Tyler Paikuli-Campbell (Tyler_Paikuli-Campbell@nps.gov) Jeff Zimpfer (jeff_zimpfer@nps.gov) Aric Arakaki (Aric_arakaki@nps.gov) Rick Gmirkin (Rick_gmirkin@nps.gov)</p> <p><b>Makani Hou</b> Fred Cachola (fredcachola@gmail.com) Paka Harp (paka@sandwichisles.net)</p> <p><b>LaiOpua2020</b> Bo Kahui (bokahui@laiopua.org)</p>	<p>a. The FHWA and HDOT designated on-site POC is now Harry Takiue.</p> <p>b. Harry Takiue maintains hard copies of documents relative to the MOA and can provide electronic copies upon request.</p> <p>c. Work Complete</p> <p>d. 9/5/19 email sent by FHWA with current POC's requesting all parties to the MOA respond with any updates. Updates were incorporated. Current POC's as of 12/26/19 are:</p> <p><b>FHWA</b> Lisa Powell (<a href="mailto:Lisa.Powell@dot.gov">Lisa.Powell@dot.gov</a>)</p> <p><b>SHPD</b> Susan Lebo (<a href="mailto:Susan.A.Lebo@hawaii.gov">Susan.A.Lebo@hawaii.gov</a>) Sean Naleimaile (sean.p.naleimaile@hawaii.gov)</p> <p><b>ACHP</b> Mandy Ranslow (<a href="mailto:mranslow@achp.gov">mranslow@achp.gov</a>)</p> <p><b>HDOT</b> Harry Takiue (<a href="mailto:harry.h.takiue@hawaii.gov">harry.h.takiue@hawaii.gov</a>) Julann Sonomura (<a href="mailto:julann.m.sonomura@hawaii.gov">julann.m.sonomura@hawaii.gov</a>) Pua Aiu (Pua.Aiu@hawaii.gov)</p> <p><b>NPS</b> Tyler Paikuli-Campbell (Tyler_Paikuli-Campbell@nps.gov) Jeff Zimpfer (jeff_zimpfer@nps.gov) Aric Arakaki (Aric_arakaki@nps.gov) Rick Gmirkin (Rick_gmirkin@nps.gov) Amanda Johnson Campbell (Amanda_johnson@nps.gov)</p> <p><b>Makani Hou</b> Fred Cachola (fredcachola@gmail.com) Paka Harp (<a href="mailto:pakaharp@gmail.com">pakaharp@gmail.com</a>)</p>	

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		<p><b>HHF</b> Kiersten Faulkner (Kiersten@historichawaii.org)</p> <p><b>OHA</b> Lauren Morawski (laurenm@oha.org) Keola Lindsey (keolal@oha.org) Shane Nelson (shanen@oha.org)</p> <p><b>Kona HCC</b> Cynthia Nazara (cynazara@gmail.com) Maurice Kahuwai (mkahawaii@hawaii.rr.com)</p>	<p><b>LaiOpua2020</b> Bo Kahui (<a href="mailto:bokahui@laiopua.org">bokahui@laiopua.org</a>)</p> <p><b>HHF</b> Kiersten Faulkner (<a href="mailto:Kiersten@historichawaii.org">Kiersten@historichawaii.org</a>)</p> <p><b>OHA</b> Lauren Morawski (laurenm@oha.org) Keola Lindsey (keolal@oha.org) Shane Nelson (shanen@oha.org)</p> <p><b>Kona HCC</b> Maurice Kahuwai (mkahawaii@hawaii.rr.com) Kekoa Nazara (koanazara@gmail.com)</p>	
2	<p><b>AREA OF POTENTIAL EFFECT (APE).</b> The Project's Area of Potential Effect (APE) includes the right-of-way (ROW) of the Queen Ka'ahumanu Highway, the Honokohau Settlement National Historic Landmark, the Kaloko-Honokohau National Historical Park, and trails that are immediately adjacent to and traverse the Project area that have been identified as significant to the Ala Kahakai National Historic Trail corridor (Attachment 2), most notably the Mamalahoa Trail.</p>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	
3	<p><b>PROFESSIONAL STANDARDS.</b> a. The HDOT shall ensure that all work carried out and documents prepared under this MOA are consistent with the recommendations of the August 2012 AIS cited above and conform to the Secretary of the Interior's Standards and Guidelines for Archeological Documentation, the ACHP's Section 106 "Archaeological</p>	<p>a. No Change</p>	<p>a. No change</p>	

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	<p>Guidance” and the SHPO’s requirements for data recovery and preservation.</p> <p>b. Further, all work pertaining to the identification and treatment of archaeological resources, including sites and objects, will be carried out by, or under the direct supervision of, a person or persons meeting the professional qualification for archaeology as found in “The Secretary of the Interior (SOI) Historic Preservation Professional Qualification Standards” (SOI Qualification Standards), per 36 CFR Part §61, Appendix A (Volume 48, No 190 dated September 29, 1983), and Title 13, Chapter 300, Hawai’i Administrative Rules (HAR).</p> <p>c. The HDOT shall provide, upon request, the documents identified in this MOA in either digital or paper copy to the requestor, subject to the confidentiality provisions of Section 304 of the NHPA.</p>	<p>b. Work complete.</p> <p>c. No requests made in 2018.</p>	<p>b. Work complete</p> <p>c. Documents have been posted on the RMT sharepoint site and HDOT Socrata site. Paper copies of the underpass feasibility study were available at the June 26, 2019 CP meeting. Paper copies of the following reports were available at the November 26, 2019 CP meeting:</p> <ul style="list-style-type: none"> <li>a. APMP, April 2014</li> <li>b. DRPP, October 2012</li> <li>c. AMP, October 2012</li> <li>d. AIS, July 2012</li> <li>e. BTP, October 2012</li> <li>f. Supplemental AIS March 2017</li> <li>g. BTP Addendum January 2019</li> </ul>	
4	<p><b>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).</b></p> <p>a. FHWA will ensure that HDOT complies with the implementation of the APMP, AMP, DRPP, and BTP and its compliance with the conditions of approval stipulated by SHPD.</p> <p>b. The HDOT shall provide the parties to this MOA a copy of the findings of the APMP, AMP and DRPP activities.</p> <p>c. Further, construction, including ground-disturbing activities will not commence until the data recovery fieldwork has been completed and a data recovery end of fieldwork report has been drafted and approved by SHPD.</p> <p>d. The end of fieldwork report shall be submitted to all parties of this MOA and NHOs who participated in the consultation process.</p> <p>e. The Data Recovery Final Report shall be submitted to SHPD for their approval.</p>	<p>a. APMP, AMP, AND DRP complete. BTP no longer required due to south section narrowing. 12/12/18 BTP Addendum submitted to SHPD. SHPD acceptance letter is forthcoming.</p> <p>b. Work complete.</p> <p>c. Construction complete and data recovery report has been submitted to SHPD.</p> <p>d. Draft End of Fieldwork Report anticipated mid-2019.</p> <p>e. 3/16/18 DOT submitted Final DRR (Vol. I to III) to SHPD.</p>	<p>a. BTP required amending since burial no longer disturbed due to south section narrowing. 12/12/18 BTP Addendum submitted to SHPD. SHPD accepted 2/15/19.</p> <p>b. The revised Archeological Monitoring Report (AMR) was received by HDOT from the Contractor 7/30/19. HDOT Historic Resource Specialist (HRS) returned End of Fieldwork Report to contractors for corrections/revisions 8/12/19. Revised AMR received by HDOT 11/25/19 and currently under review by HDOT HRS.</p> <p>c. Construction complete and data recovery report has been submitted to SHPD.</p> <p>d. End of fieldwork report complete. Submitted June 25, 2015 and accepted by SHPD July 16, 2015. (Log No. 2015.02518)</p> <p>e. No change.</p>	

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5A	<p><b>PROJECT REDESIGN.</b></p> <p>The FHWA shall ensure that HDOT completes the redesign of the southern portions (between Kealakehe Parkway and Hinalani Street) of the proposed improvements, to minimize the impacts of the highway widening. The objective of the redesign is to avoid, where feasible, historic properties and to propose mitigation action to minimize potential impacts. The revised plans shall be made available for review by the consulting parties of this MOA upon receipt of a timely request to the HDOT.</p>	Work complete.	Work complete.	
5B	<p><b>NATIVE HAWAIIAN CULTURAL OUTREACH AND EDUCATION.</b></p> <p>a. The HDOT and the University of Hawai'i at Hilo (UHH) have entered into a Memorandum of Understanding (MOU) to provide cultural programs and education to support Native Hawaiian studies.</p> <p>b. The HDOT shall ensure that the MOU between HDOT and UHH to provide cultural programs is fully implemented over the five year duration of the agreement.</p> <p>c. Annual reports documenting the activities of the past calendar year will be made available to all consulting parties.</p>	<p>a. HDOT coordinating MOU Amendment with UHH</p> <p>b. HDOT met with the Kohala Center and UH Hilo to continue collaborating on the MOU stipulations.</p> <p>c. Annual Reports have not been produced since the programs have not started.</p>	<p>a. Revised MOU adding the Kohala Center and additional funds was drafted in 2019 and signed by HDOT and UHH with an effective date of October 1, 2019. Per Makani Hou request, Don Smith distributed draft MOU to CPs via email July 28, 2019. Per Makani Hou request, UHH and Makani Hou met 12/3/19 to discuss the scope of the MOU. As a result of this meeting, Makani Hou requested the scholarship funds be used to set up an endowment, from which scholarship funds can be drawn annually, in perpetuity. HDOT and FHWA are researching if this is feasible. They also requested that the terms of the oral history reports be amended. HDOT working on this request with UHH.</p> <p>b. Since UHH program has not begun, this time requirement will not be met and MOA will require extension.</p> <p>c. Annual reports will begin when UHH programs begin.</p>	

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6	<p><b>CULTURAL MONITORS.</b></p> <p>HDOT prepared a Cultural Monitoring Scope of Work that describes the minimum qualifications and requirements for cultural monitor positions. The tasks of the cultural monitor(s) include: (a) serve as a liaison with the community to assist in the interpretation of cultural resources, (b) provide cultural education for construction workers, (c) prevent and minimize impacts to historic and cultural resources, (d) monitor the activities of the project archaeologist, and e) prepare daily reports. HDOT will engage a pool of cultural monitors to insure that whenever data recovery activities or construction activities disturb previously undisturbed areas a monitor is present. HDOT provided signatories and concurring parties to the MOA an opportunity to review and comment on the draft Cultural Monitoring scope of work. The FHWA approved the Final Cultural Monitoring Scope of Work on October 22, 2012. The HDOT shall select a cultural monitor(s) from a list of qualified applicants based on the objectives identified above. Participating NHOs were afforded the opportunity to identify and evaluate the potential cultural monitor candidates.</p>	<p>Cultural monitoring concluded in November 2018 with completion of construction.</p>	<p>Work complete.</p>	
7	<p><b>STREET LIGHTING.</b></p> <p>a. Street lighting shall only be provided at signalized intersections (Kealakehe Parkway, Lanihau, Hina Lani (also known as Hina-Lani or Hinalani), Hulikoa, Ka'imianani, and Ke'āhole Airport Road).</p> <p>b. Luminaire will be a CWES KS04-100 with SF-7 filter that will be "full cut-off" with no up light directed skyward other than incidental reflections.</p> <p>c. HDOT shall provide confirmation to the NPS that lights are level and properly installed.</p> <p>d. All lighting will use a "blue-cut" filter (yellow tinted) to prevent shorter wavelength light emission, which is known to disproportionately degrade the appearance of the night sky and disproportionately impact nocturnal wildlife species, and to reduce the perceived glare as seen from the National Parks.</p> <p>e. The intensity of the installed lighting shall not exceed 10,000 initial (at installation) lumens after filtering, nor exceed the minimum necessary for the task.</p> <p>f. For those intersections adjacent to the National Park (Kealakehe Parkway, Lanihau, and Hina Lani), the outer streetlights (those first and last encountered by drivers) shall be of lower intensity (at minimum 20% less intense than the other installed lights) to provide improved transition between lit and dark areas and to provide an incremental reduction in total lumen footprint.</p> <p>g. HDOT may modify the specifications contained herein if new technology becomes available that would better</p>	<p>a. Construction of street lighting completed in November 2018</p> <p>b. Work complete.</p> <p>c. Work complete.</p> <p>d. Work complete.</p> <p>e. Work complete.</p> <p>f. Work complete.</p> <p>g. Acknowledged.</p>	<p>a. Work complete.</p> <p>b. Work complete.</p> <p>c. Work complete.</p> <p>d. Work complete.</p> <p>e. Work complete.</p> <p>f. Work complete.</p> <p>g. Acknowledged.</p>	

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	meet the intent of this stipulation, provided the NPS agrees to such change in writing.			
8	<p><b>NOISE STUDY.</b></p> <p>a. The HDOT conducted a noise impact study in March 2014 to determine if the roadway improvements planned has the potential for impacting the activities within the National Park. The study was conducted in accordance with 23 CFR 774. The final report is pending.</p> <p>b. The findings will be made available to consulting parties in this MOA.</p>	<p>a. Work complete.</p> <p>b. Work complete.</p>	<p>a. Work complete. Also, reference Stipulation 18 Dispute Resolution.</p> <p>b. Work complete.</p>	
9	<p><b>HIGHWAY DRAINAGE.</b></p> <p>a. The HDOT shall install drainage control (drywells) equipped with oil/water separators to prevent polluted runoff from entering groundwater below the National Parks from a point 1,000 feet north of Hinalani Street to immediately south of the Kealakehe Parkway Intersection. HDOT shall construct the roadway and site the drywells to capture 90+% of storm runoff flows from both northbound and southbound lanes of highway in accordance with the HDOT standard specifications for stormwater treatment. Products utilized by the contractor shall provide that oil/water separators shall meet a minimum removal efficiency of 95%, and removal efficiencies of metals shall meet 95% of copper, 93% of lead, and 95% of zinc.</p> <p>b. The HDOT shall maintain drywell oil/water separators pursuant to the manufacturer's specifications to provide maximum protection of groundwater from polluted runoff. Annually, the HDOT shall provide NPS with reports of the actual maintenance of the drywells no later than 30 days after the anniversary of the installation of the drywells is completed. The reports shall include drywell location, date filters replaced, condition of filter replaced, and comments.</p> <p>c. This report shall be also made available to parties of this MOA and NHOs participating in the consultation process.</p>	<p>a. Drywell installation completed November 2018.</p> <p>b. Drywell installation completed in November 2018. Annual maintenance reports are anticipated to be prepared and made available to CPs beginning in November 2019</p> <p>c. Acknowledged.</p>	<p>a. Work complete.</p> <p>b. Annual filter inspection was completed November, 2019. HDOT is working with contractor to analyze results.</p> <p>c. Report will be made available to all parties once complete.</p>	
10A	<p><b>PEDESTRIAN CROSSINGS - AT GRADE PEDESTRIAN CROSSINGS.</b></p> <p>The HDOT shall provide at-grade pedestrian crossing at the following three locations: at the intersections of Hinalani</p>	Construction of pedestrian crossings completed in November 2018.	Work complete.	

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	Street, Lanihau Street/Park Entrance, and Kealakehe Parkway. These crossings shall incorporate pedestrian refuges (where feasible) in the highway median where there is adequate space available for the pedestrian refuge, and will accommodate bicycle users.			
10B	<p><b>PEDESTRIAN CROSSINGS - UNDERPASS FEABILITY STUDY.</b></p> <p>a. The HDOT shall conduct a feasibility study with the objective of facilitating safe pedestrian access across the Queen Ka’ahumanu Highway at the “Trail to Honokōhau.” The study will examine at-grade crossing locations, the installation of a pedestrian tunnel crossing, and the modification of existing culverts for pedestrian-bicycle use. The study shall seek examples and policies regarding use of existing pedestrian tunnels and modified culverts in Hawai’i and other States. Subsurface crossing(s) shall include provisions for a third party organization to take responsibility for maintenance, security and liability for the crossing(s) as has been the policy of HDOT for more than a decade.</p> <p>b. The HDOT shall identify and select a qualified independent third party to conduct the study.</p> <p>c. As part of the study, HDOT shall consult with NPS to identify community organizations who may be invited to participate in the feasibility study. Organizations that may be invited to participate include: signatories to this MOA, NHOs, Peoples Advocacy Trails Hawai’i (PATH), County of Hawai’i, local primary and secondary school officials, universities, community groups, the Royal Order of Kamehameha, and the Association of Hawaiian Civic Clubs.</p> <p>d. As part of the feasibility study the HDOT shall convene a community meeting that has as its objective the development of design guidelines for future Queen Ka’ahumanu Highway expansion projects that includes provisions for trail connectivity and pedestrian crossings under the Queen Ka’ahumanu Highway as well as paralleling the highway.</p> <p>e. The HDOT shall transmit the findings of the feasibility study (inclusive of any documents or written testimony from the community meeting above) to parties participating in the feasibility study prior to the expiration of this MOA.</p>	<p>a. HDOT completed Draft Study. Prefinal Study currently being prepared.</p> <p>b. Work complete.</p> <p>c. Work complete.</p> <p>d. Work complete.</p> <p>e. Distribution of study anticipated in first quarter of 2019.</p>	<p>a. Final pedestrian underpass feasibility study completed June, 2019. Also, reference Stipulation 18 Dispute Resolution.</p> <p>b. Work complete.</p> <p>c. Work complete.</p> <p>d. Work complete.</p> <p>e. Paper copies of the study were distributed at the June 26, 2019 CP meeting. The study was also posted on the HDOT Socrata website and RMT share site for download.</p>	
11	<p><b>INTERPRETIVE SIGN(S).</b></p> <p>The HDOT shall research, design, and produce mutually agreed upon interpretive sign(s) in consultation with NPS and</p>	<ul style="list-style-type: none"> <li>3/13/18 Concept proposed by NPS approved by DOT/FHWA</li> </ul>	<ul style="list-style-type: none"> <li>5/2/19 MOA executed for NPS to design, manufacture, and install interpretive signs.</li> <li>July 2019 FHWA funds were transferred to NPS regional office</li> </ul>	

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	<p>NHOs relating to the history of the trails identified in the Project ROW near the Kaloko-Honokōhau National Historical Park and how the trails relate to the surrounding community. The sign(s) shall be (1) designed to meet NPS sign standards, (2) produced by HDOT, and (3) installed by the NPS within the boundaries of the Kaloko-Honokōhau National Historical Park.</p>	<ul style="list-style-type: none"> <li>• 6/20/18 NPS and FHWA met HDOT met with NPS on 2/10/2017 and 4/2017 to review agreement for fund transfer to design and produce signs.</li> <li>• 9/30/18 FHWA drafted MOA for NPS to design, produce and install signs. NPS review complete, HDOT Legal review ongoing.</li> </ul>	<ul style="list-style-type: none"> <li>• August 2019 Harper's Ferry designers performed first sight visit</li> <li>• December 2019 NPS is working with regional NPS office to get funds transferred to Kaloko-Honokōhau National Historical Park</li> </ul>	
12	<p><b>AHUPUA'A SIGNS.</b></p> <ol style="list-style-type: none"> <li>a. The HDOT shall install ahupua'a markers within the project limits following the guidelines of the HDOT's Ahupua'a Marker Program. The markers (ahu or sign on posts) shall be designed and installed in consultation with community groups and NHOs as prescribed by the Ahupua'a Marker Program.</li> <li>b. A notice of the proposed installation shall be published in the West Hawai'i Today newspaper.</li> <li>c. The markers shall be installed as part of the highway widening project.</li> </ol>	<ol style="list-style-type: none"> <li>a. Sign installation completed November 2018.</li> <li>b. Same as above.</li> <li>c. Same as above.</li> </ol>	<ol style="list-style-type: none"> <li>a. Work complete. Also, reference Stipulation 18 Dispute Resolution.</li> <li>b. Work complete.</li> <li>c. Work complete.</li> </ol>	
13	<p><b>HIGHWAY LANDSCAPING.</b></p> <p>The HDOT shall coordinate landscaping plans with the NPS in areas within the ROW fronting the Kaloko-Honokōhau National Historical Park; including intersections. The criteria for landscaping material include: native plant species or appropriate Polynesian-introduced species that require low maintenance and are drought tolerant. The plant species to be planted shall be decided upon jointly between HDOT and the NPS in consultation with the NHOs.</p>	<p>Construction of landscaping completed November 2018. Maintenance period by contractor ongoing until August 2019.</p>	<p>Work complete</p>	
14	<p><b>RELATIONSHIP BUILDING WORKSHOP.</b></p> <ol style="list-style-type: none"> <li>a. The FHWA and HDOT acknowledge the need to build upon existing and develop new relationships with NHO and communities statewide. The FHWA and HDOT shall commit to sponsoring an initial statewide (one day) relationship building workshop to provide a forum where discussion and knowledge exchange can occur between the FHWA, HDOT, NHOs, concurring parties, and community representatives in a non-project specific context.</li> <li>b. Other agencies may be invited to participate in this forum as deemed appropriate by a consensus decision between FHWA, HDOT, and OHA, advocating on behalf of NHO interests.</li> <li>c. This workshop shall be held within 24 months following the execution of this MOA.</li> <li>d. The subject of the workshop may cover five (5) major areas: (1) identification of issues, challenges or problems that NHOs and HDOT/FHWA have</li> </ol>	<ol style="list-style-type: none"> <li>a. Workshop for Maui County (Maui, Lāna'i and Moloka'i) held in Kahului Maui on 4/9/18, and workshop notes distributed on 8/7/18. Workshop for O'ahu held in Kāne'ohe on 7/27/18, and workshop notes distributed on 8/30/18. HDOT distributed Summary Report for all workshops to statewide invitees on 11/5/18. Work complete.</li> <li>b. Work complete.</li> <li>c. Workshop for Maui County (Maui, Lāna'i and Moloka'i) held in Kahului Maui on 4/9/18, and workshop notes distributed on 8/7/18. Workshop for O'ahu held in Kāne'ohe on 7/27/18, and workshop notes distributed on 8/30/18. HDOT distributed Summary Report</li> </ol>	<ol style="list-style-type: none"> <li>a. Work complete.</li> <li>b. Work complete.</li> <li>c. Work complete. Also, reference Stipulation 18 Dispute Resolution. Relationship building workshops were not held within 24 months.</li> </ol>	



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	<p>experienced in consultation with each other; (2) a technical training about National Historic Preservation Act Section 106, U.S. Department of Transportation Act Section 4(f), National Environmental Policy Act (NEPA), NHO protocols, relevant Hawaiian history or cultural practices, or other relevant laws and practices (mutually sharing information); (3) a problem-solving session to share knowledge about best practices that would assist NHOs, HDOT and FHWA to have productive and effective consultation; (4) to identify NHO and community representatives interested in participating in the next stage of relationship building that may involve a training course sponsored by the FHWA/HDOT that integrates the NEPA/NHPA/U.S. Department of Transportation Act, Section 4(f) decision making processes for transportation projects in Hawai'i; and (5) explore the development of agreement documents that guide NEPA/NHPA consultation for transportation projects in Hawai'i.</p> <p>e. The FHWA and HDOT may sponsor additional phases of the relationship building process and will decide within one year after the conclusion of the first workshop as appropriate and/or necessary.</p>	<p>for to invitees of all four statewide workshops on 11/5/18. Work complete.</p> <p>d. Agenda finalized and distributed to Maui and O'ahu attendees on 4/6/18 and 7/24/18, respectively. Work complete.</p> <p>e. HDOT presented two breakout sessions during the Annual Conference for the Association of Hawaiian Civic Clubs on November 14, 2018 on Kauai.</p>	<p>d. Work complete.</p> <p>e. HDOT held an internal debrief and future plan of action meeting on February 8, 2019 to engage and build relationships with NHO's. HDOT presented one breakout session at the Association of Hawaiian Civic Clubs Annual Convention November 13, 2019 on Maui.</p>	
15	<p><b>TERRAIN MODEL.</b></p> <p>a. The HDOT shall commission the construction of a terrain model depicting the lands of Kekaha (between Kailua and Anaehoomalu) in consultation with Makani Hou o Kaloko-Honokōhau. The model shall incorporate topographic relief, traditional place names, historic trails, settlement locations, interpretive signs, and other important landmarks, to be determined.</p> <p>b. The model may be housed at the Kaloko-Honokōhau National Historical Park under the auspices of the Hawai'i Pacific Parks Association.</p> <p>c. The model shall be of such scale that it can be transported to other locations and be used as a teaching tool.</p> <p>d. A second digital model will also be developed and include similar information as the terrain model.</p>	<p>a. Physical model shipped on Dec. 26, 2018 by model maker. Estimated delivery during the week of Jan. 7, 2019.</p> <p>b. HDOT to coordinate a display case and final location for the physical model.</p> <p>c. Model dimensions are 3 ft. by 5 ft. by 9 in.</p> <p>d. February 2018 digital model revised and distributed to attendees of Mtg #3 for final comment.</p>	<p>a. Physical model received by HDOT January, 2019. The model was presented at the consultation meeting with the CPs on June 26, 2019. Also, reference Stipulation 18 Dispute Resolution.</p> <p>b. HDOT built a display table for the model. Model currently housed at HDOT district office in Hilo.</p> <p>c. Model dimensions are 3 ft. by 5 ft. by 9 in.</p> <p>d. Digital terrain model is posted on RMTowill sharepoint sight. Email with instructions sent to CPs from Don Smith on July 4, 2019. Also, reference Stipulation 18 Dispute Resolution.</p>	
16	<p><b>ARCHAEOLOGICAL MATERIALS AND RECORDS.</b></p> <p>All archaeological materials and records discovered as a result of the subject project shall be housed and curated by the HDOT. The location and methods used shall be subject to</p>	Acknowledged	Acknowledged	

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	<p>review and consultation with SHPD and shall be open for review and inspection by the public upon request to HDOT. If at some future date the NPS has space, personnel, and resources to take on this responsibility, the HDOT shall consult with NPS.</p>			
17	<p><b>POST-REVIEW DISCOVERIES.</b></p> <p>If previously unknown potential historic properties are discovered or unanticipated effects on identified historic properties are found during project construction, the HDOT shall take the actions identified below.</p> <p>The HDOT will immediately notify the SHPO, and immediately stop work at the site of the find until appropriate final mitigation measures are implemented.</p> <p>A. If the discovery or unanticipated adverse effect is located within the ROW, the HDOT will notify SHPO and the signatories, invited signatories, concurring parties, and consulting NHOs to this MOA of the findings within 72 hours. If the finding is adjacent to the Park boundary, then the HDOT will also notify the NPS at the same time that the SHPO is notified. All signatories, invited signatories and concurring parties to this MOA shall designate a "point of contact" and contact information for the representative who shall be notified pursuant to this provision or the inadvertent discovery of human skeletal remains as described at 17(C) below.</p> <p>B. The FHWA, the SHPO, and the signatories, invited signatories, concurring parties, and consulting NHOs to this MOA shall consult on the potential significance of the discovered property, National Register of Historic Places eligibility and any proposed treatment. Comments on the significance, of the discovered property, National Register of Historic Places eligibility and any proposed treatment or a request for additional time to provide comments shall be provided by the SHPO, signatories, invited signatories, and concurring parties to the FHWA within 48 hours of any notification as described in 17(A) in order to be considered. HDOT to ensure that any recommended treatment measures are implemented; and HDOT shall provide a final report to the SHPO and all signatories, invited signatories, and concurring parties on these actions when they are completed.</p> <p>C. In the event human skeletal remains are inadvertently discovered during project construction, the requirements of Chapter §6E-43.6, HRS, and Chapter 13-300, HAR, shall determine appropriate treatment.</p> <p>In addition to the parties who are notified of inadvertent discoveries pursuant to Chapter 13-300-40(b), HAR, and (c), the FHWA shall ensure all signatories, invited signatories and concurring parties to this MOA are notified of the inadvertent discovery and afforded a reasonable opportunity to comment</p>	<p>A. Work complete November 2018.</p> <p>B. Work complete.</p> <p>C. Work complete.</p>	<p>A. Work complete, so no new discoveries. For work on mitigation of damaged sites, see Stipulation 21.</p> <p>B. Work complete.</p> <p>C. Work complete.</p>	

No.	Stipulation	Work Undertaken in 2018	Work Undertaken in 2019	
	on appropriate treatment. Comments shall be directed to the SHPD.			
18	<p><b>DISPUTE RESOLUTION.</b></p> <p>Should any signatory, invited signatory, or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:</p> <p>A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.</p> <p>B. Make a final decision on the dispute and proceed accordingly if the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.</p> <p>C. Be responsible to carry out all other actions, subject to the terms of this MOA that are not the subject of the dispute.</p>	No formal objections filed in 2018.	<ul style="list-style-type: none"> <li>• 8/13/19 Fred Cachola of Makani Hou o Kaloko-Honokohau filed objection via email to FHWA. Summary of objection is as follows: <ul style="list-style-type: none"> <li>○ General-HDOT and FHWA reps are not trained in 106 process. FHWA should hold 2-day training and develop consultation protocols.</li> <li>○ Stipulation 4-Distribute reports and discuss at future meeting</li> <li>○ Stipulation 5 -Include NHOs in development of MOU.</li> <li>○ Stipulation 8-Distribute noise study report and discuss at future meeting. Take current noise measurements.</li> <li>○ Stipulation 10B-Provide summary of underpass feasibility study and discuss at future meeting.</li> <li>○ Stipulation 11-Consult with NHOs on interpretive signs.</li> <li>○ Stipulation 12-Honokohau 1 sign should read, "Honokohau Nui, " and the Honokohau 2 sign should read "Honokohau Iki."</li> <li>○ Stipulation 14-Add addendum to summary report for relationship building workshops explaining delay in holding workshops</li> <li>○ Stipulation 15-There was a failure among RMT staff in consulting with NHOs. Makani Hou envisioned terrain model without contemporary features (i.e. road)</li> <li>○ Stipulation 17-Post Review Discoveries-Destroyed sites swept under the rug and deadlines not met. Palamanui proposal given priority at June, 2010 meeting vs. NHO proposal.</li> <li>○ Stipulation 21-Request early notification and invitation to NHOs in considering amendments.</li> </ul> </li> <li>• 8/21/19 Lisa Powell of FHWA responded via email to objection in addition to offering in person meeting.</li> <li>• 10/25/19 In person meeting with representatives from Makani Hou, FHWA, SHPD and HDOT was held in Waimea to discuss objection and possible resolutions</li> </ul>	

No.	Stipulation	Work Undertaken in 2018	Work Undertaken in 2019	
			<ul style="list-style-type: none"> <li>• 11/22/2019 Draft meeting minutes distributed by FHWA.</li> <li>• 12/19/2019 Finalized notes from October meeting distributed to participants with understanding that written responses will follow in January 2020.</li> </ul>	
19	<p><b>MONITORING AND REPORTING.</b></p> <p>a. At the end of each calendar year following the execution of this MOA, or until it expires or is terminated, the FHWA, with the assistance of HDOT, shall provide all parties to this MOA and NHOs that participated a summary report (report) detailing work undertaken pursuant to its terms. This report shall summarize the implementation of the plans identified in Stipulation 4 and any other agreed upon mitigation measures detailed in this MOA. Such a report shall also include any scheduling changes proposed, any problems encountered, and any disputes and objections received in HDOT's and the FHWA's efforts to carry out the terms of this MOA.</p> <p>b. A review meeting may be called by the FHWA or HDOT upon request of a signatory, invited signatory or concurring party to this MOA.</p> <p>c. A Final Report shall be prepared and transmitted to the parties to this MOA, and NHOs that participated in consultation at the expiration of the MOA.</p>	<p>a. This document is the 2018 Annual Report. Quarterly tracking of incomplete tasks will also occur throughout 2019.</p> <p>b. A review meeting has not been requested.</p> <p>c. No change.</p>	<p>a. This document is the 2019 Annual Report. Quarterly tracking of incomplete tasks will also occur throughout 2020.</p> <p>b. Makani Hou requested a two day meeting to discuss the MOA stipulations at CP meeting on June 26, 2019. HDOT and FHWA met with Makani Hou and SHPD on October 25, 2019. At the November 26<sup>th</sup> CP meeting, another meeting was scheduled for February 8, 2020.</p> <p>c. No change.</p>	
20	<p><b>DURATION.</b></p> <p>The term of this MOA shall apply for a period of five (5) years from the execution of the MOA, unless amended pursuant to Stipulation 21 of this MOA below.</p>	MOA amendment currently being prepared, and will include extension.	MOA amendment will be required to extend the MOA.	
21	<p><b>AMENDMENTS.</b></p> <p>Any signatory, invited signatory, or concurring party to this MOA may request that it be amended, whereupon the parties shall consult in accordance with 36 CFR Part 800 to consider such amendment. The authority to execute any final amendments shall be with the signatories of this MOA. The amendment will be effective on the last date a copy of it is signed by all of the signatories. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate consultation on the proposed amendment in accordance with Stipulation 22 below.</p> <p>To address minor changes in the projects or the treatment of historic properties affected by the projects, FHWA may propose revisions to the APMP, DRPP, AMP, BTP or Cultural Monitoring Scope of work to the other parties to this MOA.</p>	HDOT prepared and is currently reviewing draft amendment.	<ul style="list-style-type: none"> <li>• Amendment required to expand APE to include side roads, include mitigation for damaged sites, acknowledge schedule relationship building workshop timeline not met, allow for the NPS to design, manufacture and install interpretive signs, and extend duration of MOA.</li> <li>• Draft Amendment submitted to FHWA by HDOT in March, 2019.</li> <li>• 6/26/2019 Meeting held discussing possible mitigation for damaged sites through Palamanui.</li> <li>• 11/15/2019 HDOT/FHWA propose two amendments-the first to extend the time to allow more consultation on the damaged site</li> </ul>	

No.	Stipulation	Work Undertaken in 2018	Work Undertaken in 2019	
	Upon the written concurrence of the signatories and invited signatories, FHWA may revise the plans(s) to incorporate the agreed upon changes without executing a formal amendment to this MOA		mitigation. Draft Amendment 1 sent to CPs by Harry Takiue. <ul style="list-style-type: none"> <li>• 11/26/2019 Consultation meeting held for Amendment 1 and damaged site mitigation.</li> </ul>	
22	<b>TERMINATION.</b> If any signatory or invited signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation 21, above. If within thirty (30) days or another time period agreed to by the approving signatories an amendment cannot be reached, any approving signatory may terminate consultation on the proposed amendment to the MOA upon written notification to the other signatories. Other provisions of the MOA shall remain in effect.	No change.	No change.	
23	<b>COUNTERPART SIGNATURES.</b> This MOA may be executed in counterparts. Each signature page shall be incorporated into the MOA and considered a part of this MOA.			
24	This Agreement supersedes in its entirety the MOA dated March 5, 1999, as well as the 1999 Final Archaeological Treatment Plan.			

**ANNUAL REPORT** Calendar Years 2015 to 2017

Queen Kaahumanu Highway Widening Phase 2 Memorandum of Agreement

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017
1	<p><b>ON SITE POINT OF CONTACT.</b></p> <p>a. The FHWA in coordination with the HDOT shall designate an on-site point of contact (POC) within fourteen days of the execution of this MOA.</p> <p>b. This on-site POC shall maintain hard copies of all documents relative to this MOA and provide electronic copies of them upon request by any consulting party to this MOA.</p> <p>c. The on-site POC shall be responsible for receiving and distributing any daily archaeological or cultural monitoring reports related to the construction of the Project to the other consulting parties to this MOA via email on a weekly basis.</p> <p>d. All signatories, concurring parties, and consulting parties to this MOA shall identify a POC for their respective organizations and transmit contact information to the FHWA and HDOT who shall maintain a current POC list.</p>	<p>a. The FHWA and HDOT designed on-site POC is Sterling Chow, Assistant District Engineer, Hawaii Island.</p> <p>b. Sterling Chow maintains hard copies and has provided electronic copies upon request.</p> <p>c. Cultural monitoring reports were completed and distributed to the MOA contact list during data recovery from 5/21/15 to 6/16/17. Cultural monitoring reports were completed and sent to the MOA contact list during construction beginning 9/2/15 to present. Archeological monitoring reports were completed and sent to the MOA contact list during construction starting on 9/2/15 up to 11/1/15.</p> <p>d. The signatories and concurring parties have identified the POCs from their respective organizations. Contact list is prepared and maintained by HDOT.</p>	<p>a. No change.</p> <p>b. No change.</p> <p>c. Archaeological and cultural monitoring reports continue to be generated and sent to the current list of POCs. (See Attached.)</p> <p>d. Current POC list attached as addendum to 2016 annual report.</p>	<p>a. The FHWA and HDOT designated on-site POC is now Natasha Soriano.</p> <p>b. Natasha Soriano maintains hard copies of documents relative to the MOA and can provide electronic copies upon request.</p> <p>c. Archeological and cultural monitoring reports continue to be generated and sent to the current list of POCs</p> <p>d. 4/8/2017 email sent with current POC's requesting all parties to the MOA respond with any updates. Updates were incorporated. Current POC's as of 12/29/17 are:</p> <p><b>FHWA</b> Lisa Powell (Lisa.Powell@dot.gov)</p> <p><b>SHPD</b> Susan Lebo (Susan.A.Lebo@hawaii.gov) Amy Rubingh (Amy.Rubingh@hawaii.gov)</p> <p><b>ACHP</b> Sarah Stokely (sstokely@achp.gov)</p> <p><b>HDOT</b> Donald Smith (Donald.L.Smith@hawaii.gov) Natasha Soriano (Natasha.A.Soriano@hawaii.gov) Deona Naboia (Deona.Naboia@hawaii.gov)</p> <p><b>NPS</b> Tyler Paikuli-Campbell (Tyler_Paikuli-Campbell@nps.gov) Jeff Zimpfer (jeff_zimpfer@nps.gov) Aric Arakaki (Aric_arakaki@nps.gov) Rick Gmirkin (Rick_gmirkin@nps.gov)</p> <p><b>Makani Hou</b> Fred Cachola (fredcachola@gmail.com) Paka Harp (paka@sandwichisles.net)</p> <p><b>LaiOpua2020</b> Bo Kahui (bokahui@laiopua.org)</p> <p><b>HHF</b> Kiersten Faulkner (Kiersten@historichawaii.org)</p>

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
				<p><b>OHA</b>            Lauren Morawski (laurenm@oha.org)            Keola Lindsey (keolal@oha.org)</p> <p><b>Kona HCC</b>            Cynthia Nazara (cynazara@gmail.com)            Maurice Kahuwai (mkahawaii@hawaii.rr.com)</p>	
2	<p><b>AREA OF POTENTIAL EFFECT (APE).</b>            The Project's Area of Potential Effect (APE) includes the right-of-way (ROW) of the Queen Ka'ahumanu Highway, the Honokohau Settlement National Historic Landmark, the Kaloko-Honokohau National Historical Park, and trails that are immediately adjacent to and traverse the Project area that have been identified as significant to the Ala Kahakai National Historic Trail corridor (Attachment 2), most notably the Mamalahoa Trail.</p>	No action in 2015	<ul style="list-style-type: none"> <li>In Summer of 2016, during investigation of site breaches, it was determined the APE did not include work on side roads which is outside the 300-ft. HDOT ROW.</li> </ul>	<ul style="list-style-type: none"> <li>The expanded APE was approved by SHPD on 1/6/17.</li> <li>HDOT requested SHPD concurrence on a Supplemental Arch. Inventory Survey (SAIS) reporting on expanded areas. Comments have been received from SHPD and are being addressed. SAIS Approved on 3/19/17 by SHPD.</li> <li>SAIS was distributed to signatories and consulting parties in email 4/8/17. HDOT notified signatories and consulting parties on 4/28/17 of a site visit to the expanded APE set for 5/5/17. HDOT asked that any comments on the SAIS or additional known cultural or historical properties within the expanded APE be submitted to HDOT by 5/19/17.</li> <li>5/5/17 Site visit held with Native Hawaiian organizations to expanded APE. No comments were received by 5/19/17 deadline.</li> <li>8/30/17 FHWA Issued Notification of Adverse Effect for damaged sites which included expanded APE.</li> </ul>	
3	<p><b>PROFESSIONAL STANDARDS.</b></p> <p>a. The HDOT shall ensure that all work carried out and documents prepared under this MOA are consistent with the recommendations of the August 2012 AIS cited above and conform to the Secretary of the Interior's Standards and Guidelines for Archeological Documentation, the ACHP's Section 106 "Archaeological Guidance" and the SHPO's requirements for data recovery and preservation.</p> <p>b. Further, all work pertaining to the identification and treatment of archaeological resources, including sites and objects, will be carried out by, or under the direct supervision of, a person or persons meeting the professional qualification for archaeology as found in "The Secretary of the Interior (SOI) Historic Preservation Professional Qualification Standards" (SOI Qualification Standards), per 36 CFR Part §61, Appendix A (Volume</p>	<p>a. HDOT affirms HDOT is in conformance with this requirement.</p> <p>b. Cultural Surveys Hawaii is performing all work pertaining to the identification and treatment of archaeological resources. The President, Principal of Firm, Dr. Hallett Hammatt, meets the professional qualification requirements.</p>	<p>a. No change.</p> <p>b. No change.</p>	<ul style="list-style-type: none"> <li>No change.</li> <li>No change.</li> </ul>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
	<p>48, No 190 dated September 29, 1983), and Title 13, Chapter 300, Hawai'i Administrative Rules (HAR).</p> <p>c. The HDOT shall provide, upon request, the documents identified in this MOA in either digital or paper copy to the requestor, subject to the confidentiality provisions of Section 304 of the NHPA.</p>	<p>c. No requests made in 2015</p>	<p>c. HDOT provided copies of AMP, AIS, DRPP, and APMP to Fred and Paka of Makani Hou at meeting 12/7/16</p>	<ul style="list-style-type: none"> <li>• HDOT provided copies of SAIS through posting to RMT sharesite to POC's 4/8/17 and in email on 4/27/17.</li> </ul>	
4	<p><b>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).</b></p> <p>a. FHWA will ensure that HDOT complies with the implementation of the APMP, AMP, DRPP, and BTP and its compliance with the conditions of approval stipulated by SHPD.</p> <p>b. The HDOT shall provide the parties to this MOA a copy of the findings of the APMP, AMP and DRPP activities.</p> <p>c. Further, construction, including ground-disturbing activities will not commence until the data recovery fieldwork has been completed and a data recovery end of fieldwork report has been drafted and approved by SHPD.</p> <p>d. The end of fieldwork report shall be submitted to all parties of this MOA and NHOs who participated in the consultation process.</p> <p>e. The Data Recovery Final Report shall be submitted to SHPD for their approval.</p>	<p>a. Construction started on 9/3/2015. Due to the narrowing of the hwy median, the retaining wall shown in the BTP is no longer required. An amendment to the BTP dated Sept 2015 was submitted to the burial council for approval.</p> <p>b. Copies of the subject plans are available for review at the office of HDOT, Hawai'i District.</p> <p>c. Data Recovery Plan (DR) completed June 2015. Data Recovery End of Field Work report submitted to SHPD on 6/25/2015. SHPD response letter dated 7/16/15 determined that field work complete for data recovery and preservation phases. Construction began 9/3/15.</p> <p>d. Data Recovery End of Field Work report was not submitted to NHOs.</p> <p>e. Data Recovery Final Report not complete.</p>	<p>a. After site breaches, Final Action Plan developed to ensure compliance with implementation of APMP, AMP, DRPP, and BTP.</p> <p>b. Copies of the APMP, AMP, DRPP, and BTP are available for review at the office of HDOT, Hawai'i District</p> <p>c. No change.</p> <p>d. Data Recovery End of Field Work report submitted to consulting parties in an email 2/16/17.</p> <p>e. Data Recovery Final Report being drafted by CSH.</p>	<p>A. Final Action Plan distributed to NHOs in email 4/4/17.</p> <p>B. As requested by NHOs, copies of APMP, DRPP, and AMP and end of fieldwork letters are posted RMTTC Share site on 4/8/17 <a href="https://share.rmtowill.com/index.php/s/bjTqGBKwEjB72eC">https://share.rmtowill.com/index.php/s/bjTqGBKwEjB72eC</a></p> <p>C. No change.</p> <p>D. Data Recovery End of Field Work report posted on sharepoint site (above) with a notification email sent to signatories and consulting parties 4/8/17.</p> <p>E. Draft Data Recovery Final Report (Vol. I to III submitted to HDOT May 2017.</p>	
5A	<p><b>PROJECT REDESIGN.</b></p> <p>The FHWA shall ensure that HDOT completes the redesign of the southern portions (between Kealakehe Parkway and Hinalani Street) of the proposed improvements, to minimize the impacts of the highway widening. The objective of the redesign is to avoid, where feasible, historic properties and to propose mitigation action to minimize potential impacts. The revised plans shall be made available for review by the consulting parties of this MOA upon receipt of a timely request to the HDOT.</p>	<p>a. Conceptual re-design completed in 2015</p> <p>b. Final re-design plans for the area between Kealakehe Parkway and Hinalani Street in progress.</p>	<p>c. Final construction final plans for the area between Kealakehe Parkway and Hinalani Street were completed August 2016 and construction is ongoing.</p>	<p>d. Construction for re-designed project is ongoing and scheduled for completion October 2018.</p>	



No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
5B	<p><b>NATIVE HAWAIIAN CULTURAL OUTREACH AND EDUCATION.</b></p> <p>a. The HDOT and the University of Hawai'i at Hilo (UHH) have entered into a Memorandum of Understanding (MOU) to provide cultural programs and education to support Native Hawaiian studies.</p> <p>b. The HDOT shall ensure that the MOU between HDOT and UHH to provide cultural programs is fully implemented over the five year duration of the agreement.</p> <p>c. Annual reports documenting the activities of the past calendar year will be made available to all consulting parties.</p>	<p>a. On October 23, 2013 the State of Hawaii Department of Transportation and the University of Hawaii entered into an agreement to implement the following program:</p> <ul style="list-style-type: none"> <li>- Native Hawaii archaeology/anthropology</li> <li>- Native Hawaiian studies scholarship program.</li> <li>- Hawaiian immersion/charter school support</li> <li>- Recording of oral histories</li> <li>- Cultural programming support</li> <li>-</li> </ul> <p>b. The MOU was not implemented in 2015</p> <p>c. Annual Reports have not been produced since the programs have not started.</p>	<p>a. No change.</p> <p>b. HDOT (S. Chow) re-initiated consultation with UHH in December 2016 to determine steps to implement the various programs.</p> <p>c. No change</p>	<p>a. MOU emailed to POC's 4/26/17 and posted on RMT sharesite.</p> <p>b. 3/11/17 UH Hilo submitted budget to HDOT. NHO Makani Hou provided comment that the Kohala Center (TKC) may be more appropriate and cost effective to implement portions of the program.9/2017 HDOT met with UH Hilo and the Kohala Center- The Kohala Center and UH Hilo will collaborate to fulfill the MOU stipulations.</p> <p>c. No change.</p>	
6	<p><b>CULTURAL MONITORS.</b></p> <p>HDOT prepared a Cultural Monitoring Scope of Work that describes the minimum qualifications and requirements for cultural monitor positions. The tasks of the cultural monitor(s) include: (a) serve as a liaison with the community to assist in the interpretation of cultural resources, (b) provide cultural education for construction workers, (c) prevent and minimize impacts to historic and cultural resources, (d) monitor the activities of the project archaeologist, and e) prepare daily reports. HDOT will engage a pool of cultural monitors to insure that whenever data recovery activities or construction activities disturb previously undisturbed areas a monitor is present. HDOT provided signatories and concurring parties to the MOA an opportunity to review and comment on the draft Cultural Monitoring scope of work. The FHWA approved the Final Cultural Monitoring Scope of Work on October 22, 2012. The HDOT shall select a cultural monitor(s) from a list of qualified applicants based on the objectives identified above. Participating NHOs were afforded the opportunity to identify and evaluate the potential cultural monitor candidates.</p>	<p>HDOT selected cultural monitors from a list of qualified applicants:</p> <ul style="list-style-type: none"> <li>- Cynthia Nazara (starting 4/15/2015)</li> <li>- Justin Asing (starting 4/15/2015)</li> <li>- Ron Michell (starting 4/15/2015)</li> <li>- Walter Wong (starting 4/15/2015)</li> </ul> <p>a. Jacob Keanaaina (starting 8/31/2015)</p> <p>b. Momi Wheeler (starting 8/31/2015)</p> <p>c. Jessica Fernandez (starting 9/2/2015 ending 9/25/2015)</p> <p>d. Nicole Lui (starting 10/5/2015)</p> <p>Note: May/June 2015 – Cultural monitors were present for data recovery work.</p> <p>September 2015 to present cultural monitors present for construction activities</p>	<ul style="list-style-type: none"> <li>• Contract with Justin Asing terminated 4/19/16</li> </ul>	<p>a. April 7, 2017 NHO Cynthia Nazara reaffirmed that cultural sensitivity training is done for all employees of the project.</p>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
7	<p><b>STREET LIGHTING.</b></p> <p>a. Street lighting shall only be provided at signalized intersections (Kealakehe Parkway, Lanihau, Hina Lani (also known as Hina-Lani or Hinalani), Hulikoa, Ka'imianani, and Ke'āhole Airport Road).</p> <p>b. Luminaire will be a CWES KS04-100 with SF-7 filter that will be "full cut-off" with no up light directed skyward other than incidental reflections.</p> <p>c. HDOT shall provide confirmation to the NPS that lights are level and properly installed.</p> <p>d. All lighting will use a "blue-cut" filter (yellow tinted) to prevent shorter wavelength light emission, which is known to disproportionately degrade the appearance of the night sky and disproportionately impact nocturnal wildlife species, and to reduce the perceived glare as seen from the National Parks.</p> <p>e. The intensity of the installed lighting shall not exceed 10,000 initial (at installation) lumens after filtering, nor exceed the minimum necessary for the task.</p> <p>f. For those intersections adjacent to the National Park (Kealakehe Parkway, Lanihau, and Hina Lani), the outer streetlights (those first and last encountered by drivers) shall be of lower intensity (at minimum 20% less intense than the other installed lights) to provide improved transition between lit and dark areas and to provide an incremental reduction in total lumen footprint.</p> <p>g. HDOT may modify the specifications contained herein if new technology becomes available that would better meet the intent of this stipulation, provided the NPS agrees to such change in writing.</p>	<ul style="list-style-type: none"> <li>- Conceptual plans reflect street lighting only at signalized intersections.</li> <li>- In letter dated June 16, 2015 NPS approves luminaire substitution of 92WLED Streetlight (2 Light Engine) and 46W LED Street Light (1 Light Engine) due to CWES KS04-100 being obsolete.</li> <li>- Lights are not yet installed.</li> <li>- Conceptual plans/specifications in compliance.</li> <li>- Conceptual plans/specifications in compliance.</li> <li>- Conceptual plans/specifications in compliance.</li> <li>- June 2015 NPS concurs with luminaire change to incorporate new technology.</li> </ul>	<ul style="list-style-type: none"> <li>a. Final plans reflect street lighting only at signalized intersections.</li> <li>b. No change.</li> <li>c. No change.</li> <li>d. Final plans/specifications in compliance.</li> <li>e. Final plans/specifications in compliance.</li> <li>f. Final plans/specifications in compliance.</li> <li>g. No change.</li> </ul>	<ul style="list-style-type: none"> <li>a. Construction of street lighting scheduled for completion August 2018.</li> <li>b. No change.</li> <li>c. No change.</li> <li>d. No change.</li> <li>e. No change.</li> <li>f. No change.</li> <li>g. No change.</li> </ul>	
8	<p><b>NOISE STUDY.</b></p> <p>a. The HDOT conducted a noise impact study in March 2014 to determine if the roadway improvements planned has the potential for impacting the activities within the National Park. The study was conducted in accordance with 23 CFR 774. The final report is pending.</p> <p>b. The findings will be made available to consulting parties in this MOA.</p>	<ul style="list-style-type: none"> <li>a. Noise Study Final Report completed in February 2015.</li> <li>b. On file with HDOT- Hawai'i District Office. Has not been made available to consulting parties.</li> </ul>	<ul style="list-style-type: none"> <li>a. No change.</li> <li>b. No change.</li> </ul>	<ul style="list-style-type: none"> <li>• No change.</li> <li>• The noise study is within the 4(f) document posted on the share site on 4/8/17 <a href="https://share.rmtowill.com/index.php/s/bjTqGBKwEjB72eC">https://share.rmtowill.com/index.php/s/bjTqGBKwEjB72eC</a></li> </ul>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
9	<p><b>HIGHWAY DRAINAGE.</b></p> <p>a. The HDOT shall install drainage control (drywells) equipped with oil/water separators to prevent polluted runoff from entering groundwater below the National Parks from a point 1,000 feet north of Hinalani Street to immediately south of the Kealakehe Parkway Intersection. HDOT shall construct the roadway and site the drywells to capture 90+% of storm runoff flows from both northbound and southbound lanes of highway in accordance with the HDOT standard specifications for stormwater treatment. Products utilized by the contractor shall provide that oil/water separators shall meet a minimum removal efficiency of 95%, and removal efficiencies of metals shall meet 95% of copper, 93% of lead, and 95% of zinc.</p> <p>b. The HDOT shall maintain drywell oil/water separators pursuant to the manufacturer's specifications to provide maximum protection of groundwater from polluted runoff. Annually, the HDOT shall provide NPS with reports of the actual maintenance of the drywells no later than 30 days after the anniversary of the installation of the drywells is completed. The reports shall include drywell location, date filters replaced, condition of filter replaced, and comments.</p> <p>c. This report shall be also made available to parties of this MOA and NHOs participating in the consultation process.</p>	<p>a. Conceptual re-design plans completed in 2015 which incorporated drywells per this requirement.</p> <p>b. Oil/water separators maintenance and reporting will begin once constructed.</p> <p>c. Reporting will begin once drywells in place.</p>	<p>a. Final plans completed incorporating drywells per this requirement.</p> <p>b. No change.</p> <p>c. No change.</p>	<p>a. Drywells are anticipated to be completed August 2018.</p> <p>b. Drywells are anticipated to be completed August 2018. Annual reports will be prepared and anticipate to be published August 2019 and made available to consulting parties.</p> <p>c. No change</p>	
10A	<p><b>PEDESTRIAN CROSSINGS - AT GRADE PEDESTRIAN CROSSINGS.</b></p> <p>The HDOT shall provide at-grade pedestrian crossing at the following three locations: at the intersections of Hinalani Street, Lanihau Street/Park Entrance, and Kealakehe Parkway. These crossings shall incorporate pedestrian refuges (where feasible) in the highway median where there is adequate space available for the pedestrian refuge, and will accommodate bicycle users.</p>	<p>a. Conceptual re-design plans completed in 2015 which incorporate pedestrian crossings. Final plans are in progress.</p>	<p>b. Final plans incorporate at-grade pedestrian crossings and were completed in August 2016</p>	<p>c. Construction completion of pedestrian crossings scheduled for October 2018.</p>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
10B	<p><b>PEDESTRIAN CROSSINGS - UNDERPASS FEABILITY STUDY.</b></p> <p>a. The HDOT shall conduct a feasibility study with the objective of facilitating safe pedestrian access across the Queen Ka'ahumanu Highway at the "Trail to Honokōhau." The study will examine at-grade crossing locations, the installation of a pedestrian tunnel crossing, and the modification of existing culverts for pedestrian-bicycle use. The study shall seek examples and policies regarding use of existing pedestrian tunnels and modified culverts in Hawai'i and other States. Subsurface crossing(s) shall include provisions for a third party organization to take responsibility for maintenance, security and liability for the crossing(s) as has been the policy of HDOT for more than a decade.</p> <p>b. The HDOT shall identify and select a qualified independent third party to conduct the study.</p> <p>c. As part of the study, HDOT shall consult with NPS to identify community organizations who may be invited to participate in the feasibility study. Organizations that may be invited to participate include: signatories to this MOA, NHOs, Peoples Advocacy Trails Hawai'i (PATH), County of Hawai'i, local primary and secondary school officials, universities, community groups, the Royal Order of Kamehameha, and the Association of Hawaiian Civic Clubs.</p> <p>d. As part of the feasibility study the HDOT shall convene a community meeting that has as its objective the development of design guidelines for future Queen Ka'ahumanu Highway expansion projects that includes provisions for trail connectivity and pedestrian crossings under the Queen Ka'ahumanu Highway as well as paralleling the highway.</p> <p>e. The HDOT shall transmit the findings of the feasibility study (inclusive of any documents or written testimony from the community meeting above) to parties participating in the feasibility study prior to the expiration of this MOA.</p>	<p>a. October 2015 - Began underpass feasibility study. Preliminary design concept completed in November 2015.</p> <p>b. HDOT selected RM Towill Corporation as the qualified independent third party.</p> <p>c. The consultant started the project. They intend to consult with NPS next year.</p> <p>d. A community meeting is planned for 2017.</p> <p>e. This will be done once the study is completed.</p>	<p>a. No change.</p> <p>b. No change.</p> <p>c. No change</p> <p>d. No change.</p> <p>e. No change.</p>	<p>a. No change.</p> <p>b. Makani Hou expressed concern that RM Towill is not an independent third party.</p> <p>c. Consultation with NPS occurred on 1/30/2017. Invitation list finalized with NPS 4/18/17.</p> <p>d. 7/25/17 Community Meeting #1 held to discuss preliminary considerations for design of the underpasses. 12/7/17 Community Meeting #2 held to discuss Draft Feasibility Study and conceptual design, and design guidelines</p> <p>e. No change.</p>	
11	<p><b>INTERPRETIVE SIGN(S).</b></p> <p>The HDOT shall research, design, and produce mutually agreed upon interpretive sign(s) in consultation with NPS and NHOs relating to the history of the trails identified in the Project ROW near the Kaloko-Honokōhau National Historical Park and how the trails relate to the surrounding community. The sign(s) shall be (1) designed to meet NPS sign standards, (2) produced by HDOT, and (3) installed by the NPS within the boundaries of the Kaloko-Honokōhau National Historical Park.</p>	<ul style="list-style-type: none"> <li>No action in 2015.</li> </ul>	<ul style="list-style-type: none"> <li>No action in 2016</li> </ul>	<ul style="list-style-type: none"> <li>HDOT met with NPS on 2/10/2017 and 4/2017 to review interpretive signage and applicability to project.</li> <li>9/2017 The NPS proposed to FHWA and HDOT that the NPS Harper's Ferry Group design, manufacture and install sign(s). FHWA and HDOT are agreeable.</li> <li>11/2017 NPS staff at Kaloko-Honokohau in discussions with Harper's Ferry group on</li> </ul>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
				concepts for interpretive panel(s) for the visitor center.	
12	<p><b>AHUPUA'A SIGNS.</b></p> <p>a. The HDOT shall install ahupua'a markers within the project limits following the guidelines of the HDOT's Ahupua'a Marker Program. The markers (ahu or sign on posts) shall be designed and installed in consultation with community groups and NHOs as prescribed by the Ahupua'a Marker Program.</p> <p>b. A notice of the proposed installation shall be published in the West Hawai'i Today newspaper.</p> <p>c. The markers shall be installed as part of the highway widening project.</p>	<p>a. No action in 2015</p> <p>b. No action in 2015</p> <p>c. No action in 2015</p>	<p>a. The HDOT has draft guidelines for the Ahupua'a Marker Program which will serve as the basis for the planned development of the ahupua'a markers. Consultation on installation has not begun.</p> <p>b. Once the design and location is completed, HDOT will comply with this requirement.</p> <p>c. The manufacture and installation of markers will be a change order to the current construction project.</p>	<p>a. HDOT to develop conceptual signage including preliminary specifications and locations for placement within the HDOT ROW using ahupua'a information from the terrain model. Following this step, HDOT will consult with NHOs. At meeting on April 7, 2017 NHOs requested copy of the Ahupua'a Program report once finalized. 12/7/17 HDOT consulted with NHOs on Ahupua'a boundaries at terrain model meeting #3.</p> <p>b. No change.</p> <p>c. Installation of signs scheduled for completion October 2018.</p>	
13	<p><b>HIGHWAY LANDSCAPING.</b></p> <p>The HDOT shall coordinate landscaping plans with the NPS in areas within the ROW fronting the Kaloko-Honokōhau National Historical Park; including intersections. The criteria for landscaping material include: native plant species or appropriate Polynesian-introduced species that require low maintenance and are drought tolerant. The plant species to be planted shall be decided upon jointly between HDOT and the NPS in consultation with the NHOs.</p>	<p>a. HDOT selected landscape designer Joel Kurokawa from Ki Concepts LLC</p> <p>b. In August 2015, HDOT met with NPS to discuss the draft landscape plans. In September 2015 NPS provided comments on landscaping plans.</p>	<p>c. Landscaping plans submitted to NHOs on 12/20/2016.</p>	<ul style="list-style-type: none"> <li>• Comments received 1/28/17 from Kona Hawaiian Civic Club and 2/16/2017 from Makani Hou on replacing bougainvillea with a native plant.</li> <li>• 5/9/17 HDOT confirmed that 450-3 gallon bougainvillea will be replaced with 450-3 gallon naupaka</li> <li>• Construction of landscaping schedule for completion October 2018</li> </ul>	
14	<p><b>RELATIONSHIP BUILDING WORKSHOP.</b></p> <p>a. The FHWA and HDOT acknowledge the need to build upon existing and develop new relationships with NHO and communities statewide. The FHWA and HDOT shall commit to sponsoring an initial statewide (one day) relationship building workshop to provide a forum where discussion and knowledge exchange can occur between the FHWA, HDOT, NHOs, concurring parties, and community representatives in a non-project specific context.</p> <p>b. Other agencies may be invited to participate in this forum as deemed appropriate by a consensus decision between FHWA, HDOT, and OHA, advocating on behalf of NHO interests.</p> <p>c. This workshop shall be held within 24 months following the execution of this MOA.</p> <p>d. The subject of the workshop may cover five (5) major areas: (1) identification of issues, challenges or problems that NHOs and HDOT/FHWA have experienced in consultation with each other; (2) a</p>	<p>No action in 2015</p>	<p>a. Preliminary planning for workshop undertaken.</p> <p>b. Meeting participants identified.</p> <p>c. 24 months from the date MOA was signed (3/17/2015) is 3/17/2017. Workshop is temporarily delayed due to archaeological breaches that need to be addressed prior to selecting a date.</p> <p>d. Draft Agenda developed which will be consulted on with the NHOs.</p>	<ul style="list-style-type: none"> <li>• No change.</li> <li>• No change.</li> <li>• The relationship building workshop was held with Hawaii Island NHOs on 8/29/17. Draft meeting notes distributed 12/28/17.</li> <li>• Agenda finalized and distributed 8/22/17.</li> </ul>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
	<p>technical training about National Historic Preservation Act Section 106, U.S. Department of Transportation Act Section 4(f), National Environmental Policy Act (NEPA), NHO protocols, relevant Hawaiian history or cultural practices, or other relevant laws and practices (mutually sharing information); (3) a problem-solving session to share knowledge about best practices that would assist NHOs, HDOT and FHWA to have productive and effective consultation; (4) to identify NHO and community representatives interested in participating in the next stage of relationship building that may involve a training course sponsored by the FHWA/HDOT that integrates the NEPA/NHPA/U.S. Department of Transportation Act, Section 4(f) decision making processes for transportation projects in Hawai'i; and (5) explore the development of agreement documents that guide NEPA/NHPA consultation for transportation projects in Hawai'i.</p> <p>e. The FHWA and HDOT may sponsor additional phases of the relationship building process and will decide within one year after the conclusion of the first workshop as appropriate and/or necessary.</p>		<p>e. To be decided after the first workshop.</p>	<ul style="list-style-type: none"> <li>Additional workshops will be held in 2018 on Maui and Oahu.</li> </ul>	
15	<p><b>TERRAIN MODEL.</b></p> <p>a. The HDOT shall commission the construction of a terrain model depicting the lands of Kekaha (between Kailua and Anaehoomalu) in consultation with Makani Hou o Kaloko-Honokōhau. The model shall incorporate topographic relief, traditional place names, historic trails, settlement locations, interpretive signs, and other important landmarks, to be determined.</p> <p>b. The model may be housed at the Kaloko-Honokōhau National Historical Park under the auspices of the Hawai'i Pacific Parks Association.</p> <p>c. The model shall be of such scale that it can be transported to other locations and be used as a teaching tool.</p> <p>d. A second digital model will also be developed and include similar information as the terrain model.</p>	<p>a. September 2015 Began terrain model planning for scope and fee for model.</p> <p>b. HDOT will be in compliance with this requirement.</p> <p>c. HDOT will be in compliance with this requirement.</p> <p>d. HDOT will be in compliance with this requirement.</p>	<p>a. No change.</p> <p>b. No change.</p> <p>c. No change</p> <p>d. No change.</p>	<p>a. On 2/10/2017 and 2/21/2017, HDOT consulted with NPS and Makani Ho regarding this item. 4/6/2017 Collected terrain data, physical, and digital model layout information and distributed 3D model to group for comment. 12/7/17 Meeting #3 to confirm physical terrain model content, aesthetics and overall dimensions.</p> <p>b. At April 7, 2017 meeting NHOs suggested putting the terrain model in a higher trafficked location such as Kona International Airport or Palama Niu campus. Although approval in concept given from DOT Director for terrain model placement at Kona airport, it was decided to be undesirable due to limited access. The final location for the terrain model is still undetermined and a potential issue.</p> <p>c. Discussions with NHOs have determined it may no longer be desirable to have a model that is transportable.</p> <p>d. No change.</p>	
16	<p><b>ARCHAEOLOGICAL MATERIALS AND RECORDS.</b></p> <p>All archaeological materials and records discovered as a result of the subject project shall be housed and curated by</p>		<ul style="list-style-type: none"> <li>No change.</li> </ul>	<ul style="list-style-type: none"> <li>At April 7, 2017 meeting, it was suggested the artifacts could be housed with the terrain model.</li> </ul>	

No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017
	<p>the HDOT. The location and methods used shall be subject to review and consultation with SHPD and shall be open for review and inspection by the public upon request to HDOT. If at some future date the NPS has space, personnel, and resources to take on this responsibility, the HDOT shall consult with NPS.</p>	<ul style="list-style-type: none"> <li>June 2015 Data recovery of artifacts which are currently curated by Cultural Survey Hawaii.</li> </ul>		<p>A permanent curation/display location is being discussed.</p>
17	<p><b>POST-REVIEW DISCOVERIES.</b></p> <p>If previously unknown potential historic properties are discovered or unanticipated effects on identified historic properties are found during project construction, the HDOT shall take the actions identified below.</p> <p>The HDOT will immediately notify the SHPO, and immediately stop work at the site of the find until appropriate final mitigation measures are implemented.</p> <p>A. If the discovery or unanticipated adverse effect is located within the ROW, the HDOT will notify SHPO and the signatories, invited signatories, concurring parties, and consulting NHOs to this MOA of the findings within 72 hours. If the finding is adjacent to the Park boundary, then the HDOT will also notify the NPS at the same time that the SHPO is notified. All signatories, invited signatories and concurring parties to this MOA shall designate a "point of contact" and contact information for the representative who shall be notified pursuant to this provision or the inadvertent discovery of human skeletal remains as described at 17(C) below.</p> <p>B. The FHWA, the SHPO, and the signatories, invited signatories, concurring parties, and consulting NHOs to this MOA shall consult on the potential significance of the discovered property, National Register of Historic Places eligibility and any proposed treatment. Comments on the significance, of the discovered property, National Register of Historic Places eligibility and any proposed treatment or a request for additional time to provide comments shall be provided by the SHPO, signatories, invited signatories, and concurring parties to the FHWA within 48 hours of any notification as described in 17(A) in order to be considered. HDOT to ensure that any recommended treatment measures are implemented; and HDOT shall provide a final report to the SHPO and all signatories, invited signatories, and concurring parties on these actions when they are completed.</p> <p>C. In the event human skeletal remains are inadvertently discovered during project construction, the requirements of Chapter §6E-43.6, HRS, and Chapter 13-300, HAR, shall determine appropriate treatment.</p> <p>In addition to the parties who are notified of inadvertent discoveries pursuant to Chapter 13-300-40(b), HAR, and (c), the FHWA shall ensure all signatories, invited signatories and concurring parties to this MOA are notified of the inadvertent</p>	<p>No new post-review discoveries.</p>	<p>A. 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.</p> <p>B. SHPO was notified on 8/2/16</p> <p>C. NHOs notified in email 9/30/16 and in meeting and site visit on 12/2/16</p>	<ul style="list-style-type: none"> <li>A site visit was conducted on 5/5/17 with NHOs to expanded APE.</li> <li>NHOs were asked to notify HDOT of any additional sites in SAIS for the expanded APE by 5/19/17. No comments received.</li> <li>Mitigation meeting held with NHOs and other Consulting Parties May 23, 2017 at NELHA.</li> <li>8/23/17 FHWA issued Notification of Adverse Effect for damaged sites.</li> </ul>

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	discovery and afforded a reasonable opportunity to comment on appropriate treatment. Comments shall be directed to the SHPD.				
18	<p><b>DISPUTE RESOLUTION.</b></p> <p>Should any signatory, invited signatory, or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:</p> <ol style="list-style-type: none"> <li>a. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.</li> <li>b. Make a final decision on the dispute and proceed accordingly if the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.</li> <li>c. Be responsible to carry out all other actions, subject to the terms of this MOA that are not the subject of the dispute.</li> </ol>	<ul style="list-style-type: none"> <li>• No formal objections filled with FHWA in 2015.</li> </ul>	<ul style="list-style-type: none"> <li>• No formal objections filed in 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• No formal objections filed in 2017.</li> </ul>	
19	<p><b>MONITORING AND REPORTING.</b></p> <ol style="list-style-type: none"> <li>a. At the end of each calendar year following the execution of this MOA, or until it expires or is terminated, the FHWA, with the assistance of HDOT, shall provide all parties to this MOA and NHOs that participated a summary report (report) detailing work undertaken pursuant to its terms. This report shall summarize the implementation of the plans identified in Stipulation 4 and any other agreed upon mitigation measures detailed in this MOA. Such a report shall also include any scheduling changes proposed, any problems encountered, and any disputes and objections received in HDOT's and the FHWA's efforts to carry out the terms of this MOA.</li> </ol>	<ol style="list-style-type: none"> <li>a. Annual report not completed.</li> </ol>	<ol style="list-style-type: none"> <li>a. Annual report sent out February 24, 2017. Document sent April 28, 2017 broke down report into 2015 Annual Report (2nd column), revised 2016 report (3rd column) and MOA update (4th column). Quarterly tracking of critical tasks will also occur with the first quarterly tracking summary spreadsheet sent out to MOA Contact list May 2017.</li> </ol>	<ol style="list-style-type: none"> <li>A. This document is the 2017 Annual Report. Quarterly tracking of critical tasks will also occur throughout 2018.</li> </ol>	



No.	Stipulation	Work Undertaken in 2015	Work Undertaken in 2016	Work Undertaken in 2017	
	<p>b. A review meeting may be called by the FHWA or HDOT upon request of a signatory, invited signatory or concurring party to this MOA.</p> <p>c. A Final Report shall be prepared and transmitted to the parties to this MOA, and NHOs that participated in consultation at the expiration of the MOA.</p>	<p>b. A review meeting was not requested.</p> <p>c. The final report is required by 3/17/2020.</p>	<p>b. A review meeting was not requested.</p> <p>c. No change.</p>	<p>B. A review meeting has not been requested.</p> <p>C. No change.</p>	
20	<p><b>DURATION.</b></p> <p>The term of this MOA shall apply for a period of five (5) years from the execution of the MOA, unless amended pursuant to Stipulation 21 of this MOA below.</p>	<ul style="list-style-type: none"> <li>MOA execution date 3/17/2015 which means it will expire on 3/17/2020.</li> </ul>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	
21	<p><b>AMENDMENTS.</b></p> <p>Any signatory, invited signatory, or concurring party to this MOA may request that it be amended, whereupon the parties shall consult in accordance with 36 CFR Part 800 to consider such amendment. The authority to execute any final amendments shall be with the signatories of this MOA. The amendment will be effective on the last date a copy of it is signed by all of the signatories. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate consultation on the proposed amendment in accordance with Stipulation 22 below.</p> <p>To address minor changes in the projects or the treatment of historic properties affected by the projects, FHWA may propose revisions to the APMP, DRPP, AMP, BTP or Cultural Monitoring Scope of work to the other parties to this MOA.</p> <p>Upon the written concurrence of the signatories and invited signatories, FHWA may revise the plans(s) to incorporate the agreed upon changes without executing a formal amendment to this MOA</p>	<p>a. No amendments proposed to date.</p>	<p>b. No change.</p>	<p>c. Amendment will be required to expand APE to include side roads, to include mitigation for site breaches, to update the date of the relationship building workshop, and to extend the duration of the MOA.</p>	
22	<p><b>TERMINATION.</b></p> <p>If any signatory or invited signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation 21, above. If within thirty (30) days or another time period agreed to by the approving signatories an amendment cannot be reached, any approving signatory may terminate consultation on the proposed amendment to the MOA upon written notification to the other signatories. Other provisions of the MOA shall remain in effect.</p>	<ul style="list-style-type: none"> <li>No amendments proposed to date.</li> </ul>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	<ul style="list-style-type: none"> <li>No change.</li> </ul>	
23	<p><b>COUNTERPART SIGNATURES.</b></p>	<ul style="list-style-type: none"> <li>Executed on 3/17/2015. No further action required.</li> </ul>			

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	This MOA may be executed in counterparts. Each signature page shall be incorporated into the MOA and considered a part of this MOA.				
24	This Agreement supersedes in its entirety the MOA dated March 5, 1999, as well as the 1999 Final Archaeological Treatment Plan.	<ul style="list-style-type: none"> <li data-bbox="1041 379 1392 409">• No further action required.</li> </ul>			