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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

HONOLULUTRAFFIC.COM;
CLIFF SLATER; BENJAMIN J.
CAYETANO; WALTER HEEN;
HAWAII'S THOUSAND
FRIENDS; THE SMALL
BUSINESS HAWAII
ENTREPRENEURIAL
EDUCATION FOUNDATION;
RANDALL W. ROTH; DR.
MICHAEL UECHI; and THE
OUTDOOR CIRCLE,

Plaintiffs,

v.

FEDERAL TRANSIT
ADMINISTRATION; LESLIE
ROGERS, in his official capacity
as Federal Transit Administration
Regional Administrator; PETER

Case No. 11-00307 AWT

**DECLARATION OF
MATTHEW ADAMS IN
SUPPORT OF
PLAINTIFFS' REQUEST
FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Hon. A. Wallace Tashima

Action Filed: May 12, 2011

Trial Date: None Set

M. ROGOFF, in his official capacity as Federal Transit Administration Administrator; UNITED STATES DEPARTMENT OF TRANSPORTATION; RAY LAHOOD, in his official capacity as Secretary of Transportation; THE CITY AND COUNTY OF HONOLULU; WAYNE YOSHIOKA, in his official capacity as Director of the City and County of Honolulu Department of Transportation.

Defendants.

and

FAITH ACTION FOR COMMUNITY EQUITY; THE PACIFIC RESOURCE PARTNERSHIP; MELVIN UESATO

Intervenor Defendants.

I, Matthew Adams, declare as follows:

1. I am an attorney with SNR Denton US LLP, counsel for Plaintiffs in this matter. I have personal knowledge of the matters stated herein and, if called as a witness, I could and would competently testify thereto.

2. On November 30, 2012, I visited the website of the Honolulu chapter of the American Institute of Architects (“AIA”) at <http://www.aiahonolulu.org>. I downloaded the AIA’s rendering of the proposed Chinatown rail station for the Honolulu High Capacity Transit Corridor Project (the “Project”). A true and correct copy of that rendering is

attached hereto as Exhibit 1.

3. On November 30, 2012, I visited the website of the Honolulu chapter of the AIA at <http://www.aiahonolulu.org> . I downloaded the AIA's rendering of the portion of the Project passing along the downtown Honolulu waterfront past the Dillingham Transportation Building. A true and correct copy of that rendering is attached hereto as Exhibit 2.

4. On November 28, 2012, I visited the Honolulu Area Rapid Transit website at www.honolulustransit.org . I downloaded a document titled "Draft Study To Identify The Presence Of Previously Unidentified Traditional Cultural Properties In Sections 1 - 3 For The Honolulu Rail Transit Project." Excerpts of that lengthy document are attached hereto as Exhibit 3.

5. On November 28, 2012, I visited the Honolulu Area Rapid Transit website at www.honolulustransit.org . I downloaded a document titled "A Traditional Cultural Properties Study - Technical Report." That document is approximately 800 pages long. Excerpts from that document are attached hereto as Exhibit 4.

6. On November 28, 2012, I visited the Honolulu Area Rapid Transit website at www.honolulustransit.org . I downloaded a document titled "Determination of Eligibility and Finding of Effect for Previously Unidentified Traditional Cultural Properties in Sections 1-3." A true and correct copy of that document is attached hereto as Exhibit 5.

7. On November 30, 2012, I visited the Honolulu Area Rapid Transit

website at www.honolulustransit.org . I downloaded a press release dated November 1, 2012. A true and correct copy of that document is attached hereto as Exhibit 6.

8. On November 30, 2012, I visited the Honolulu Area Rapid Transit website at www.honolulustransit.org . I downloaded a press release dated November 19, 2012. A true and correct copy of that document is attached hereto as Exhibit 7.

9. On January 5, 2012, I received an e-mail from Robert Thornton, counsel for the City Defendants. The e-mail represented the conclusion of a series of communications during which the parties sought to develop a schedule allowing this litigation to be resolved without preliminary injunction proceedings. A true and correct copy of that e-mail is attached hereto as Exhibit 8. On May 4, 2012, I received an e-mail from Robert Thornton, counsel for the City Defendants. The e-mail updated counsel on the construction schedule for the Project. A true and correct copy of that e-mail is attached hereto as Exhibit 9.

10. On November 30, 2012, I visited the Honolulu Area Rapid Transit website at www.honolulustransit.org . I downloaded a document titled "Monthly Progress Report" dated "April 2012." An excerpt of that document is attached hereto as Exhibit 10.

11. On November 30, 2012, I was copied on a letter from Elizabeth Merritt, Deputy General Counsel for the National Trust for Historic

Preservation to the Federal Transit Administration and the City and County of Honolulu. A true and correct copy of that letter is attached hereto as Exhibit 11.

12. I contacted David Glazer, counsel for the Federal Defendants, upon receiving news that the Federal Transit Administration had decided to notified Congress of the agency's intent to enter a Full Funding Grant Agreement with the City. I left Mr. Glazer a voicemail on November 21 asking (1) whether that decision had been based on supplemental Section 4(f) or NEPA analyses and (2) whether an additional Administrative Record would be prepared. In a series of e-mails responding to my voicemail, he and his colleagues reported that the decision to enter the FFGA was based on the FTA's January, 2011 ROD and that no additional Administrative Record would be prepared. I attempted further clarification but received no response. A true and correct copy of the e-mail correspondence is attached hereto as Exhibit 12.

I declare, under penalty of perjury that the foregoing is true and correct.

Executed November 30, 2012
at San Francisco, California


Matthew Adams