

Meeting Summary

HART Consulting Party Meeting

Date and Time: **October 9, 2014, 1:30 p.m.**
Location: **Ali'i Place, 1099 Alakea Street**

The following meeting materials were distributed prior to and at the meeting:

- Appendix A Agenda
- Appendix B Section 106 Project Manager (Kāko'o) Scope of Services and Roles and Responsibilities
- Appendix C HART Project PA Stipulation Schedule (prepared by Jessica Puff, SHPD)

WELCOME AND INTRODUCTIONS

(Joseph Lapilio)

The meeting was called to order by Joseph Lapilio (facilitator) at 1:35pm with a short welcome followed by self-introductions.

EVOLUTION OF THE KĀKO'O POSITION

(Jon Nouchi)

Jon summarized the purpose. The position of Kāko'o was awarded to Pacific Legacy in 2012. There has been a lot of discussion of the significance of HART establishing this role within the organization to support construction and cultural and historic sensitivity. There are other projects evaluating what we are doing with the role of the Kāko'o. As such, it has been a learning experience. We had a prescription for what we expected of the Kāko'o in the Programmatic Agreement and based on that HART issued a scope of work. After consulting with the Consulting Parties (CPs) as reflected in the July and August meetings, there were a lot of questions related to the performance of the current Kāko'o. After reviewing the comments, HART took a hard look to make sure everyone was benefiting from having a Kāko'o in place. We don't believe that we, collectively, were getting the full benefit from having the Kāko'o. As such, HART decided to terminate the contract with Pacific Legacy.

This meeting is going to be focused on what the CPs would like to see, what HART needs to be more attentive to, so we can be better focused and be more prescriptive. We will gather the comments made today and get them into a scope of work. We want these to comments to define our next scope of work.

Q: Has Pacific Legacy been notified of this?

A: Yes. We have also notified FTA and SHPD.

After additional people arrived, Jon re-capped the information he shared.

This meeting will serve as a consultation and information gathering session to find out what more specific duties and roles we expect of the person or organization placed into the role of the Kāko'o. We want to re-cap after two years what we learned, what do we need more of, less of. What issues do we have?

Joseph referred to previous meetings and the discussion related to the origin and significance of the Kāko'o position and called on Kirsten and others who were in the earlier discussions for their perspectives on the Kāko'o position.

Kirsten shared that in the section 106 discussions in 2008 through 2010, and as the stipulations were developed, there were concerns that there were lots of moving pieces with historic and cultural properties, designs of stations, mitigation measures and everything needing to be tied into a timeline, leveraged and not done in isolation. At the time, SHPD was severely understaffed and underfunded. There was a concern they would not have the capacity to provide the level of oversight needed. That has not changed as far as number of staff and the ability to manage something of this magnitude.

The ideal would have someone in charge to ensure compliance, that all the benchmarks were met, the quality was there as well as the timeliness.

The other piece was that this was not a collaborative undertaking. The parties were far apart in levels of trust. The idea was to have a neutral mediator who could serve as an objective party.

Umi shared that in the beginning of these discussions, this position would also work with the cultural descendants and overview the scope of work. It was a handful of participants and the problem was that there was too much time between communications.

Mahealani also thought the Kāko'o would ensure that if mitigation was needed it would be designed and implemented.

Jon stated that in his short term at HART he recognized that a lot of the conflicts along the way have been issues of recordation. If we strive to have a more effective communication role in the Kāko'o, we can get over a lot of these issues. There needs to be levels of trust. This person should be neutral. Like a liaison, ombudsman.

Jessica shared that the PA calls for the Kāko'o to be a third party project manager.

KĀKO'O SCOPE OF SERVICES (Joseph Lapilio)

Jon reviewed the materials distributed and on the second page was the scope of work provided to the current Kāko'o. When we look at this and compare it to stipulation 1H in the PA, they are similar. As we review this, we can make it more prescriptive, in terms of outlining duties and making sure there is a list of deliverables and a process in place we can check off and make sure the role is being fulfilled. The programmatic agreement should be reflected in the scope of work.

Are these responsibilities those we can work with? How do we make them measurable? Let's go through these and see what we can improve?

It was suggested to work through the PA rather than the City's current scope of services. Jessica shared a checklist she had promised at the last meeting and distributed a HART project PA Stipulation Schedule. The schedule provides a starting list of what various parties are responsible for. The list of tasks are straight off the PA. The issues of deliverables were also identified in the schedule and it was noted there has not been much discussion on the deliverables for the tasks assigned.

It was agreed to work off the PA and use the information from Jessica's schedule to discuss deliverables for the tasks identified in the PA. It was agreed that as we go through each PA

item, we can provide more information and detail on the tasks. The discussions started on (page three of) the handout starting from the top.

(Note: PA items are bold with group discussions following).

H. PA Project Manager

The City shall fund an independent PA Project Manager (Kāko‘o) within six (6) months of the PA being signed to assist with the coordination of all reviews and deliverables required under the terms of the PA.

The Kāko‘o shall meet the Secretary of the Interior’s Professional Qualification Standards set forth at 36 C.F.R. pt. 61 regarding qualifications for preservation professionals in the areas of history, archaeology, architectural history, architecture or historic architecture.

There were no comments related to this section.

Procurement

To the extent permissible by applicable state and federal procurement laws, the FTA and SHPD shall review and approve (1) the procurement request for the Kāko‘o prior to the release of such request, (2) the qualifications of the final candidates under consideration by the City prior to the final selection of the Kāko‘o by the City, and (3) the scope of work of the Kāko‘o to be included in the City’s contract with the Kāko‘o , in order to ensure that the Kāko‘o duties and responsibilities are consistent with the provisions of this Stipulation. Upon making its selection of the Kāko‘o, the City shall provide written notification thereof to the FTA, SHPD and other Signatory and Consulting Parties.

Is it a condition of funding that the position meet the Secretary of Interior standards? It is a condition of the position and is standard.

Does it incorporate NAGPRA or any Hawaii specific practices? The Kāko‘o has to have training and a proven background in history, archaeology, architectural history, architecture or historic architecture. It doesn’t mean they have first-hand experience in NAGPRA. You would need to have a degree and would not necessarily include ancestral knowledge. This provision is somewhat limiting and western. You can reconcile this with a firm that meets the qualifications as the principal.

Is the Kāko‘o an individual or a firm? It is an entity. It is not specified. A lot of this is administrative but we did not want someone purely administrative. We wanted someone that would understand what they were reading. There is a responsibility to quality control. We also did not want someone that only understands field work.

Is there a possibility in the procurement process that takes into consideration that cultural knowledge? Could part of the qualifications also include ancestral knowledge, cultural practitioners? So much of the issues raised have been culturally related. That may be helpful to include this in the procurement.

Is everyone okay that when we refer to the Kāko‘o, that this can be an entity? There were no objections and several comments indicating that this was preferred. You can actually have a team of people who respond to this position and meet the qualifications. This would result in stronger applications.

Duration

The Kāko‘o shall serve during the design and construction process for the project. The Kāko‘o shall continue to perform the Kāko‘o’s responsibilities for the duration of this PA pursuant to Stipulation XIV.D.

Susan referenced concerns relating to whether mitigation measures were being applied. Does this section include the mitigation work? It was agreed the language needs to be included. It’s important to note that the mitigation will be covered by this position as well. The Kāko‘o would not only be for design and construction but implementation which will include mitigation.

This will be added to the scope but the PA remains intact. We are all working off the PA and our intent is to strengthen the RFP and not change the language of the PA. We are not changing it, only adding to the scope of services in the RFP.

The key to this recommendation is that the Kāko‘o would be responsible for monitoring mitigation measures. The position would be involved from beginning to end. That was the true intent of the position but this never unfolded.

Experiences with H-3 were shared. They are still not done with finishing mitigation measures for H-3. They are going forward and want to close the door on this project.

I. Roles and Responsibilities

The Kāko‘o’s principal task shall be to independently monitor, assess and report to the Consulting Parties on compliance by the City with this PA, specifically, the implementation of the measures to resolve adverse effects stipulated herein.

In addition, the City shall continue to engage, as part of its Project design team, consultant(s) which have professional qualifications meeting Secretary of the Interior’s professional standards in the areas of history, archaeology, architectural history, architecture, or historic architecture, as appropriate, to carry out the specific provisions of this PA.

The City shall also continue to be responsible for the performance of further studies, evaluations and other tasks required to meet the Stipulations set forth in this PA. In this context and consistent with the independent monitoring, reporting and advisory role assigned to the Kāko‘o under this PA, the Kāko‘o shall perform the following responsibilities:

It’s important to note that the Kāko‘o is not responsible for actually doing these tasks. The City is still responsible to do the work, they are responsible to have the qualified people on board, to do the design work. There needs to be an independent monitor and the concern is what authority does the Kāko‘o have to tell the City that it is not living up to its responsibilities. There is a sense that the Kāko‘o can comment but the City will go ahead and do what it wants anyway. How do we get the City to respond to these comments? It’s not just a review and comment role. How do we hold the City accountable? This is where they needs to be some strengthening to what the Kāko‘o position can do on the project. It can’t be “hey, thank you for your comments” but they go ahead and do what they want anyway, which is how they treat the rest of us. There needs to be a stronger ability to say “no, that’s not good enough.”

Does that become a legal question? It sounds like the role of the Kāko'o is to be an independent monitor. It is not really clear that their role is enforcement or be the authority that says "you comply" but this is the role of the regulatory agencies like SHPD or ACHP.

But that gets back to why SHPO asked for this position in the first place. They did not have the capacity to do that. If they are able to do this now, then this function needs to step up. The Aloha Stadium treatment plan is a good example. Or the Makalapa Historic District is another example. If SHPO says they can do it, maybe we don't need the Kāko'o anymore but it was SHPO's request to have this role to help with quality control, to help with the reporting and to help force some of these issues.

SHPO's role may not be to do it but to have HART do it. SHPO will ultimately have to approve it but you have the Kāko'o that provides the vehicle for CPs to lodge their concerns, facilitate the meetings. At the end of the day, it is SHPO that will approve, like the nominations. They are not the ones that will do the nominations. That's HART's responsibility. They now have the ability to do whatever is required under the rules.

Do we need a Kāko'o?

Yes, we still want to have the Kāko'o. The key for SHPD is the word "independent." We see the Kāko'o as being able to connect with every interested party. Who independently will say what has not been done, what needs more discussion, the CPs have this concern, or these issues have not been adequately put on the table. They are going to be the one that will look at reports before they come to the table. SHPO shouldn't be sitting here and be the reviewer of the initial draft. That should be done before it comes to SHPD. The Kāko'o is there to help manage the project. To help when it comes with the national register nominations, that it has gone out to all those who should be consulted; that concerns are raised and addressed before coming to SHPO or that SHPO is able to have those discussion before they get submitted. Not that something is submitted and then concerns are raised. And then we can't actually move forward at the meeting. We are still looking for this type of person.

The Kāko'o can help with all the project management aspects. Help with the schedule so that we know when certain decisions are needed and in what order they are needed. If we are reviewing the Supplemental AIS with the Kaka'ako Station, what has to be done on that component before we move on another? Where are we on the data recovery? Are we on schedule for meeting timelines? We see this position as meeting a real need. An independent one to make sure all the different parties' concerns and all the things in the PA are addressed and occurring in the right order.

The Kāko'o is not someone who enforces it but they have to be someone who works with HART to ensure you are turning in all of your deliverables to SHPD to meet Section 106 accurately and in a qualitative way so that SHPD can do an effective review of the project and ensure that consultation is being done. For making sure more than a good faith effort is being taken so that whatever the CPs need addressed is aired and to make sure those concerns are realized. And that you prove all the reasons why you can't do what you say you can't do. And that those reasons are valid.

This person needs to know the 106 process to get these complete documents into SHPD so that we don't end up going back for more information because something is not complete because the CPs' concerns haven't been identified in the documents SHPD receives. It can't

be just that these meetings where concerns are expressed are held but showing that recommendations have been incorporated into the project or attempted to be incorporated.

We need somebody whose role is to create an administrative record and maintain it. So we are not coming to meetings asking what was discussed and not having the minutes. We need to be able to look at a sequence of meetings and identify what has not been addressed. It shouldn't be HHF or somebody out there having to track this. It should be the Kāko'o doing that.

The Kāko'o needs to be the person communicating what is going on in other meetings. Not just the descendants' meetings but including community meetings. To bring comments from these meetings to these CPs' meetings so that we have outside information coming in. We don't know what the descendants are saying and that's something we need. It's not just the people at this table whose thoughts we need. We need input from everyone who is consulting on this project.

The importance of the having the Kāko'o was to have transparency between the recognized cultural descendants and the CPs and that their voices would be heard. At least we have information. If we allow HART do this, we don't have someone in the middle with the independent voice. There's no checks and balance. That's why the Kāko'o position is important.

We want to call out for an independent monitor who will lay the groundwork between HART and the CPs and does extra groundwork with other meetings to do the information gathering needed to facilitate the consultation, strengthen the administrative record so that we have a strong administrative record of consultation. We don't want any comments to fall by the wayside. We need someone on the ground, who can gather and compile.

Make sure that all resources are used to get the descendants there. There are not many locals out. They need to find a new way to get more people in the area, those impacted areas, to attend these meetings.

Impress what we are looking for in this scope of work. This is going to be a major undertaking. This is not a part time job. HART needs to look for someone focused and committed to this. This is really going to be a full time undertaking. It's that level of commitment to carry out all the responsibilities.

The Kāko'o needs to track the recommendations for action to be taken and make sure that if the recommendations are not incorporated into the plan there is an explanation.

What we are taking about is a kuleana. The Kāko'o needs to be someone who will still be there and closing the work. It will be someone who is there before and will be there afterwards. There are entities that are charged with that responsibility. In Aiea, we are blessed with our relationship with generational descendants and we have known each other for decades.

The comments about what the Kāko'o needs to do are clear. If HART does not perform, then what? Who's going to make them? HART does not have the authority to create another regulatory position. SHPD is saying that this is not the Kāko'o's job, that it's our job. Let's lay out the process. What is the process we can outline? This is what we do if we have a concern. This is where the recommendations go if they are not met or there is no compliance.

Because this is the result of federal action, it would follow the 106 process. If it were found that HART was not following the 106 process and SHPD were to concur, that would make HART responsible for damages for whatever their project incurred and make HART pay back whatever funding it received from the federal government and there would be potential criminal action against various people within the HART project. There are potential legal remedies if HART does not keep up with their end of the 106 process. If someone disagrees with SHPD's determination, there is also the advisory council and the Secretary of Interior to appeal for an alternate decision. If you disagree with us (SHPD), you definitely can do around us. There are definitely higher powers than SHPO.

But there is a problem and we end up still playing ping pong and we get stuck with what we want and not getting what we want. As we evolve this Kāko'o, the position should be getting these things done before these problems occur. Every deliverable that is given to the SHPO complies with the 106 process and it is best to meet in the middle where the CPs are with their concerns before it even comes to SHPD so that SHPD can determine that although there is an adverse effect, the process is being followed. If SHPD does not get a good product, the Kāko'o, being an independent third party, is a really good starting point to mitigate any adverse effect before it happens.

Part of the problem is that we currently do not have an accurate administrative record. We have comments submitted for which we do not have adequately addressed. Comments have come in and we do not have the rationale as to why they were not addressed. As we move forward and we get that administrative record and we have those rationales from HART, we can then sit down and evaluate the process and the issues. We have to get ourselves out of this loop.

It is a matter of the record and being clearer on what was discussed and what was agreed upon.

It is a little more than that. The CPs have been making similar comments for more than eight years. It has become clear that HART is not listening to these comments. It's not like HART is using the comments to improve the project but rather how can HART resist this so that its administrative record is good.

The Kāko'o serves as quality control.

The Kāko'o is primarily process function. The issue is about authority and it doesn't appear that in the PA there was an intention to provide the Kāko'o with an enforcement authority. It was the Kāko'o position to provide a project management function, paid by HART, so that the CPs can have their voices heard. There is not the language that implies compliance or enforcement. Those roles are with the existing regulatory agencies. The Kāko'o does not enforce compliance but can voice concern that HART is not compliant.

The Kāko'o should be able to take in all the actions and be able to say if they think HART is in compliance and not just leave it to HART to say they are compliant. The Kāko'o can voice otherwise and say more discussion is needed. Things don't get off the table when the parties are not in agreement.

One of our concerns is that these meetings don't turn into HART meetings. It has become more a HART meeting than a PA meeting. We need to make sure it is balanced.

The candidates for the Kāko'o position need to understand that this role is somewhat of a mediator, who listens to the consultants and is able to translate this to HART and the engineers

in a way that they can understand and incorporate them into design. People don't always understand what each other says. We want to make sure nothing is lost and we don't lose opportunities to make this project better.

Is this Kāko'o position a gatekeeper? If you are a member of the CP, should you go to the Kāko'o? We need to be sensitive to recordation. If someone wants a conversation with HART, there should be some record that a conversation took place. There should be something in the administrative record regarding what meetings have taken place, when and the topic discussed. The Kāko'o makes sure the record is in place and the benchmarks are being met. The CPs should include the Kāko'o in the conversations.

The only reason the person will go around is if they are not feeling the process is working. If there is a relationship, the outcome will be more positive. The relationship between HART and the Kāko'o needs to be positive.

- 1. Establish and coordinate consultation and Project status update meetings as stipulated in Stipulations III.B and IX.B. On an as needed basis, additional meetings may be held to address unforeseen effects on historic properties determined to be eligible within the APE as provided for in Appendix A.**

For clarification, item III.B refers to the Oahu Island Burial Council, the cultural descendants and Native Hawaiian consultations. Item IX.B refers to the historic preservation community and the grant program. This reinforces earlier comments on the Kāko'o's broader responsibilities for more than just the PA CP meetings. This means the Kāko'o will convene the meetings, do the agenda and take the minutes. The Kāko'o will build an accurate administrative record and maintain the records.

- 2. Establish and maintain lines of project-related communication and consultation with the Consulting Parties and the design and construction engineers, including oversight and monitoring of internet sites created for the Project.**

The Kāko'o will coordinate meeting minutes with all CPs. We may not be able to attend all meetings but this will let us know what is going on in other meetings. We should be aware of the other meetings being held. It would be HART's responsibility to make sure the Kāko'o has the minutes from these meetings so they can be distributed. The Kāko'o does not have to take minutes at all meetings since some of these meeting, like the OIBC, have minute taking already in place and the Kāko'o would simply have to distribute these.

It would also be important to announce those meetings in advance. It would be useful for members of CPs to be able to go to other meetings. What is said at some of these meetings can help inform everyone about the concerns and issues being raised. We can be told whether the meetings are open or not (such as the cultural descendants' meetings).

The Kāko'o should be at all meetings. How else would the Kāko'o be able to get information on what is happening and what the concerns are.

When we talk about the involvement of the Kāko'o with design issues, there has been a problem. The architects and engineers are not in the room and not hearing directly from us and what we have to say has to go through three or four different people. By then it is so watered down they have no idea what we said. This connection with people who actually design the project is important. We need to make sure that they are at our meetings. We have had

questions in our previous meetings that were not answered. The Kāko'o position can make sure they communicate with HART to get these designers and engineers in the Kāko'o meetings.

We have the station design meetings. The CPs should be invited and they can give input at these meetings, too. That would be useful information for them if we could get participation at those meetings.

This is not enough. Community concerns are not necessarily historic preservation concerns. As we were moving forward through the AIS phase – multiple meetings with the Kāko'o, the various parties, with HART – where we just focused on just the AIS, there weren't any concerted meetings for the designers to show up and show a model of the station. We can address massing issues, appearance, to be able to actually sit there with the designers and share concerns. And for the designers to see what the CPs are asking for. We have not had the individuals at the table who are making the design decisions. This is where they can see what we want and be able to tell us what they can and cannot do. We can actually address concrete issues that come up. We have done this with archaeology, we haven't done this with the station designs. There is disconnect between individual parties.

There was an attempt to do this with Chinatown. We brought the architectural historian to the table. Part of it is a scheduling issue and that was an attempt to bring in the CPs at the design stage.

We are not going to settle the concerns raised, such as Aloha Stadium Station until we have that specific discussion – with the people who have the power to change the design in some way.

For purposes of the Kāko'o responsibility, it appears what is being asked, is that it is the responsibility of the Kāko'o to bring to the CPs, the architects, design and construction engineers, and to do this separately from the community concerns meetings. The role of the Kāko'o would be to say "There is disconnect here, we are stuck on some issues. We need to resolve these issues and who do we need to bring to the table to move forward. Let's have those dedicated and specific discussions to do that.

It sounds like a relationship that needs to be developed from here. This is when the CPs need to have the Kāko'o take on a more advocate role when they need to do something specific.

The Kāko'o could facilitate design charrette meetings so that the architects and design engineers get input before they finalize. If designs have been finalized, there should be a design charrette meeting with the CPs and the Kāko'o to make sure the designs meet SOI standards for rehabilitation and they are not causing problems in surrounding neighborhoods.

The Kāko'o would need to pre-digest some of these station designs for SOI applicability. The Kāko'o can be a consultant to HART to direct HART architects into the right direction. This follows the traditional 106 process.

There is a possible need to add another party. These are the people who represent cultural practitioners from affected ahupua'a. They have the knowledge of the ahupua'a.

- 3. Monitor, assess and report, in writing, to the Consulting Parties on mitigation related to Phases I through IV and any associated deliverables of this PA that are to be reviewed by the Consulting Parties (Stipulations III through XII).**

There were no comments.

- 4. Monitor and report on the City's compliance during the design and construction process for the Project with the special historic preservation design guidelines referred to in Stipulation IV.A, Design Standards.**

There were no comments.

- 5. Monitor and report on work performed on historic properties with respect to measures to resolve adverse effects caused by the Project in accordance with Stipulations IX.C (demolition monitoring) and X.C (construction monitoring) of this PA.**

Timelines should be included for all of these monitoring reports. Are these reports to be done quarterly, annually, or based on other factors? The demolition monitoring per IX.C is an annual report. The review and compliance of the special design guidelines should be tied to the station design and construction. Adding some timing to these reports would help.

It's also important to have some guide to what the reporting should look like. What level of detail are you asking for?

If HART and FTA are supposed to be doing annual reports by stipulation as well, it's not just about what they did but how well did they do it, what else is planned, what is coming up, here are your opportunities, etc.

There was a short break to determine what happened with the WebEx connection. All of the phone connections were lost. Some of the participants communicated via text that their calls were dropped. Some of the time was used to re-establish phone contact with those calling in.

- 6. Coordinate regularly with the FTA and SHPD in connection with the Kāko'o's observations and recommendations regarding the progress of the Project in implementing measures to resolve adverse effects called for under this PA.**

We need to clarify what is meant by "coordinate regularly." What is the benchmark?

- 7. Report to the City, the FTA and SHPD concerning the existence, if any, of previously unidentified adverse effects of the Project on historic properties within the APE (that is, adverse effects which are not otherwise materially identified in the PA).**

Is APE all that is governed by the PA, not cultural landscapes? The APE is the area of potential effect. The cultural landscape is broader than the APE. The APE is more specific. I don't think cultural landscapes are included here.

We also need to add a benchmark requirement here as well. The report should also be written.

The report should reflect what has been discussed earlier in this meeting. The cultural component is not elaborated in the role of the Kāko'o. There should be some consideration that the team of people helping the Kāko'o should include historical and cultural experience.

- 8. Submit written reports concerning the progress of the Project in the implementation of the Stipulations set forth herein in accordance with the reporting requirements in Stipulation XIV.E., with copies available to any other interested party who so requests.**

The Kāko'o will be generating these various reports. These reports should be posted on the website. This should be added to the scope to clarify. Since there is already a section for the Kāko'o to monitor the website, this is related.

Item #8 is strange. XIV.E is Administrative Provisions: Monitoring and Reporting. Every six months, the City shall provide the signatories a summary of the work undertaken. This report will include problems encountered. Even if the City does it, it should be the role of the Kāko'o to ensure this information gets to the CPs.

- 9. Address requests by consulting parties to review deliverables and documentation that are provided to concurring parties.**

Item #9 will not be included in the scope of services.

- 10. Collect any comments from the consulting parties that identify impacts different from those stated in this PA to historic properties located within the APE for City and FTA processing. The Kāko'o shall research the issues presented as described in Appendix A and prepare a recommendation for the disposition of the request and action by FTA. The notification process for consulting parties to submit requests for consideration is outlined in Appendix A of this PA.**

Appendix A was not included in the handouts. HART will research this and bring information to the next meeting.

- 11. Provide administrative support and technical assistance required by the consulting parties to meet the terms of this PA such as the timely submission of deliverables and the issuance of regular public updates regarding historic preservation issues.**

There were no comments.

- 12. Develop a best practice manual related to historic properties and a Section 106 "lessons learned" case study on the Project that may be helpful to future Section 106 processes on this and other projects. The best practice manual and "lessons learned" case study will be made available to the consulting parties and other interested parties within one (1) year of the completion of Phase 1 construction. When complete, FTA will make the best practice manuals available on their public website.**

"Best practices" should come out at the beginning of the project and "lessons learned" should come out at the end.

In the actual scope of work, this should be revised to reflect the project's phases. There should be lessons learned after phase one, phase two, and so on. If things change along the way, we can amend it.

This should not be developed in a vacuum. There were a lot of people who were involved in this project and continue to be involved. What actually happened on this project? What was good, what wasn't? What should be done moving forward? This should be a consultative process. This should be embedded in the scope.

We could require a 30%, 60%, 90% review process. When it is 30% done, it should go out for review and revisions. The same with the other phases. That way it is not just a final draft that is sent to the CPs.

There is a lot that can be discussed now.

OPEN DISCUSSION AND WRAP-UP

(Joseph Lapilio)

When the scope is sent out, are you going to be asking for proposals to include how they plan to do these things and the timeline for accomplishing these? Will they have to produce benchmarks? *We will need to consult with the procurement department. There are items we need to be aware of to be fair to anyone interested in submitting. I am not sure. We are looking to make sure we get someone, an entity, in this position that will best represent everything we discussed today.*

Will you circulate a draft to us? *Yes. We will reconvene and review this.*

For information for everyone. So that there is no lapse, Pacific Legacy will stay on until we can re-bid and re-procure another contractor. We will try to get as much value as we can for now.

Are you asking for deliverables that are already in their contract? *We are continuing with them. At a minimum we should get the lessons learned that have already been collected.*

If the current Kāko'o is not going to bring the administrative record up to date, will HART or some other designated person do it? *There is not much of an administrative record that they have that can be brought up to date.*

Can the CPs put in a request for updates? *If doesn't have to be that formal. We can use October 23rd to come back and review the scope of services. We will meet at 10am.*

Will we also discuss what people think should be criteria for making the selection? *At this point, I would rather we flesh out a solid scope of work. Procurement will take a couple of months. The selection criteria will be after submittal advertising will take thirty days. We would like to have someone in place at the start of the year but that is optimistic. We would rather not rush but give people time to assemble vital and experienced people.*

THE MEETING WAS ADJOURNED AT 3:12pm

Attending Consulting Parties & Signatories

Tanya Gumapac-McGuire	Historic Hawaii Foundation
Susan Lebo	SHPD
Betsy Merritt	National Trust for Historic Preservation (<i>dial-in</i>)
Mary Nguyen	FTA (<i>dial-in</i>)
Jessica Puff	SHPD
Umi Sexton	Aloha Iwi Kūpuna
Ted Matley	FTA (<i>dial-in</i>)
Kirsten Faulkner	Historic Hawaii Foundation
Mahealani Cypher	Oahu Council, Association of Hawaiian Civic Clubs
Elaine Jackson	NPS (<i>dial-in</i>)
Kehaulani Lum	Ali'i Pauahi Hawaiian Civic Club
Bruce Keaulani	Living Life Source
Claire Tamamoto	Aiea Community Association

Attending Project Staff

Dawn Chang	Kuiwalu
Kawika Farm	HART
Joseph Lapilio	Facilitator
Jon Nouchi	HART
Stan Solamillo	HART
Gary Omori	Gary Omori LLC
Josh Silva	CH2M HILL
Paul Luersen	CH2M HILL

Appendix A

Agenda

Appendix B

Section 106 Project Manager (Kāko‘o) Scope of Services and Roles and Responsibilities

Appendix C

HART Project PA Stipulation Schedule (prepared by Jessica Puff, SHPD)