From: Matley, Ted (FTA)
To: Zelasko, Elizabeth (FTA)
Sent: 9/7/2010 12:29:00 PM
Subject: RE: Draft Honolulu PA Language

Forgot to copy you but I sent to Chris, Renee, Ray, Carl, and Faith

-----Original Message-----
From: Zelasko, Elizabeth (FTA)
Sent: Tuesday, September 07, 2010 1:55 PM
To: Matley, Ted (FTA); Carl.Bausch@dot.gov
Subject: FW: Draft Honolulu PA Language

Ted, could you forward this to our FTA team and Faith? I'm on the road trying to get back from the weekend. Thank you!

-----Original Message-----
From: Laura.Thielen@hawaii.gov [mailto:Laura.Thielen@hawaii.gov]
Sent: Tue 9/7/2010 4:30 PM
To: Zelasko, Elizabeth (FTA)
Cc: Annette.L.Kahalewai@hawaii.gov; bsemmer@achp.gov; cvaughn@achp.gov; elaine_jackson-retondo@nps.gov; Pua.Aiu@hawaii.gov; Jeffrey_Durbin@nps.gov
Subject: Re: Draft Honolulu PA Language

Aloha Liz,

The representatives of ACHP, NPS and SHPO reviewed the most recent draft language relating to the qualified professional proposed by the City to assist with the implementation of the Programmatic Agreement.

We also discussed the alternative approaches utilized in other jurisdictions and the effectiveness of the Project Liaison and Project Conservators as described in the programmatic agreements in Alaska and Massachusetts, which were circulated earlier to all parties.

In our conversation, it became clearer to me that the role played by these positions is similar to the role played by a Project Manager in a large-scale construction project.

Building contractors are familiar with the concept of project managers.
They are contractors who manage the overall project to keep it on time, to coordinate the subcontractors and overall construction. They are not a separate layer of review for building permits.

Similarly, a project this size which impacts on multiple historic sites and generates a myriad of mitigation obligations, needs a Project Manager to coordinate and oversee the Programmatic Agreement. Under the Programmatic Agreement, the City must hire a number of contractors to provide certain work product within certain deadlines that meets specified qualities. Due to the complicated nature and lengthy timetable of the overall project and mitigation measures, the Programmatic Agreement warrants a project manager that has the specialized skills to oversee this effort (similar to how construction project managers also have specialized skills - it's not merely an administrative role).

I think the City, in their most recent draft, is still missing the essential point of this function. I'm hoping the analogy to a construction project manager will help them see the value of the function, and that it is not a duplicative level of review.

I've attached a draft description for the Rail Programmatic Agreement which provides definition for this role and responsibility. We began with the two agreements ACHP circulated to all the parties. SHPD merged the sections of those agreements that were most relevant to Hawaii and this project. We obtained and incorporated comments from ACHP and NPS. We offer this draft as an alternative to the language provided by the City in your most recent e-mail.

On the other two issues, I appreciate the revisions the City made regarding post-construction discoveries. I do have a few minor technical edits and requests for clarification on those sections.

I have to note that the City has still not provided the level of mitigation required to address the adverse foreseeable and cumulative impacts to the historic districts. As best I could tell from their most recent response, they are still referring to the Transit Oriented Development as mitigating foreseeable and cumulative impacts to the historic districts. Hawaii SHPD has already described in detail why this is not sufficient, and has proposed specific mitigation approaches that have been topics throughout the consultation. I would like to revisit these proposals in our call tomorrow, which include a historic preservation fund specifically for Chinatown and Merchant Street Historic Districts and a Main Street Program.

We look forward to our discussion tomorrow.

I am going to try call you today to discuss this matter and to apprise you of an outside party claim of which I have just received notice. I will also apprise the City of this outside claim in our call tomorrow. I do not think the claim will inhibit our discussions or progress on the Federal 106 negotiations. However, the party is represented by an organization which has taken prior cases through the state court system and won judgements. This claim relates to the state EIS. If they pursue action in court and succeed, it may change the timetable for certain activities.

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Chairperson
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