

### Quarterly Consulting Parties Programmatic Agreement Review Meeting

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**Date and Time:** November 1, 2011, 10:00 am

**Location:** Ali'i Place, 23<sup>rd</sup> Floor Ewa Conference Room

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#### **Purpose**

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On November 1, 2011, a quarterly update to the consulting parties was held to discuss ongoing implementation of the Programmatic Agreement. A follow on discussion with the signatories was also held on November 28, 2011, because an error in email distribution resulted in not all consulting parties receiving an invitation to the November 1 meeting. As required in *Stipulation XIV: Administrative Provisions E.2 Monitoring and Reporting*, the Consulting Parties were provided with a summary of PA activities for the period of July 18, 2011, through October 18, 2011. The information below summarizes the updates and key questions raised during the discussions.

#### **Discussion**

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##### **I. Roles and Responsibilities**

HART received final offers to fill the PA Project Manager (Kako'o) position on September 9, 2011. The selection panel has reviewed and submitted materials; final analyses occurred during the week of October 17th and an offer is anticipated in November.

##### **II. Traditional Cultural Properties (TCPs)**

SRI Foundation and Kumu Pono Associates completed data collection and is preparing a preliminary Phase I (Research Results) report for Construction Phase 1 (East Kapolei to Pearl Highlands) and Phase 2 (Pearl Highlands to Aloha Stadium). The preliminary report will be distributed to consulting parties for review/comment. Additional research will then be conducted, comments will be incorporated and a follow-up meeting will occur to present the report in person for further discussion. TCPs eligible for the National Register will be evaluated during the review/comment process.

Kaleo

- There's been new research conducted in the Honouli'uli area including the vegetation of coastal areas, which could be incorporated into the report. He will forward the information to SRI Foundation.

Ellyn

- Suggest developing a standardized Determination of Eligibility (DOE) form for TCPs, which will also help streamline the determination effort. The form comes out of the criteria. Suggests using the National Register Guidelines for evaluating TCPs for eligibility as a prototype that can be customized for this process, based on Native Hawaiian considerations that are emerging as part of the study.

##### **III. Identification and Protection of Archaeological Sites and Burials**

**Phase 1 (WOFH):** The Final Archaeological Inventory Survey (AIS) Report has been approved by the State Historic Preservation Division (SHPD). A Draft Data Recovery Plan for lo'i sediments found at the Waipahu Transit Center Station site is still under review by SHPD.

Mahealani

- Is the first artesian well in 'Ewa included?

**Phase 2 (KHG):** The AIS survey is complete and the report is being finalized to submit to SHPD in December. A lo'i deposit was found and Cultural Surveys Hawai'i (CSH) is preparing a monitoring plan for future work in the area.

Mahealani

- There's a legendary battleground that exists in the 'Aiea area, adjacent to Hālawa Stream, which should be included.

**Phase 3 (Airport):** A Draft AIS Plan was submitted to SHPD on August 8, 2011, for review and approval. Survey work is anticipated to begin in January 2012.

**Phase 4 (City Center):** The revised Draft AIS Plan was approved by SHPD on October 25, 2011; due to restrictions imposed by the upcoming APEC, survey work will begin after the conference. HART held an AIS community meeting on September 26, 2011, at Farrington High School to provide information about the upcoming work. A second community meeting is scheduled for November 2, 2011, at McKinley High School. Survey work on private properties is expected to commence the week of November 1 and roadwork on November 21, 2011.

Michael

- There are underground karst system caves in areas where the corridor will bisect – these caves are the source of our cultural practice and must be avoided. Breaking into these caves would destroy cultural practices of the allodial land, under Article 12 Section 7.

**Consultation Protocol for 'Iwi Kūpuna Discovery:** Comments were received from SHPD on September 7, 2011. A revised protocol incorporating comments from SHPD, OIBC, OHA, and individual briefings was submitted to FTA on October 10, 2011; awaiting FTA approval.

Pua

- It is important that the law be followed when implementing the Burial Consultation Protocol.

#### IV. Design Standards

HART received comments from consulting parties on PE level drawings and uploaded responses to the project website. Final Designers have been contracted to conduct "Final Design" but will first update the preliminary designs to create a new set of drawings. The schedule for updated designs has changed and will be updated.

A public meeting will be held to present updated station designs for the Farrington Stations Design Group (West Loch, Waipahu Transit Center, and Leeward Community College) in early 2012. The project only has a station design consultant for the Farrington Stations Design Group.

In addition to providing opportunities for review, interactive discussions via a design charette will be held for stations with the potential for cultural sensitivity and/or near historic resources (i.e. Pearl Harbor Naval Base, Chinatown, Downtown) as the final design process continues. Final designers will play an important role in these workshops and final design consultants have not yet been hired for these stations.

#### V. Recordation and Documentation

**Cultural Landscape Report:** A list of potential sites for cultural landscape reports (CLR) was provided to the consulting parties. Project staff reviewed and vetted this list and two sites were discussed at the semi-annual meeting in July: Mother Waldron Park and Irwin Park. Based on that discussion, these sites will be addressed in CLRs.

**Historic Context Study:** Research continues on drafting additional Historic Context Study (HCS) text. The work will continue over the next two years; ongoing work will include conducting intensive-level research, writing, and photography/illustration collection. The following topics are in development:

- ❖ Taro Farming
- ❖ 'Auwai
- ❖ Sacred Architecture
- ❖ Missionaries
- ❖ Early Housing
- ❖ Political History
- ❖ Surfing History
- ❖ Ranching

HART will form a guidance and review panel to inform the process and maintain high accuracy and quality standards. Project staff will re-circulate the historic context outline to consulting parties and solicit recommendations of cultural practitioners, architectural experts, landscape historians, etc., that may be able to assist with this effort.

Michael

- It's important to tell the true story, the real story, even if it requires difficult histories to be recounted.
- Solicit recommendations from Kamana'o pono Crabbe (OHA Director of Research), the Bishop Museum, the Center for Hawaiian Studies and the doctorate program at the University of Hawaii for resource material.

Mahealani

- Research Ka Wai Ola and OHA's Papakilo Database.

Hinaleimoana

- While ethnic representation is desirable, some experts in the Native Hawaiian community may not be the best to critique a credible academically based study. Likewise, some academics are not cultural practitioners.

HABS, HAER, and HALS (HHH) Documentation – HART will continue to coordinate with the NPS on the Historic American Building Survey, Historic American Engineering Record, and Historic American Landscape Survey documentation, using NPS's prior detailed letter of June 29, 2011, describing requirements as guidance. HART will submit photographs and/or completed HHH reports of resources in the areas where construction is commencing. HART is in the process of securing a professional photographer to complete required large-format and digital photography for all adversely affected historic properties and to support other studies, such as CLRs.

## VI. National Register of Historic Places/National Historic Landmark Nominations

HART will begin the National Register nomination work for the Hono'uli'uli Stream Bridge in the next quarter. HART will continue to coordinate with the Navy for access to update the Pearl Harbor and CINCPAC Headquarters Building NHL nominations and develop a mutually agreeable schedule and review process.

Work is being phased based on construction to ensure work is completed for properties that are most time sensitive.

## **VII. Educational and Interpretive Programs, Materials and Signage**

HART has developed a preliminary approach for the rehabilitation educational program. As part of the program, HART will develop educational materials and hold two interactive training sessions. These materials will also be used as part of the outreach efforts related to the Historic Preservation Committee's (HPC) Historic Preservation Fund currently under development as part of *Stipulation IX. Measures to Address Indirect and Cumulative Effects*. The materials will address:

- ❖ Historic property rehabilitation practices;
- ❖ Benefits of historic designation;
- ❖ Financial incentives and resources available for the preservation of properties eligible for or listed on the National Register of Historic Places, including the Project's historic preservation fund; and
- ❖ Resources and information available to assist in the pursuit of the above three areas.

Two interpretive plan meetings have occurred; the most recent one, in October 2011, focused on the humanities program. The group began to explore the methods the program will utilize (i.e. lectures, conference, tours, etc.). To date, the consulting parties have contributed many excellent ideas that HART will consider implementing. An effort to incorporate art with cultural themes is also being considered. Potential themes include:

- ❖ Architecture
- ❖ History
- ❖ Culture
- ❖ Crafts

Likewise, at the request of consulting parties, HART is investigating incorporating technology such as interactive websites and smart phone applications to offer a robust interpretive experience for visitors and residents.

Michael

- Consider a protective screen that can be easily and cheaply replaced in case of graffiti.
- The verbal message can go under education. Hawaiians dislike the mispronunciation of Hawaiian names and words; this should be considered when choosing whomever will pronounce verbal information.

Mahealani and Hinaleimoana

- Directional, informational, and place-name signage should include Hawaiian and English.

## **VIII. Mitigation for Specific Historic Properties**

No activity.

## **IX. Measures to Address Reasonably Foreseeable Indirect and Cumulative Effects Caused by the Project**

The HPC met on September 12 and October 20, 2011. HART staff prepared a draft goal statement and program description based on the direction from the committee. The

committee then reviewed and provided additional guidance. The committee is establishing a process and criteria to select an administering entity and individual grant recipients. The greatest outstanding issue is whether the program can be delivered using only City contracting requirements to allow for the efficient administration of relatively small grants under the program. If the program is delivered with full FTA involvement, individual construction contracts may have to be let and managed by the City.

The HPC is working diligently on moving forward with the \$2 million grant process for eligible and listed historic properties.

Mahealani

- Per Toru, there needs to be application support for property owners.

Kiersten

- There are also county and federal tax incentives; both rely on the property being designated.
- Encourage NR nominations for the Chinatown district to be done earlier. It's important for NR nominations to be done in advance of some of the other outreach programs because that would get more of the properties eligible for the funding source – the eligible properties should be designated, otherwise, residents will not be able to take advantage of all programs.
- The local ordinance requires a state register designation and the federal tax credit requires NR designation. The same NR form is used for both but each submittal and approval process slightly differs.

Michael

- The Chinese Business Association would be a great disseminating point; Pat Lee and Kaleo Patterson attended the meeting a few weeks ago to discuss burials and Mahealani's aunty (Elizabeth Lau) is involved; they can serve as resources in connecting with the association.

#### **X. Construction Protection Plan**

HART is in the process of completing a project-wide Environmental Compliance Monitoring Manual (ECMM), which will include the Construction Mitigation Plan (CMP) for each construction contract. The plan will include overall project-wide requirements and commitments specific to each contract. The ECMM for the WOFH contract has been presented to Kiewit. A draft Noise and Vibration Mitigation Plan has been prepared for WOFH. Other contract specific CMPs will follow prior to construction commencing on those contracts.

#### **XI. City Contractors and Contract Adherence to PA**

Cultural Surveys Hawaii conducted two cultural sensitivity training classes for contractors, HART employees and agency consultants who will be conducting AIS work on the remaining Airport and City Center guideway and station sites. Materials used in the training were distributed at this meeting. A revised environmental and historic preservation training program is under development. Training is expected to begin with the start of construction next year.

Michael

- Find people who have experience handling 'iwi kūpuna – preferably from the area.
- You can solicit references from OHA; Kai Markell knows a few practitioners.

Mahealani

- Cleansing, purification and forgiveness ceremonies must be conducted if something wrong has been done. This is imperative for the safety of all involved with the disturbing of any 'iwi kūpuna.

## **XII. Post-Review Discoveries**

To date, there have been no post-review discoveries.

## **XIII. Public Information**

Development of the historic properties database continues. It is comprised of a public, interactive web map that includes a searchable, interactive database of historic properties within the APE. This basic platform may be used for other stipulations to offer online geographically-referenced resources for the public. A powerpoint presentation reviewed the current status of development and a live-launch demonstration will be given at the next quarterly meeting.

There have been discussions to include the ahupua'a (land division) and create smart phone applications for on-the-go users.

As described in the PA, another entity (i.e. SHPO, SHPD, Hawai'i State Office of Planning, the City's Department of Planning and Permitting or the University of Hawai'i) will maintain this database in the future.

Kiersten and Mahealani

- It's important to start a dialogue with other entities that could possibly manage this moving forward.

Pua

- Would like to coordinate with the project staff when the SHPD has their programmer on board to identify how best to integrate information with the SHPD system.

Mahealani

- Important to incorporate the Hawaiian story and not only the post-contact story.

Michael

- A limiting factor is that chants are bypassed – chants tell what happened in the past, in a certain location.

Hinaleimoana

- Imperative that not only Federal expectations are met but also that of the Native Hawaiian community.
- Will information that is derived from the TCPs, context studies, cultural landscape reports and interpretive work exist in this database or in an external site/content link?

There was some general discussion around exploring linking cultural information derived from TCPs, context studies, cultural landscape reports, interpretive work, etc. (all of which need to have a public platform) to the database.

## **XIV. Administrative Provisions**

As required in *Stipulation XIV. Administrative Provisions E.2 Monitoring and Reporting*, Consulting Parties were provided with a summary of PA activities for the period of July 18, 2011, through October 18, 2011. The City will hold the next quarterly meeting with consulting parties in January 2012, in coordination with the distribution of the second semi-annual report. The first semi-annual report was issued in August 2011 and is available on the project website at [www.honolulutransit.org](http://www.honolulutransit.org).

**November 1, 2011 Participants**

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Ellyn Goldkind	NAVFAC HI, Navy Region Hawaii
Hinaleimoana Wong Kalu	O'ahu Island Burial Council
Jerry Norris	Office of Hawaiian Affairs
Kiersten Faulkner	Historic Hawaii Foundation
Lillia Kapuniai	Council for Native Hawaiian Advancement
Mahealani Cypher	O'ahu Council, Association of Hawaiian Civic Clubs
Michael Kumukauoha Lee	'Ewa Limu Project

**November 28, 2011 Participants**

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Angie Westfall	State Historic Preservation Division
Blythe Semmer	Advisory Council on Historic Preservation
Elaine Jackson-Retondo	National Park Service
Nona Naboa	State Historic Preservation Division
Pua Aiu	State Historic Preservation Division
Ted Matley	Federal Transit Administration

**Attending Project Staff**

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Aki Marceau  
Barbara Gilliland  
Faith Miyamoto  
Joanna Morsicato  
Josh Silva  
Kaleo Patterson  
Lawrence Spurgeon  
Mark Garrity  
Matt McDaniel  
Stephanie Foell

## **Appendix A**

### **Programmatic Agreement: The Historic Properties Web Map and Documentation Management Application**

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