



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

MEETING NOTES

Subject: Hawaii Department of Transportation (HDOT) & Federal Highway Administration (FHWA)
Relationship Building Workshop for Oahu
Draft Meeting Notes

Date/Time: Friday, July 27, 2018, 9:00 a.m. to 3:30 p.m.

Location: Windward Community College – Hale Kuhina, Room 115
45-720 Keaahala Road
Kaneohe, Hawaii 96744

Attachments: Attachment 1, Agenda

Attendees: See below

Hawaii Department of Transportation (HDOT)

Mr. Marshall Ando
Mr. Ken Tatsuguchi
Mr. George Abcede
Ms. Pua Aiu
Ms. Sharen Cho-Ibanez
Ms. Mung Fa (Mel) Chung
Mr. Robert Sun
Mr. Brian Tyau

Aha Moku – Statewide, DLNR

Ms. Leimana DaMate

Aha Moku Advisory Committee

Ms. Rocky Kaluhiwa

**George K. Cypher Ohana
and Koolau Foundation**

Ms. Mahealani Cypher

Federal Highway Administration (FHWA)

Ms. Kelly Okumura
Mr. Bruce Thill

Queen Emma Hawaiian Civic Club (Haleiwa)

Ms. Rawlette Pua Mohala Kraut
Ms. Lynette Agard

**State of Hawaii Department of Land and Natural
Resources, State Historic Preservation Division (SHPD)**

Mr. Hinano Rodrigues
Ms. Kaahiki Solis
Ms. Stephanie Hacker

Historic Hawaii Foundation

Ms. Kiersten Faulkner

Office of Hawaiian Affairs (OHA)

Ms. Lauren Morawski

R. M. Towill Corp. (RMTC)

Ms. Laura Mau
Ms. Noelle Wright

**City and County of Honolulu,
Department of Facility Maintenance (DFM)**

Mr. Kyle Oyasato

Facilitators

Ms. Dawn Chang (Kuiwalu)
Mr. Herb Lee (Malama Waiwai)

A. Opening Pule – Rocky Kaluhiwa (Aha Moku Advisory Committee)

B. Introductions (Facilitated by Herb)

Herb requested that participants introduce themselves and their affiliation. (See the attached sign-in sheet for a listing of all the participants.)

C. Welcoming Remarks (Marshall Ando with HDOT)

Marshall welcomed everyone to the Relationship Building Workshop and thanked everyone for taking the time to participate in a workshop for “all of us” in the room. He shared that while this Workshop may have been a required, he wants this to be more than checking off the box, but genuine engagement to help HDOT get a better understanding of consultation to improving relationship. He emphasized that HDOT’s funding is limited, so they have focused priorities on safety and system preservation, and beyond that is addressing congestion and capacity. His hope is that the workshop provides an opportunity for HDOT to listen to the community’s concerns and find ways to improve the relationship.

D. Process Protocols / Manao for the Day (Facilitated by Herb)

Herb reminded all participants to approach the workshop from a manao and a place of “ALOHA”, as attributed to Auntie Pilahi Pahi: (1) Akahi as modesty, (2) Lokahi as unity, (3) Oia io as truth and honesty, (4) Haahaa as humility, and (5) Ahonui as perseverance. These cultural protocols should guide our discussions with one another. Herb noted that today’s Workshop was an opportunity to dig deeper into Aloha.

E. Overview of the Workshop (Facilitated by Dawn)

1. Dawn explained that this workshop was mandated as part of the Queen Kaahumanu Highway Widening Project Memorandum of Agreement (MOA) between FHWA, HDOT, Advisory Council on Historic Preservation, and the State Historic Preservation Officer. Specifically, Stipulation 14 of the MOA mandated FHWA and HDOT convene a state-wide Relationship Building Workshop in a non-project-specific context. HDOT wanted to honor the unique context of each island, and agreed to hold multiple workshops rather than one. The first workshop took place in 2016 on the island of Kauai, and the second workshop took place in 2017 on the Big Island. The Maui County workshop took place several months ago in 2018 and included participants from Lanai and Molokai islands. Today’s workshop on Oahu is the final workshop.
2. Dawn indicated that the Workshop would include, (1) opportunity for the participants to share some of their HDOT Section 106 consultation experiences (both positive and not so positive), (2) brief presentation by HDOT on their project delivery process and specifically where Section 106 consultation occurs, (3) brief presentation by Dawn on applicable federal and state laws related to consultation and cultural and natural resources, (4) open discussion on possible ways to improve consultation and communication with NHO on HDOT projects and identification of possible Best Management Practices for improving relationships. Section 106 consultation experiences provided an overview reiterated that while specific projects may arise.

F. As Native Hawaiian Organizations, what are your issues or concerns with respect to HDOT’s current consultation process? (Facilitated by Herb)

NHOs were given the opportunity to identify both their positive and negative experiences. Their experiences are noted as follows:

1. One of the participants described what she considered a “failure” was her Section 106 consultation experience with HDOT dating back to 1972 with H3. It was a failure because the mitigation was not based upon the community’s recommendation but what was satisfactory to HDOT. To this day, issues have not yet been resolved. Why mitigate if it is only for the agency benefit and not the cultural community or landscape? The consultation process is being opened again because the issue is still not resolved. She was hoping that today’s workshop would be about specific projects.

2. The same Participant expressed disappointment that she was one of the first to RSVP but she was not even on list. A member of the project team apologized but noted that her name was on the list.
3. Another participant stated that engagement and communication with the NHO and the community should be done early, and just as important there should be follow up. If a question or concern is raised during the consultation process, the agency should timely follow-up to ensure accountability.
4. The OHA participant noted that early consultation is important and recommended that HDOT consider having an outreach department that could manage all the outreach to ensure consistency, early consultation, and follow-up; this would be good money spent up front
5. Another participant emphasized the need to have these workshops within the geographic area, especially if you want more people to attend. She noted that there are very few NHOs in attendance today, it would have been better to have meetings in each Ahupuaa. Dawn explained that invitations were sent out to over 180 organizations and individuals, including Aha Moku, Department of Interior (DOI) NHO list, DHHL, Hawaiian Civic Clubs, Consulting Parties from other Section 106 projects, etc. In fact, HDOT contemplated having a 2nd workshop on Oahu if we receiving an overwhelming response to the invitation. This invitation process was used on all islands. However, only those of you who responded are here; but the right people are here.
6. One participant thanked Ke Akua for guided those who are here because all of these agencies have showed up here today and we will make the best of it.
7. One participant shared a positive Section 106 consultation process was for the Kahekili road widening project. This project has had a positive impact on the community. Dawn asked the group what's the difference between H3 and Kahekili experience with HDOT. Some said it was just different time and the HDOT listened to the community.
8. Another positive experience with HDOT was the Ahupua'a sign process. However, this project was initiated and driven by the Ko'olaupoko Hawaiian Civic Clubs who worked for 5 years with the City DTS and HDOT. But through this process, there are standards and community participation to ensure the signs are placed at the right location and have the correct diacritical, but HDOT would install them. The community and HDOT acknowledged that it was HDOT's landscape architect who was the champion and really made the difference.
9. One of the HDOT staff wanted to acknowledge that HDOT Project managers (PM) may not have the benefit of knowledge or experience from other projects; they generally only know their own projects, and not everyone else's. Not all Project Managers feel comfortable working with consulting parties, NHO, or the community. This is a DOT training issue. However, another participant indicated that you may not be able to train people to work with other people. But there may be potential solutions including Section 106 training, peer-to-peer training, or having greater sharing with HDOT on successful projects. For example: Kipapa Gulch bridge project was a good example of where new technology was utilized; this experience could be shared with other staff at HDOT dealing with a similar issue/project.
10. Some of the HDOT PM responded that there is a lot of Section 106 training that HDOT does internally however, the application of the training needs to be more consistent. There needs to be better internal communication. But they also would appreciate if the community could be more specific about what they need because engineers need specifics. For example, they send letters to NHO but get no response. And generally they only do public Information meetings when the project is major.
11. SHPD participants shared that when there is differences or disagreements between archaeologists and cultural staff that he generally asks what does the community say? So long as what the community is asking is provided for within the administrative rules, then they defer to what the community wants. But this works for SHPD because they have a relationship with the community that they trust the community and the community trust them. Listen to the community"—he defers to traditional wisdom.

12. Another Participant suggested engaging the community outside of the compliance process, but in a non-project specific context, i.e. scenic byways project. This was a good opportunity for the community to discuss in a proactive way cultural landscapes, identify roads with the community that could be improved and which should be preserved. This was a positive experience.
13. Marshall shared that HDOT management has started this effort to reconnect with the community in non-project specific ways by attending all neighborhood boards once a quarter and provide updates. Marshall indicated that the NBs and community really appreciated their attendance. The City participant indicated that the City does the same thing but they attend monthly meetings. Perhaps HDOT can outreach to the NHOs, i.e. Aha Moku, Hawaiian Civic Clubs, etc.

G. Discussion on HDOT's project delivery process and regulatory requirements for consultation with NHOs (Presented by Ken and Dawn)

1. Ken presented HDOT's Project Delivery Process, highlighting the following:
 - a. Ken gave an overall view of the types of projects that HDOT undertakes, which can be categorized into the following three (3) major types: Maintenance, Congestion Relief, and Safety. An "Other" category of projects includes baseyard, equipment, and plant habitats. He also noted that while projects may be identified in plans, they do not have funding for all projects at all times; therefore, there are trade-offs when choosing which projects to prioritize.
 - b. One participant asked HDOT to share what is done for shoreline rehabilitation, rock fall rehabilitation, and landscape under "Maintenance". Ken shared that the shoreline and rock fall program looks at long- and short- term efforts to preserve the road in areas with shoreline erosion and areas susceptible for rock fall. For example, Kamehameha Highway in Kaaawa. Another HDOT staff clarified that the "resource" in HDOT is the road; HDOT's mission is to preserve roads across the state. For landscaping, this includes median strips, replacing plants, grass cutting.
 - c. One participant asked if the landscape program included removal of invasive species and replacing it with endemic and native species. HDOT's current policy involves replanting with native plants first. But sometimes this is not possible for certain types of grasses.
 - d. Another participant asked about Kamehameha Highway around Waikane because every time it rains, it gets flooded and people can't get out. HDOT said the problem is complicated by so many different jurisdiction, from above the highway and below. Debris during heavy rains also exacerbates the situation. But there is opportunity to engage the community more on this subject.
 - e. Ken then outlined the Public Information and Coordination efforts made by HDOT, including statewide presentations of the Statewide Transportation Improvement Plan (STIP), which is found online; an online project map which identifies current and future projects; project-specific meetings; responding to calls and emails; and press releases.

For information regarding the Statewide Transportation Improvement Program (STIP), visit:
<https://hidot.hawaii.gov/highways/other/other-related-links/stip/>

To view current HDOT projects statewide, visit:
<https://histegeis.maps.arcgis.com/apps/MapSeries/index.html?appid=39e4d804242740a89d3fd0bc76d8d7de> you may also click the interactive HDOT "Highways Project Status Maps" under "Current Spotlights" on the homepage.

One participant asked if CIAs or EISs happen in the Project Development phase. Ken: yes, during Environmental Phase. Do you also identify historic and cultural properties? Ken: yes, it is basically collecting data. Yes, there is a process for this. Identifying historic properties happens after a design

- has been selected. Several of the participants said that may be the problem; consultation with the community should occur before final decision is made on the design, consultation with the affected community should occur.
2. Dawn then briefly provided an overview of the applicable federal and state laws, including the National Historic Preservation Act of 1966 (NHPA) Section 106 process, the NEPA Act of 1969, the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), Hawaii Environmental Policy Act (HEPA) HRS Chapter 343, and the Hawaii Burial Laws (Chapter 6E, Hawaii Revised Statutes and 13-300, Hawaii Administrative Rules). A summary of the discussion throughout and following the presentation is as follows:
 - a. One participant asked for a definition on “mitigation”. Participant explained her understanding as follows: NHPA requires agencies to ...avoid, minimize, or mitigate. She didn’t know if there was a singular definition of “mitigation” but it does say it is not compensation, but recognize that there should be something in response to offset the harm. It is not one size fits all. Mitigation gets a lot of discussion because every discussion is different. It would be beneficial for HDOT to have a discussion on appropriate mitigation and how do you know?
 - b. Dawn shared that generally under the applicable law, mitigation is a process where the consulting parties mutually agree on appropriate mitigation adverse impact to the historic property. Should not be done in a vacuum by the agency. Section 106 is more of a process than prescriptive set of rules.
 - c. One participant noted that HDOT goes into 106 already having an idea of what they are willing to do; HDOT’s good faith effort needs to incorporate exploring other ideas. This meeting is part of mitigation and wouldn’t have happened without the process and the CPs demanding it.
 - d. Most of the participants emphasized that we need to seek balance, we are seeking to do the pono thing.

LUNCH BREAK

H. Open discussion on possible way to improve consultation and community engagement with NHO on HDOT projects given the current project delivery process and regulatory requirements and identifying potential Best Management Practices (BMPs) to improve the relationship between HDOT and NHOs/Community/stakeholders (Facilitated by Herb)

Herb summarized what he viewed as the themes from the morning discussion: 1) early communication; 2) each project learns different things – internal HDOT coordination; 3) champions for the project are key; 4) understanding parameters of the law; and, 5) mitigation. He then opened the discussion to the participants. The discussion is summarized as follows.

Issue: Consultation Process; how do we know who to consult? HDOT uses the DOI list, but letters get returned; what else should HDOT be doing to consult with NHOs?

BMPs:

- Focus on families and the ahupuaa from the geographic area that you are proposing the project;
- One-on-one / face-to-face meetings are the best rather than sending letters – this builds trust;
- Do not cold call families as they generally won’t talk to you but work with Kupuna through Aha Moku Po`o;

- In addition to the DOI list, Leimana (Executive Director of the State Aha Moku) shared a contact list with Marshall and she said it was ok to share with others;
- Talk to community. When you reach out to the community, it is a two-way street. Acknowledge the community's valuable viewpoint instead of dismissing it...it shouldn't just be talking *at* them, but;
- Participants indicated even on smaller projects, HDOT should talk to the community before they make any plans consult because that builds trust, ask NHOs what they want to be consulted on; small projects, large projects, etc.
- On the HDOT consultant side, we are sometimes asked to do consultation but it's hard to know who to contact. It all about good faith efforts...writing a letter and an ad is not always considered as good faith. You have to be patient, persevere, and if possible have someone from the community who has credibility vouch for you because they are trusted;
- If you are trying to contact an NHO but are not successful, try another avenue. Aha Moku is one place to seek answers, also reach out to the Hawaiian Civic, or other organizations, including OHA.

Issue: Consultation; when should HDOT be consulting with NHOs and the community? HDOT shared some of their challenges with early consultation such as not knowing what projects will be funded until: (1) the legislature provides an appropriation authority for HDOT to expend funds for a project; (2) program priorities are determined based on data such as in the bridge program; (3) federal funds are used through the STIP process; and, (4) a federal undertaking triggers Section 106 consultation. On the other hand, the NHOs and community are asking for early community engagement prior to the above taking place which may lead to confusion.

BMPs:

- The participants indicated that if HDOT and the community both support specific projects, then Aha Moku / community can show up to testify in support of HDOT projects at the legislature. If HDOT starts consultation earlier, you can get more community to testify in support;
- Aha Moku can be a valuable resource to HDOT, similar to how they assist DLNR divisions;
- FHWA also acknowledged that the advantage of early consultation will let you "avoid" issues and adverse impacts as you catch issues earlier and you then pick another alternative;
- However, consultation should be ongoing...it should be throughout the project, from start to even after the end to ensure the accountability and follow up which is critical to establishing trusting relationships;
- GIS mapping system that identifies culturally sensitive areas would be helpful as HDOT can try to avoid sensitive areas even before the planning stage. However, some participants noted that not all NHOs are ready to make this information public. Perhaps we can create color coded maps to show sensitivities rather than having specific resources identified;
- Consult with the Aha Moku in the particular geographic areas for information;
- SHPD has a GIS map on its website; OP has ahupuaa maps...this layer could be added to the HDOT map or add a bubble on the HDOT project map that says "contact this Aha Moku for information on sites".

Issue: How do we avoid stakeholder fatigue/burn-out, because there are so many projects that HDOT is involved in? From the NHO perspective, they cannot get fatigue because it is their kuleana.

BMPs:

- Perhaps HDOT can come up with list of projects that will have no adverse effects and the community may not have to be concerned with those projects;
- HDOT should consider developing MOA or Programmatic Agreement between HDOT and SHPD for small projects that have minimal impacts but if it hits specific triggers, talk to these people. If it is under this threshold, no need to consult. Marshall shared that HDOT has been looking at developing programmatic agreements. Currently they are issuing work orders for smaller projects like repaving, and in the course of Section 106 consultation, they are moving forward with bundling work orders together for multiple routes in multiple locations for projects involving straightforward resurfacing work with minimal excavation, and staying within existing pavement limits;
- The above can allow the NHO and stakeholders to focus their attention on the larger projects.

I. Group closing remarks (Facilitated by Dawn)

Dawn wanted to extend heartfelt appreciation for everyone's candid participation, speaking with aloha and respect for one another. She asked each participant to identify or recommend one priority task that HDOT should undertake in building relationship with the community. A summary of the comments received is as follows:

1. From HDOT's perspective, hard for project engineers because it's not their job to build relationships, but rather to deliver on the project, within the budget and schedule. However, they recognize the value in having relationships with the community as it would probably facilitate their work. But they need to have a resource / liaison they can go to because it is unfair to expect project engineers to know who to go to in the community, especially Hawaiian community. Additionally, HDOT should have an outreach resource; someone to provide the framework and consistency will help. It may not be as easy as having one person added to staff. Later, another participant added that HDOT needs 3 people: office assistant, 6E specialist, and 106 specialist with good listening and people skills. HDOT also commented that they are trying their best to balance everything and please don't take it personally because they are really trying hard. It is not their intention to destroy resources but to improve transportation.
2. For George as the Oahu District Engineer, district offices are the ones out there; as the district engineer, he has been trying to reconnect...trying to be more in touch with communities and establish the relationships...maybe they will be the face instead of Design because they deal with day to day...he recognizes they need to do better but their need training needs to be more rooted in the land and culture;
3. For SHPD – it would be helpful if the PMs had a better understanding of Section 106 & historic properties language and the process, and that section 106 is more than checking off boxes and that consultation is a longer process;
4. One of the participants emphasized that communication is key and communication needs to be continuous;
5. There needs to be some change in HDOT culture to see the value of having a good relationship with the community because they will cover your back if they know what's going on and you've been keeping them engaged;
6. Another HDOT staff commented that he now knows that checking off boxes is not sufficient consultation. He wants to change his mind set and wants to do more;
7. One of the NHO participants said that this is a good first step, but would like to see specific action items that will help build on this; a commitment to moving the dialogue forward. Not just minutes of the meeting, but what's next? We should talk about solutions and not let momentum fizzle out. Maybe you need a workshop on every island every year and the topics might change, but she can see this building. As this becomes a regular occurrence, participation may grow.
8. Another participant wanted more transparency from the beginning; this can also save money on projects if you start consultation early;

9. One participant got to see consultation from the DOT point of view, and saw that they are here to understand and really want to do this the right way;
10. Participants thanked HDOT for listening to them and for holding the workshop. Additionally, the meeting was successful thanks to the facilitators. Thank DOT for hiring the right people to get the information from them.
11. Finally, Marshall expressed his gratitude for everyone being here and participating openly and honestly. He knows HDOT needs to work on internal communication and consistency. He acknowledged that it is important that the community knows they are acting consistently.

J. Next Steps with respect to Workshop (Facilitated by Dawn)

1. On behalf of HDOT and the entire Project Team, mahalo to the entire group for their genuine participation and commitment to having open and honest discussion about how to help HDOT improve its relationship to only with NHOs but the entire community.
2. However, the success of the workshop could be measured by continuing the conversation beyond the workshop
3. The Project Team will distribute the meeting notes within the next month;
4. HDOT will meet internally and with FHWA to discuss all the workshops and discuss next steps, however, they commit to keeping the participants informed.

K. Closing Pule – Rocky Kaluhiwa

On behalf of HDOT and FHWA, the above represents R. M. Towill Corporation's understanding of the discussions held. Notifications of any clarifications or discrepancies would be appreciated within 30 calendar days.

Prepared by: Laura Mau, Noelle Wright, and Dawn Chang

Attachment: Agenda

Attachment 1, Agenda



**State of Hawai'i
Department of Transportation (HDOT) – Highways Division
Relationship Building Workshop for O'ahu**

**Friday, July 27, 2018
9:00 am to 3:30 pm
Windward Community College
Hale Kuhina, Room 115
45-720 Kea'ahala Road
Kāne'ohe, Hawai'i 96744**

MEETING AGENDA

- I. Opening Pule
- II. Welcoming remarks
- III. Introductions
- IV. Brief Overview of the Workshop (Background, purpose, and goals)
- V. As Native Hawaiian Organizations (NHOs) what are your issues or concerns with respect to HDOT's current consultation process with NHOs?
- VI. Break
- VII. Overview of HDOT's project delivery process and regulatory requirements with respect to consultation with NHOs
- VIII. Lunch
- IX. Discuss and identify possible ways to improve relationships between NHOs and HDOT through consultation and community engagement on HDOT's Projects
- X. Break
- XI. Closing Mana'o
- XII. Next Steps
- XIII. Closing Pule and Mahalo

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- To view current HDOT projects statewide, click the [HDOT Highways Program Status Maps](#) under “Current Spotlight” on the homepage.
- For information regarding the Statewide Transportation Improvement Program (STIP), visit: <https://hidot.hawaii.gov/highways/other/other-related-links/stip/>