



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

**MEETING NOTES**

**Subject:** Queen Ka'ahumanu Highway Widening, Phase 2 Project  
Relationship Building Meeting  
Draft Meeting Notes

**Date/Time:** Tuesday, August 29, 2017 9:00 a.m. to 3:30 pm

**Location:** West Hawaii Civic Center  
Council Chambers, Building A  
74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawaii 96740

**Agenda:** See attached

**Attendees:** See below

**Hawaii Department of Transportation (HDOT)**

Scot Urada  
Ken Tatsuguchi  
Deona Naboa  
Donald Smith  
Natasha Soriano

**Makani Hou o Kaloko-Honokōhau (Makani Hou)**

Fred Cachola  
(Also representing Royal Order of Kamehameha)

**Aha Moku Advisory Committee**

Leimana DaMate

**Federal Highway Administration (FHWA)**

Ralph Rizzo  
Lisa Powell  
Kaha'a Rezantes  
Adriana Windham

**Kona Hawaiian Civic Club**

Cynthia Nazara

**North Kohala Hawaiian Civic Club**

Napua Akamu

**State Historic Preservation Division (SHPD)**

Amy Rubingh

**Kailapa Homestead**

Diane Kanealii

**National Park Service (NPS)**

Jeff Zimpfer, Kaloko-Honokōhau National Historic Park  
Aric Arakaki, Ala Kahakai National Historic Trail  
Cayla Crivello, Ala Kahakai National Historic Trail

**County of Hawaii Department of Public Works (DPW)**

Kason Pacheco

**Historic Hawai'i Foundation (HHF)**

Greg Chun  
Kiersten Faulkner

**Facilitators**

Dawn Chang (Kuiwalu)  
Herb Lee (Malama Waiwai)

**R. M. Towill Corp. (RMTc)**

Laura Mau  
Noelle Wright

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**A. Opening Pule – Cynthia Nazara**

**B. Welcoming Remarks (Scot Urada, HDOT and Ralph Rizzo, FHWA)**

1. Scot thanked all participants for coming from various parts of the island to contribute their participation, time, and mana'o to the Workshop for the day. He likes coming to Kona because he is from there, and he can personally relate to the change caused by development in the area over time. In 50 years from 1960 to 2010, the Big Island population has tripled. He explained that HDOT and the County are affected by development because they need to build infrastructure to accommodate this continued development. He acknowledged the need for communication between all parties during all major projects HDOT undertakes, which is why the primary purpose of the Workshop is to improve communication and consultation between HDOT and NHOs and to move towards working together in a more effective manner. While the Workshop stemmed from the Queen Ka'ahumanu Highway Widening, Phase 2 Project (Queen K) Memorandum of Agreement (MOA), the purpose of this workshop was broader and intended to find ways to better understand HDOT's process and to address NHO's concerns towards improving the relationship between HDOT and NHOs.
2. Ralph reiterated Scot's sentiments regarding the Workshop. He believes that project issues may be addressed earlier on in the process through the understanding of everyone's perspectives and through being open with one another. While requirements of the Section 106 project will be addressed, he looked forward to looking beyond such requirements to discuss ways to improve consultation overall. He pointed to his background in history, and how it is important to learn from the past, but also to look forward to working together in the future.

**C. Introductions (Facilitated by Herb and Dawn)**

Dawn requested that participants identify themselves and share their expectations of the Workshop. A summary of major comments received are as follows:

1. FHWA and HDOT engineers do not often have the opportunity to address the community, so they were interested in hearing from participants.
2. Participants from both the government and community sides saw the value in the networking that would come from the day, whether it was through face to face contact or through sharing their other contacts. The hope was shared from both sides that through meeting and exchanging contacts, the conversation would continue beyond the Workshop.
3. Kiersten expressed the aspiration towards a document that provides a better framework for consultation moving forward, and is actionable and holds participants accountable.
4. Many participants looked forward to understanding all perspectives and improving communication between the NHOs and wider community and HDOT. Cynthia used the metaphor of a canoe as the community, and expressed the desire to improve communication, as they do on a canoe, to move forward together.
5. NHOs and residents of the land expressed the desire to be consulted in a meaningful way.
6. A majority of participants looked forward to learning from the entire community and from all perspectives, and to use the knowledge learned from the day to better serve the wider community.
7. Leimana explained that the Aha Moku Advisory Committee has a unique mission to advise DLNR, and would like to share their knowledge with other government agencies such as HDOT.

8. Aric offered the example of the outreach he has undertaken at Ala Kahakai National Historic Trail. Through a series of meetings with the community on Hawaii Island, they utilize a policy that requires consultation to be early on in the process and descendant-led. His expectation is that all levels of government can incorporate the values of NHOs into their planning process and build the capacity of the government around a new paradigm of community engagement in land use planning and decision-making.

**D. Process Protocols (Facilitated by Herb)**

1. Herb explained the process protocols using the word "ALOHA": (1) Akahi as modesty, (2) Lokahi as Unity, (3) Oia i'o as honesty or trust, (4) Ha'aha'a as humility, and (5) Ahonui as patience. These cultural protocols should guide our discussions with one another. Herb reminded all that "Aloha" is a word with depth. It is intended that through the Workshop, everyone will come together under a deeper understanding of Aloha to relate to one another, our 'āina, the kūpuna, and the generations to come.

**E. Overview of the Workshop (Facilitated by Dawn)**

1. Dawn wanted to acknowledge that the original Consulted Parties (CPs) to the Queen K MOA saw the need for a Relationship Building Workshop, and it is because of their efforts that HDOT and FHWA convened this workshop. HDOT is committed to convening similar workshops on other islands. While the Workshop did stem from a project-specific MOA, Dawn reiterated that the purpose for this Workshop is to focus on the larger issues of improving relationships between government agencies and NHOs.
2. A portion of the MOA was read by Dawn in order to give background of Stipulation 14 and to provide context for participants who may not be familiar with the MOA.
3. Fred expressed frustration with the Workshop being held months later than what was agreed upon in the MOA. He also expressed frustration with the agenda not being organized according to the MOA's five (5) major areas as outlined in the Stipulation.
4. Dawn clarified that the intention of the agenda was to capture what the CPs and signatories had included in the Stipulation; however, the words used in the agenda were not verbatim from the Stipulation itself. The different choice in language was not intended to ignore the five (5) subjects outlined in the Stipulation. She also explained that the Workshop organizers wanted to ensure that the agenda was broad enough to permit time to listen to NHOs, to give HDOT an opportunity to share, and to find a way to move forward.

**F. Open discussion on what are the NHO's successes and challenging experiences on HDOT projects with respect to consultation and communication with NHO (Facilitated by Herb)**

NHOs were given the opportunity to identify their positive and negative experiences in the audience of HDOT. Their experiences are documented, as follows:

1. Fred expressed that FHWA and HDOT also have the responsibility to identify issues, not only NHOs.
2. Kiersten identified issues related to the lack of the transfer of institutional knowledge on the government side for the Queen K project and others. She reiterated that relationships are built upon trust, and that it is important for HDOT to follow through on what they promise.
3. Cynthia again presented the metaphor of the canoe, where everyone has to clearly communicate with one another to arrive at the desired conclusion. The public does not clearly understand the difference between levels of government, and does not know what the engineers and government workers do and how

complicated it is. Not every community group is consulted with or informed about projects, and there needs to be better, broader communication in the planning stage. It is important that government establish communication so that the public is aware of what they do and can be consulted.

4. Ralph explained that FHWA does maintain community engagement requirements, but that they lean heavily on the state for this.
5. Ken acknowledged that communication is an issue, as he does not get called into the problem until later.
6. Consensus amongst the group was that consultation begins too late and should happen earlier.
7. Greg acknowledged the importance of tools; however, he explained that you cannot effectively engage with community if you haven't established a relationship. Landowners and developers have the kuleana to establish a longer term and ongoing relationship in the communities they are working in.
8. Fred expressed concern that there is no consistency in the people they speak to within the government nor is institutional knowledge passed on. To remedy this, he recommended a policy document could guide future employees of an organization. He pointed to the Department of Defense Section 106 consultation guide as a model to follow.
9. NHOs are generational, and there is community within the ahupua'a who may not have lineal connections but are rooted in their communities. It is important for HDOT to build long-lasting trust with this community.
10. While Don is new to HDOT, he likes to build relationships. He acknowledged that it will be a challenge within HDOT to sustain internal institutional knowledge. If there is no culture within the organization to build relationships, it will not happen. He is looking to change this and to build a culture that encourages building relationships.
11. At the same time, Cynthia said that as leaders in the NHO community, it is their responsibility to ensure she passes on the knowledge and relationships she has built to their members in order to maintain what she has helped built.
12. Don questioned the best way to file a policy that guides HDOT to establishing that relationship.
13. Amy gave the example of South Dakota DOT would talk to tribes in the area individually about what projects would be happening every five years. If you keep having problems, you will be associated with problems.
14. Fred gave the example of the Department of Defense, where the incoming commander of cultural sites are required to show the incoming commander of cultural sites that they already know of. Leadership in HDOT could learn from this example.
15. Aric said that as servants of the public, it is important to remember who they serve and that they are entrusted with public lands.
16. Kaha'a acknowledged that it is important to understand each other, orgs also need to understand the structure in government

**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.
  - b. Ken outlined the Public Information and Coordination efforts made by HDOT, which includes 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.
  - c. Fred said that while it was appreciated that HDOT distributes information using web-based tools, most kūpuna do not utilize such technology. Hawaiian culture prefers to talk story rather than going online. One of the main issues he has identified within HDOT is that outreach should be done using various methods and in a manner that respects cultural sensitivities and all demographics. Dawn acknowledged the comment, and reiterated that technology is not the only way that HDOT releases information.
  - d. Amy commented that website names should be spelled out on the presentation handouts. Laura with RMTC promised that all website links will be emailed to all participants.
  - e. Regarding press releases, Fred commented that NHOs are not offered participation during the crafting of press releases. NHOs do not always appreciate how they are perceived as obstructionists in press releases. They would appreciate the opportunity to collaborate or review press releases before they are released by HDOT. He would also encourage HDOT to re-think their policy on writing joint press releases.
  - f. Leimana asked how HDOT reaches communities that are not involved in NHOs and the kūpuna who have knowledge about the area but do not have computers.
  - g. Kaha‘a encouraged everyone to take in the information from HDOT and then to move towards solutions.
  - h. Greg commented that community consultation sometimes turns into marketing campaigns and a public relations effort. He reiterated the need for community engagement to go deeper and be long-lasting.
2. Ken presented HDOT’s Project Delivery Process, which includes Planning and Programming, followed by Project Development, and, finally, Construction. He pointed out that the Section 106 process occurs within the Project Development phase of the overall Project Delivery Process.
  3. Dawn gave a technical presentation on the National Historic Preservation Act of 1966 (NHPA) Section 106 process, the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 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. Dawn acknowledged that much of the information and mitigation measures requested by the NHOs is outside of the Section 106 process.
    - b. Amy commented that the Section 106 process does not dictate at what part of the process that consultation should take place. It is typically better to start earlier. Ralph agreed that if prior and ongoing engagement has happened during the project process, consultation is not a big deal. It was agreed by all that community engagement earlier on before the legal requirements are.

- c. Kaha'a appreciated that Ken showed what HDOT's process is. It provided an opportunity to identify where in the process it would be valuable to outreach to the community.
- d. Kiersten state there is point in the process when you are too late. The agencies have a responsibility to engage at the earliest point in planning. The scale of the potential project and impacts should also be indicator of when engagement begins. If there is a smaller scale project, it doesn't matter as much. Amy added that for the community to ask to be consulted is not above and beyond the requirements of Section 106. Scot said that HDOT understands the desire for early consultation, and acknowledged comments made by SHPD and NPS as to when Section 106 consultation should take place. However, depending on the project, in order for HDOT to provide meaningful information during consultation, some degree of engineering needs to be performed ahead of time. An example of the Saddle Road Extension Project was given.
- e. Natasha with HDOT commented that as an engineer, the majority of projects she works on are on a Categorical Exclusion (CATX) level. She was worried that NHOs wanted to be informed about every level and type of project, but realizes that is not always the case. For example, many projects involve repaving that does not exceed already paved limits; would NHOs like to be consulted on such a project. What scale of project, then, would NHOs prefer to be consulted with on outside of the Section 106 process?
- f. To address the types and scale of projects requiring Section 106 Consultation or additional pre-consultation, Kiersten recommended a Programmatic Agreement approach.
- g. Greg pointed back to the culture of the organization and urged organizations to consider consultation and community engagement as a Best Management Practice overall.

**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 a recap of Best Management Practices (BMPs) (Facilitated by Herb)**

1. Herb summarized the morning's discussion on how to improve community engagement and consultation, as follows:
  - a. Early consultation with the NHO community is preferable. While there is a start and finish to the Section 106 process, what the participants seek occurs before or after the formal process. There is nothing in the regulations that prohibit this.
  - b. Continuity and passing down institutional knowledge is important at the government level. While relationships may change as staff changes, it is important to sustain the information and relationships.
  - c. Relationships are reciprocal. Therefore as mutual relationship and trust builds, there will be smoother opportunities to move towards the avoidance of potential problems.
2. Herb opened the floor for a question and answer session regarding the best ways for HDOT to improve its processes. The discussion is summarized as follows.
  - a. Issue: At what point and how should consultation occur?  
BMPs:
    - The best way to consult is face-to-face and in the field where the project is because the field can provide a frame of reference for impacts.

- Let the community know that a project will involve the Section 106 process. When such a notice goes out, also attach a list of who received the information too.

- b. Issue: With whom should HDOT consult with? Don needs to have the ability to know who to talk to because he does not have the means and time to speak to everyone. Laura raised the issue of outreaching to families or groups with certain standings.

BMPs:

- The group compiled a list for HDOT to utilize during its outreach, attached to the meeting notes.
- Participants acknowledged it is difficult to know who to go to and that every community is different, but you have to commit to going out into the community to better understand.
- Leimana recommended taking everyone's mana'o and to acknowledge that they are important. There are 606 ahupua'a in the state, and if you find a family kūpuna in an ahupua'a, let them open the way for you. Be respectful and be friends with them, and let them take the lead.
- Fred reminded HDOT to expect and tolerate an attitude of ambiguity from Native Hawaiians. When they receive an invitation, do not always expect an answer.
- Fred also invited Don to more casual talk story sessions that kūpuna hold in their local community.

- c. Issue: HDOT can be perceived as more of an outsider, an enabler of development, and a threat to historic sites. They can sometimes also be seen as wanting to build projects without considering the preference of the community, as communication and clarity in conveying purpose is lacking.

BMPs:

- While Cynthia agreed with the previous sentiments, she finds that the more she gets to know people that work in HDOT, the more she sees that they want to help the community.
- Leimana appreciated how Scot explained where he was from during the introduction to the Workshop. This humanized him and shows her that people in government agencies are also connected to the land. HDOT does good work such as putting ahupua'a markers. This would be great to see on all islands.
- Nona responded that HDOT is a part of the community and that they need to address everyone in the community. Sometimes the result of what the entire community needs is not always what NHOs want. This is difficult to balance at times.

- d. Issue: What kind of projects do NHOs want to know about? HDOT acknowledges that interested parties need to know about larger scale projects, especially those involving the Section 106 process, but what about maintenance projects or smaller projects?

BMP: A solution could be a Programmatic Agreement, as previously discussed. Such an agreement would result in a list of projects that wouldn't need to be consulted for.

- e. Issue: Public Involvement or Engagement Plan: could HDOT include such a plan in its overall project delivery process? Could context-sensitive design is a part of such a plan?

BMPs:

- Ken said that such a plan could be addressed in the environmental phase of a project. He defined the Flexible Design policy as a design that meets its purpose, but flexibility in design is provided.
- Engage schools or have workshops and trainings to inform the community about the project and where and when the community can be involved so that people know ahead of time that projects are coming.
- Aric recommended that HDOT plan for alternative transportation modes in addition to car traffic. An example from the Queen K project is the Underpass Feasibility study to enable trails to go mauka to makai. It can be put in the language that underpasses are considered an alternative mode
- It was suggested that outreach also be in collaboration with the County through the use of satellite testifying sites.
- Greg recommended taking the STIP on the road every year and every time they update it. The NHO participants supported presentations of the STIP exclusively for NHOs and Hawaiian civic clubs in addition to the community presentations HDOT presently makes across the state every five (5) years.

f. Issue: How would HDOT characterize the current relationship between state and county planners.

BMP: Don explained that there previously was not, but that HDOT is starting to work closer with the County, and that even district engineers are working closer together. HDOT management is also currently taking Hawaiian Culture Leadership training, which will hopefully lead to an internal culture shift.

**g. Group closing remarks (Facilitated by Dawn)**

Dawn asked each participant to recommend one priority task that HDOT should undertake in rebuilding the relationship. A summary of the comments received is as follows:

1. Regular reporting of the Queen K MOA
2. Seek input from kūpuna. Utilize the list compiled from the Workshop and keep in contact with the organizations and/or individuals. Continue to learn from and respect Hawaiian history, ancestry, and culture, and eventually "Think Hawaiian." Don confirmed that HDOT may consider talk story sessions.
3. Establish a reciprocal relationship that is not project-specific, but ongoing, built on trust, and meaningful. Follow through with promises, because following through with promises will build trust.
4. Improve reciprocal communication. This Workshop was a start in getting each individual to put themselves in the other's position, thus gaining a better understanding of where each other is coming from. With the understanding that not everyone will be pleased by every decision made, continue to listen to and learn from the community and from each other.
5. Establish a formal transfer of knowledge and cultural shift within the HDOT organization. It is important for HDOT to continue to train the young engineers so that they may begin learning from their superiors now, while also building relationships early on in their careers. NHOs support the change of internal culture at HDOT, and ask what they can do now to help them.



6. Seek to preserve and protect our cultural and environmental resources, including historic trails, for future generations of the state.

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

1. FHWA and HDOT will convene similar workshops on other islands.
2. HDOT will prepare a comprehensive summary of all the statewide meetings and distribute to all the attendees. Thus, you may not be receiving a summary of this Relationship Building Workshop, as the notes will be incorporated into the comprehensive summary;
3. HDOT and FHWA will consider the collective mana'o in determining what they can implement, where they need the NHOs and CPs help, and what they may not be able to implement.
4. Most importantly, HDOT's follow-through with the items they have promised to review will be the most important in re-building trust with the NHOs on Hawaii Island. It is only through follow-up and fulfillment of promises that a true relationship can be built.
5. In conclusion, HDOT and FHWA will consider the collective mana'o in determining what they can implement, where they need the NHOs help, and what they may not be able to implement.

**i. Closing Pule – Fred Cachola**

On behalf of HDOT, 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 and Noelle Wright

Attachments: Attachment 1, Agenda  
Attachment 2, Presentation Handout

## **Attachment 1, Agenda**

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**Department of Transportation  
Relationship Building Workshop**


**Tuesday, August 29, 2017  
9:00 a.m. – 3:30 p.m.  
West Hawaii Civic Center – Council Chambers**

**MEETING AGENDA**

- I. Pule Wehi
- II. Welcome
- III. Introductions
- IV. Brief Overview of the Purpose of the Workshop
- V. Opportunity for NHOs to identify their issues or concerns with respect to HDOT's consultation process
- VI. Break
- VII. Overview of HDOT's current project delivery process and regulatory requirements with respect to consultation with NHO
- VIII. Lunch
- IX. Discussion on possible ways to improve consultation and community engagement with NHO on HDOT's Projects
- X. Break
- XI. Recap of possible ways to improve or assist NHOs, HDOT, and FHWA to have productive and effective consultation and community engagement on HDOT Projects
- XII. Closing Mana'o
- XIII. Next Steps
- XIV. Closing Pule and Mahalo

## **Attachment 2, Presentation Handout**

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WELCOME TO THE  
DEPARTMENT OF TRANSPORTATION  
RELATIONSHIP BUILDING  
WORKSHOP

Location: West Hawai'i Civic Center – Council Chambers  
74-5044 Ane Keohokalole Hwy.  
Kailua-Kona, Hawai'i 96740  
Date/Time: August 29, 2017, 9:00 AM – 3:30 PM

Prepared For: Department of Transportation , Highways Division

Prepared By: R. M. Towill Corporation

# WORKSHOP PROTOCOL

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“Five Pillars of Aloha”  
Workshop protocols and guidelines

Akahai – Modesty  
Lōkahi – Unity  
‘Oia ‘i‘o – Honesty  
Ha‘aha‘a – Humility  
Ahonui – Patience

Inspired by Pilahi Paki through  
Hawaii Revised Statutes 5-7.5  
the “ALOHA Spirit Law”

# HAWAII DOT- HIGHWAYS DIVISION

## TYPES OF PROJECTS WE DO

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### Maintenance

- Pavement
  - ~ Resurfacing
  - ~ Reconstruction
  - ~ Slurry Seal
  - ~ Pothole
- Bridge
  - ~ Replacement
  - ~ Rehabilitation
  - ~ Spall Repair
  - ~ Paint Rehabilitation
- Shoreline Rehabilitation
- Rockfall Rehabilitation
- Slope Stabilization
- Traffic Signal Replacement
- Drainage
  - ~ Replacement
  - ~ Retrofit
- Highway Lighting
- Guardrail
- Signing

### Maintenance (cont.)

- Pavement Markers/Striping
- Landscaping
- Accident Repairs
- Utilities

### Congestion Relief

- New Traffic Signal
- Intersection Imps
- Signal Optimization
- New Bike Lanes
- New Sidewalks
- HOV Lanes
- Contraflow Lanes
- Roadway Widening
- New Roads

### Other

- Baseyard
- Equipment
- Plant Habitat

### Safety

- Intersection Improvements
- Rumble Strips
- Signing
- Sidewalks, ADA Compliance
- Shoulder Widening
- Guardrail
- Roadway Retrofit
- Highway Lighting
- Noise Control
- Retaining Walls
- Size and Weight Program
- Emergency Preparedness and Response
- Non-infrastructure
  - ~ Education
  - ~ Enforcement

# HAWAII DOT- HIGHWAYS DIVISION

## PUBLIC INFORMATION & COORDINATION

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- STIP: [DOT Highways STIP](#)
- Project Website
  - ~ Projects Locations: [DOT Highways Project Status Maps](#)
  - ~ Description
  - ~ Schedule
  - ~ [Other Related Links](#)
- Respond to Calls/Email
- Project Meetings
- Press Releases



# HAWAII DOT- HIGHWAYS DIVISION PROJECT DELIVERY PROCESS

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## Planning and Programming → Project Development → Construction

Long-Range Plans

Studies

STIP

Project initiation

Desk and field scoping

Pre-Design  
(30%-60% Design)

Environmental

Design

Right-of-Way

Pre-construction  
coordination

Construction

Environmental  
clearance and  
permitting  
compliance

# HAWAII DOT- HIGHWAYS DIVISION NHPA SECTION 106 PROCESS

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## Project Development

## Section 106

Project Initiation

Initiate Consultation

Scoping

Identify Historic Properties

Pre-Design

Assess Effects

Environmental

Resolve Adverse Effects

Design

Execute Agreement Document

Right-of-Way

Implement Agreement

Construction

# RELEVANT FEDERAL LAWS

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## **National Historic Preservation Act of 1966 (NHPA)**

1. NHPA applies to proposed federal or federally assisted undertakings in any State;
2. Section 106 of the NHPA requires all federal agencies to consider the effects of the undertaking on historic properties that is included or eligible for inclusion in the National Register;
3. Section 106 requires consultation with Native Hawaiian organizations, including Office of Hawaiian Affairs, Island Burial Councils, and Hui Mālama I Nā Kūpuna O Hawai'i Nei; and
4. State Historic Preservation Officer is the Chairperson of the Department of Land and Natural Resources.

# RELEVANT FEDERAL LAWS

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## **Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)**

1. NAGPRA describes right of Native Hawaiian Organizations (NHOs) with respect to the treatment, repatriation and disposition of human remains and cultural items;
2. NAGPRA applies to federal or tribal lands; Department of Hawaiian Home Lands are tribal lands; and
3. NAGPRA requires federal agencies and museums to inventory and if requested to repatriate cultural items to NHOs. Ultimate goal of NAGPRA is the repatriation of human remains to lineal descendants or NHOs.

# RELEVANT STATE LAWS

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## **Hawai'i Burial Laws - Chapter 6E, HRS and 13-300, HAR**

1. In 1990, Act 306, HSL, established the Hawai'i State Burial Laws to preserve and protect native Hawaiian burials;
2. Five Burial Councils: Hawai'i, Maui/Lāna'i, Moloka'i, O'ahu, and Kaua'i/Ni'ihau. Composition of the Burial Councils shall include cultural practitioners that represent geographic regions on the island and large property owners' interest;
3. Burial Councils shall hold public meetings governed by the Sunshine Law, however, meetings may be closed when discussing location and description of burials or genealogies;
4. Burial Councils have sole authority to decide permanent disposition of previously identified native Hawaiian burial remains (which are generally found during an archaeological inventory survey) in consultation with recognized lineal or cultural descendants; and
5. Burial Councils shall have the authority to recognize lineal and cultural descendants.