

Queen Ka'ahumanu Highway Widening Project Agenda  
106 Consultation Meeting  
February 29, 2020  
9:00am to Noon

**1. Introduction by each person participating in the meeting.**

*Paka checked in with everyone who was on the line. Richelle Takara, Lisa Powell, Marshall Ando, Ken Tatsuguchi, Harry Takiue, Julann Sonomura, Susan Lebo, Fred Cachola, Paka Harp,*

*Faith Rex Facilitating, Anna Pacheco Note Taking.*

Fred did a pule to start the meeting.

**2. Focus for the Meeting**

*Faith explained the focus for the meeting was to discuss the Makani Hou August 13, 2019 objection to implementation of the MOA and determine if any items are still unresolved. Also, to discuss the terrain model, noise study and underpass feasibility study.*

**3. Protocol for the meeting**

*Faith explained the protocol to everyone. Same as last meeting. Kapu Aloha, respect, giving everyone a chance to speak. Faith explained those on video should raise hand to speak and those on the phone she will address periodically for comment. Everyone agrees.*

**4. Review the August 13, 2019 Objections by Makani Hou and the FHWA/HDOT Response**

**a. Stipulations to be discussed in the following order:**

*Paka explained that they color coded their copy of the responses and added additional comments to them. (copy of document sent to participants and with this document)*

**i. General**

*Fred stated that HDOT and the people they are working with are not trained to handle this matter. He felt HDOT wasn't prepared to deal with 106 and felt they do not have the skills to consult with Native Hawaiians and that is why they hired a facilitator. Fred urged Hawaii Department of Transportation (HDOT) and Federal Highways (FHWA) to develop better relationships with Native Hawaiians. Fred felt there is no one appropriately trained there and suggested a new MOA for how Native Hawaiian should and will be consulted. Fred said part of*

*that should include hard copies of all documents, also that all sessions should begin and end with a pule, encourage the use of Hawaiian language. These were examples of things that would be beneficial when HDOT and FHWA are working with Native Hawaiians. Fred points to what the Department of Defense has done, which is a two-day training for leadership and staff on Hawaiian culture. He hopes HDOT will seriously consider doing this kind of workshop.*

*Paka said he looked on the ACHP website and that they do offer a training.*

*Susan said ACHP recently completed a handbook for working with Native Hawaiians and 106. HHF (Hawaii Historic Foundation) is the lead agency for training sessions. The first session was held last Saturday and lasts for about 3 to 4 hours. HHF just had the first one on Oahu and will be traveling out to other islands as well. There is a panel of experts during the training that lead discussions and answer questions.*

*Fred stated that this available training is good, but it is still voluntary and HDOT doesn't have to attend.*

*Lisa said that FHWA went to the training on Oahu and are working with those folks to develop one for FHWA and HDOT specifically.*

*Susan said the training is also available online.*

*Richelle added that ACHO-NHP also has online training.*

*Fred said we can move on but also noted that this is not resolved. He is glad that training is available, but it is just a voluntary thing. FHWA can require this training. Unless anyone working with Native Hawaiians is required to take training it is not okay.*

## **ii. #4 – Archeological Preservation and Mitigation Plan**

*Fred stated that a copy of all of the field work was never sent to NHOs and that is unacceptable. He felt he wrote this objection because he said he has not seen anything.*

*Lisa stated it was on the agenda at the last meeting but it wasn't discussed because so much time was spent on objection 1. She said hard copies were available.*

*Paka said in his opinion a binder with all of the public documents should be kept and documents should be 3 hole punched to be added. Documents are hard to hold on to for many years.*

*Fred stated this is important work that is happening because historic areas are being destroyed and that is history gone. He stated the data must be recovered and preserved for all of Native Hawaiians. Collected preserved and discussed. He mentioned that now it is nine years later and*

*that upfront discussions never occurred. It is not just getting a report it is having the ability to discuss adjust and consult.*

*Paka said the rocks that were removed from the ahupua'a early on close to the boundary that Hawaiians really want to take a hard look at. He said that is was not a randomly placed wall. It was deliberate to warn those coming from the north because that is where Kamehameha the third was being raised and trained to become a monarch. That area could be considered sacred because that is where a young alii was being raised. That wall had been bisected and further impacted by the widening of the highway. Fred said they requested that those rocks be removed by hand, not by machinery, and kept safe to build a monument. This should have been part of the consultation process that never occurred.*

*Paka agreed with Fred and wondered if we should move on to the next topic.*

### **iii. 5B – Native Hawaiian Cultural Outreach and Education**

*Fred stated they were very dismayed and disappointed at this. They wanted Hawaiian archaeologists and anthropologists who specialize in this area to perpetuate the history accurately. Fred felt that kind of scrutiny was not put into this. They were also never consulted about what this included.*

*Paka said the MOU was completed with UH before it was agreed upon by all parties. He felt that was inappropriate. He felt this was a good lesson on how to not write the MOA in the future and that they need to be more specific.*

*Fred reiterates that before their MOA was signed the agreement already happened with UH and they weren't consulted. He felt that the people initiating an objection should be included in the response but felt they were just ignored.*

*Paka talked about not knowing when a stipulation is considered complete. Should they ask David Clark?*

*Faith alerted Paka he was coming in broken up.*

*Lisa responded that they cannot engage in a perpetual endowment like Fred and Paka suggested.*

*Fred said the mitigation would be complete upon giving the money to UH but that it could create an endowed scholarship and go on in perpetuity. Fred wants to know who is making the decisions as to when thing "end". He stated that once they give the money to UH it is done for them, and it is UHs business what they do with it.*

*Paka suggests addressing his notes since his audio isn't working great. Suggests to move on. Fred said that his expectations are not met and this is not resolved.*

#### **iv. #8 – Noise Study**

*Paka explained the objection and lack of consultation.*

*Susan asked if there was any disagreement that the study was completed in accordance with 23 CFR 774 regulations. If they did then HDOT completed the stipulation.*

*Paka believes the NPS requested this mitigation and he is not sure what the goal was for this study. Paka wants to know the details of this regulations.*

*NPS said they will follow up.*

*Paka said he maybe saw the report initially but is not sure.*

*Fred said regarding documents the shared sites aren't good for him he wanted hard copy. He explained this is another example of the need for an MOA for working with Native Hawaiians. He was disappointed the study was never discussed.*

*Paka said please see the right-hand column which is unfinished business that still needs to be addressed. He wants to address it to move on.*

*Fred said the noise study doesn't just apply to the highway. He said helicopters and other things should be addressed. That noise interrupts Hawaiian ceremonies and it was not considerate and it is disrespectful.*

*Paka said park service does not have control over flight patterns and air traffic and that should be addressed. To help avoid overflights.*

*Fred said before the study was initiated these conversations should have happened. However, no consultation happened before during or after. Fred said this issue is still unresolved.*

*Susan said she hears the concern with consultation. Also stated that air traffic is outside of highways responsibility and cannot be included in the study by HDOT.*

*Fred said he hears that but it should have been considered and addressed at least that noise is a concern for Native Hawaiians.*

*NPS suggests meeting to talk about a general noise study. They think that can be done.*

*Fred appreciated that but said it should have been discussed earlier. He still felt the noise study was unresolved.*

*Paka said that if there was nothing else to move on.*

**v. #10B – Pedestrian Crossings – Underpass Feasibility Study**

*Fred said the original discussion was that the underpass would be built. Later there was a compromise that there would be a study. Immediately after the construction started, Native Hawaiians realized how many trails were being bisected. The point was to at least make one historic trail complete to walk in the footsteps of their ancestors with an underpass or an overpass. After accepting a compromise of a study, Paka was very upset. He felt they did this study and walked away. He felt it was very unprofessional and disrespectful.*

*Paka said HDOT needs to avoid bisecting trails in the future. He feels considering that one trail as the one to make continuous is best because the private land owner adjacent has agreed to help preserved the trail. They also have additional culturally significant property there and are very interested in preservation. Paka said discussions should move forward in the future as part of the mitigations. Reiterated there is unfinished business.*

*Paka said HDOT has a policy on third party liability and requested a copy and is still awaiting that.*

*Marshall asked Harry if he was able to find anything. He was not. Marshall had his staff look for a policy and could not find anything. Marshall said if anything in place was consistent with overpasses on Oahu.*

*Paka requested a copy of something and Marshall agreed to look for it.*

**vi. #11 – Interpretive Signs**

*NPS and Fred and Paka have agreed to meet to discuss this. The permit ends at the end of the next month, but until the meeting is done there is no need for further discussion on this.*

*NPS said to let them know when they are free, and they will have as many meetings as necessary to get this right.*

*Fred said the design isn't so important, but the location is very important. Fred thanked NPS for making themselves available.*

*Fred and Paka will meet with NPS March 6.*

**vii. #12 – Ahupua'a Signs**

*Paka said this could be resolved if there was an agreement for a site visit together with HDOT and FHWA to review the placement and boundaries themselves. Paka also pointed out mistakes.*

*Lisa requested that Paka receive a copy of the draft signs before they are made.*

*Paka suggested the group move on.*

#### **viii. #14 – Relationship Building Workshop**

*Fred said the workshops are still incomplete. He thought the ones that were completed were very good but that he doesn't know how many of HDOT attended. He thinks it is nice the workshops are continuing and agrees they should improve relationships. Fred expressed concern on the turnover rate at HDOT because those trained and with relationships come and go so he hopes that the workshops will continue. Fred said they need to know who has attended so that when consultation occurs those people should be the consultants with NHOs.*

*Paka said this is an opportunity to improve relationships and processes.*

*Fred said that Lisa wrote there will be new policies and procedures. Fred was very pleased to hear this. Fred said he would like to see the new policies once they are drafted or adopted.*

*Lisa said yes. It can be shared as it is developed. Entails clearer roles and responsibilities and internal processes and procedures.*

*Fred said thank you and if those procedures had been in place 7 years ago maybe this never would have happened. Fred said this should be done early, not post facto as it is now.*

*Paka suggested moving on.*

#### **ix. #15 – Terrain Model**

*Paka said after starting with a digital model overlaying trails and historical areas, those should be transitioned into a physical model to show trails and highways bisecting. Disappointed with results. Did not feel this was an effective consultation process. Paka wanted to note his opposition.*

*Fred felt the intent and purpose of this model was missed and due to a lack of consultation. Fred is very disappointed, and the issue is still unresolved. It can be resolved with an additional model that include the layers they want. These details are important and need to be included to document and teach it so it is not lost. Fred mentioned there were 3 meetings, yes, but they couldn't make those times and other organizations who did not represent them were there and the outcome is very disappointing. All could have been avoided if they were consulted.*

*Paka mentioned that some of the stipulations were not clearly articulated. Paka asked Lisa who is working on the digital terrain model.*

*Lisa said a subcontractor from RMToweill.*

*Paka requested that the map be available for public access and wanted it to be able to functionally add and remove layers so it is more useful.*

*Fred said this is part of curriculum of traditional Hawaiian landscapes and their mission is to retain what is being destroyed and to perpetuate the history.*

*Paka addressed his comments on the document and if there is no response we can move on to the next.*

*Fred reiterated the question of who decides when it is complete. So far, he thinks that HDOT has decided when it is complete and those who initiate it are ignored. He thought this was backwards and wrong.*

*Paka disagreed with RMToweill doing the project and disagreed with their methods.*

#### **x. #17 – Post-Review Discoveries**

*Paka addressed FHWA/HDOT response #2. Also wanted to address that the comment #4 remains unresolved. Need original plans and a walk through with all relevant parties. Need to know the original buffer areas and what areas were meant to be protected.*

*Paka thought it was very inappropriate that uninvolved parties were proposing mitigations.*

*Fred stated that these objections were stated over four months ago. At the time they were written it was unthinkable that this was happening. Fred stated it is appalling that someone uninvolved submitted the mitigation measures. He hoped that HDOT needs to develop policy and procedures that better manage and control who becomes involved in suggesting mitigation measures.*

*Paka wrapped up this section by stating it was very disappointing.*

#### **xi. #18 – Dispute Resolution**

*Fred said we are not resolved. Complaints have not been resolved.*

*Paka recommended a physical meeting to discuss the unfinished business.*

*Fred said the complaint was a year ago and this is only a second meeting. Fred said resolutions are being considered but not resolved. He said he doesn't know if more meetings will help*

*unless some things start being done instead of considered. Amendment 1 just gave them more time but Amendment 2 needs to address the issues.*

*Paka decided to move on.*

## **xii. #21 – Amendments**

*Fred said this objection was 6 or 7 months ago. Requested the amendments be done early and right. Wanted early notification.*

## **5. Next Steps**

*Paka thanked everyone for attending the meeting.*

*Fred wanted to ensure copies of Paka's documents for the meeting be shared with everyone.*

*Faith thanked everyone and thanked Paka for arranging this.*

*Paka said he looks forward to continuing the process and improving the process in the future. Thanked everyone again for participating.*

*Fred thanked everyone and did a pule to close the meeting.*

*Fred and Paka are prepared to submit a legal complaint but thanked everyone for their participation.*

**Meeting ended at 11:32am.**