



U.S. Department
of Transportation
**Federal Highway
Administration**

MEETING NOTES

Date: October 25, 2019

In Attendance: Fred Cachola (Makani Hou o Kaloko-Honokohau), Paka Harp (Makani Hou o Kaloko-Honokohau), Lisa Powell (FHWA), Henry Takiue (HDOT, HWY-H), Susan Lebo (SHPD), Sean Naleimaile (SHPD-H), Pua Aiu, (HDOT, HWY-P).

Purpose: Meeting with Fred Cachola and Paka Harp regarding complaint sent to FHWA on August 13, 2019.

Location: Liana Hall at Imiola Church, Waimea, HI

Fred started with a Pule. He asked that everyone give an extended introduction of themselves.

Everyone provided detailed introductions that included where they were from, some life history regarding how they got to this point in their lives, major influences and milestones in their lives. Cachola has an extensive background in education and historic preservation; Harp has an extensive background in ocean management issues. A common thread through the introductions was that everyone had ties to Hawaii that pulled them back to land and family, and/or that the work that they do has brought them to this place.

The purpose of this meeting is to discuss Mr. Cachola's complaint regarding the management of the MOA and specific details as outlined in his email of August 13, 2019.

I. General conduct of consultation with NHOs.

In General, Mr. Cachola and Mr. Harp feel that the Consulting Parties have been ignored through much of the MOA Process. For example, the UHH MOU was done without consultation, despite the original idea having come from Mr. Cachola. They feel that this is due to a lack of trained staff at HDOT and FHWA.

A. Ensure staff running the meetings are trained and have clear guidelines as to how to consult

1. Mr. Cachola, who has worked with the Army on consultation protocols, believes that FHWA should develop formal consultation protocols for consulting with Native Hawaiians. These should be published and available nationwide, similar to those available for the DOD and the ACHP.
2. HDOT should have a separate MOA stipulating how consultation with NHOS will be carried out. This MOA should be between ACHP, FHWA, SHPD, HDOT and NHOs.

3. FHWA should conduct an annual 2-day training, similar to the Army, in which Hawaiian experts share their expertise on Hawaiian history, cultural beliefs, religions, traditions, language and protocol. The first day would be for HDOT Admin and the 2nd day for on-the-ground staff.

There was a discussion about appropriate personnel to run consultation meetings. Harp noted that he did not think there should be a facilitator. Aiu noted that she is a trained facilitator and has 106 training. She noted that there had been extensive discussion about her facilitating the next meeting, but because the relationship between HDOT and the consulting parties lacks trust, the decision was to have a neutral party facilitate the next meeting. She said that depending on how the next meeting goes, it may be possible to use an in-house facilitator in the future.

B. Transparency and Accountability

There needs to be more transparency and accountability in the process. In particular, there is concern about accountability for the breaches. Lebo noted that multiple parties were responsible for the breaches, but the MOA is limited to how to mitigate for the breaches. Harp and Cachola continue to feel that parties should be held accountable. In particular, they feel that CSH should shoulder its share of the blame. They feel there has been a lack of accountability and transparency with regards to the history and timeline of the damaged sites. Aiu offered to present a history of the site damage at the November 23 meeting.

1. As an example, the *Archaeological Fieldwork Report (Stipulation 4)* was discussed. Cachola believes that this should be put on an agenda for discussion and review, and that this process should be done for ALL plans.

Cachola wants a paper copy of everything.

Wants a discussion about results of fieldwork, which should come before any plan is finalized. Harp noted that this issue came about because the original archaeological fieldwork missed many, many sites, and only after the CPs insisted was another field study done. The second study found almost 60 new sites, many with the help of the CPs Makani Hou and NPS. The original CSH AIS reported 17 sites raising the total to 76.

2. Native Hawaiian Cultural Outreach and Education (Stipulation 5)

Cachola noted that he and Harp initiated this item. Naleimaile, who at that time had a small non-profit, was also involved. Originally, it was thought that scholarship funding could go through Naleimaile's organization. They were not consulted on the end product. Then, nothing happened and there were no annual reports. How are they to know if the education stipulation is being met without having any details. They asked if Peter Mills of UH is still involved.

Cachola and Harp want to know what is in the UHH MOU (posted on Website). They would also like to see the detailed work plan and be able to give comments on it. Lebo also noted that when the amendment to the MOA was first discussed with she and Dr. Downer, she had also raised the issue of a lack of details regarding what UH is required to do under the MOA. SHPD agrees with the need for more transparency. However, Lebo also noted that the MOU has already been signed, so any changes may require breaking the contract.

Aiu agreed to:

1) see if the workplan can be provided to all parties.

2) See if Keiki Kawai'i'a is willing to meet with the CPs. (Naleimaile is also interested in attending this meeting.)

3. Noise study (Stipulation 8). The complaint is that CPs were not consulted on the noise study and it was not provided to them. Powell noted that a noise study is a computer model of future conditions, and there is not much to consult about. The noise study is posted on the website and was sent to Cachola via e-mail. Cachola would like a hard copy. Powell also noted that the study predicted that in 20 years, noise due to the widening would increase by less than 1 decibel. There will be an increase in noise due to increased traffic, regardless of whether the road was widened. After discussion, Cachola and Harp said they would like a follow-up decibel reading to see if noise increased or decreased after the road was widened. Cachola noted that the National Park (Kaloko-Honokohau) requested the noise study because on certain nights they have ceremonies and need quiet for those ceremonies. He suggested that HDOT talk to Hawaiians about the ceremonies and if there is too much noise now vs before the road was widened. If there is too much noise, how might the noise be reduced?

4. Underpass Study (Stipulation 10)

Cachola's wants an apology from Don Smith for the way in which the report was handed off to him. Powell noted that Smith is no longer employed by HDOT, but he did apologize for any misunderstanding or appearance of rudeness before he left.

Cachola would like a synopsis of the study. Powell pointed out that the bulk of the study is appendices. However, Cachola would still like a synopsis. He noted that when the Queen Kaahumanu Highway first went in it destroyed over 20 trails which had once served as transportation highways for a thriving Hawaiian community. Now there are only 3 places that allow for safe pedestrian passage from Mauka o to Makai. The CPs wanted an underpass, not an underpass study, so that people can safely walk from Mauka to Makai on the paths of their ancestors. Cachola also believes that these trails can be an educational tool. He would like a discussion of the underpass study synopsis at a future meeting.

5. Interpretive signs (Stipulation 11)

The complaint is that there was no consultation on the interpretive signs. Powell noted that she wrote the MOA to transfer money to the park service. Cachola asked why he wasn't consulted. Powell said the MOA was required in order to transfer money to the National Park Service in order for their Harper's Ferry group to do the signs. The NPS requested Harper's Ferry do the signs since they do all NPS signs. The NPS MOA matches the requirements of the Queen K MOA, so there was no need for consultation. There was a discussion about the wording of the stipulation which says that the signs should be placed in the Park. Thus, the signs have to meet the National Park requirements and will be within the park boundaries. Harper's Ferry will be consulting with the CPs, however, the funds were just transferred so they are just ramping up on this project.

6. Ahupua'a signs (Stipulation 12)

The Ahupua'a signs are standard across the state. Cachola noted that the drawing came from the art in an earlier educational workbook he had helped to create while at KS. Harp noted that the Honokohau 1 sign should read, "Honokohau Nui," and the Honokohau 2 sign should read "Honokohau Iki." He asked that these two signs be replaced by HDOT.

7. Relationship building (Stipulation 14)

Harp noted that this was not requested by CPs. Powell noted that this was requested by FHWA. Cachola wanted to know why it hadn't been done within the timeline. Aiu suggested that HDOT needed better procedure for handing off projects from design to construction with timelines and expectations and that administration is working on this item.

8. Terrain model (Stipulation 15). Cachola and Harp do not believe that the terrain model meets what the CPs wanted. Part of complaint is that this was assigned to the wrong consultant. Harp had attended the initial meeting(s), but didn't agree with RMTowill doing the project, so didn't attend future meetings. In future MOAs, minimum qualifications of consultant doing the work should be included. Lebo suggested another improvement for future MOAs would be to explicitly state at which point reviews happen (i.e. 30%, 60%, 90%) and who does the review. Cachola and Harp went to the first meeting, but felt they were not being listened to. Cachola had wanted a model without the road or modern facilities-a cultural landscape and is upset his vision for the model was not understood at the meeting. He sees the model as a tool for teaching children about their culture before the Queen Kaahumanu highway was there. He would like a new model to be built.

Aiu suggested that a new model could be mitigation for the breaches. Lebo suggested that a new model could be an added requirement for the UHH MOU.

9. Post review discoveries (Stipulation 17). This item was skipped as it will be discussed at the November 23 meeting.

10. Amendments (Stipulation 21). Cachola would like a hard copy of the Amendments. This item will also be discussed at the November 23 meeting. Powell noted that there will now be 2 amendments. One to address the deadlines and other issues, such as the APE, and another to address the breaches. Lebo asked when the Amendments need to be signed. Aiu said she would look at a timeline. Lebo asked if FHWA/HDOT had consulted with SHPD regarding the change from one amendment to two. Aiu thought not. Lebo suggested that be done soon.

FOLLOW UP: FHWA will provide meeting notes for review. After notes are finalized, HDOT/FHWA will reply written responses.