

**Federal Highways Administration and
Hawai'i Department of Transportation
Relationship Building Workshops**

SUMMARY REPORT

I. Section 106 of the National Historic Preservation Act of 1966 requires consultation with Native Hawaiian organizations (NHO) in federal undertakings

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. The Section 106 review process, seeks to avoid unnecessary harm to historic properties from such undertakings. ACHP has codified regulations implementing the Section 106 regulations in 36 CFR Part 800.

In 1992, the NHPA was amended to specifically require all federal agencies to consult with any Native Hawaiian organization (NHO). Section 101(d)(6)(A), clarified that properties of religious and cultural significance to NHOs may be eligible for listing in the National Register of Historic Places, and Section 101(d)(6)(B), requires federal agencies in carrying out their Section 106 responsibilities shall consult with any NHO that attaches religious and cultural significance to historic properties that may be affected by an undertaking. 36 CFR Section 800.16(f), defines consultation as the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

II. Federal Highway Administration and State of Hawai'i Department of Transportation sponsor statewide workshops to improve consultation with NHOs and communities

The Federal Highway Administration (FHWA) has funded several State of Hawaii Department of Transportation (HDOT) projects where the Section 106 consultation process, especially with NHOs, could have been improved. Recognizing this, NHOs asked for specific stipulations addressing relationship building as part of the Memorandum of Agreement (MOA) for both the Kūhiō Highway Short-Term Improvements Project on Kaua'i and the Queen Kaahumanu Highway Widening Phase 2 Project on Hawai'i Island.

This Report provides a summary of the four (4) island-wide workshops that were required under the Section 106 MOA stipulations. Specifically, pursuant to Stipulation 4 of the Kūhiō Highway MOA, HDOT with the assistance of lead consultant SRI Foundation, developed a robust community engagement process. The community engagement process involved listening to the NHOs and Kauai community on how best to engage the NHOs and how to improve their relationship with HDOT. The process

included” (1) Preliminary engagement with the Kauai Advisory Council; (2) Several listening sessions in April 2015 among FHWA and HDOT staff, and NHOs and members of the Native Hawaiian community on Kauai on how to improve consultation between HDOT and NHOs; and (3) Three follow-up workshops on February 27, 2016 with smaller groups of NHOs on what HDOT heard in the listening sessions.

For the islands of Hawaii Island, Maui County, and Oahu, FHWA and HDOT with the assistance of lead consultant R. M. Towill, developed one-day workshops on each of the three islands on the topic of relationship building with the NHOs. Workshops were conducted for Hawai‘i Island, Maui County, and O‘ahu on August 29, 2017, January 9, 2018, April 9, 2018, and July 27, 2018, respectively. Invitation lists for these meetings were similar with the inclusion of representatives from FHWA, HDOT, State Historic Preservation Division (SHPD), ACHP, Office of Hawaiian Affairs (OHA), Historic Hawai‘i Foundation (HHF), Aha Moku Advisory Committee (AMAC), Aha Moku Councils, County agencies, Hawaiian Civic Clubs, Hawaiian Homestead Associations, Department of Hawaiian Homelands, Island Burial Councils, and NHOs listed on the U. S. Department of Interior list of NHOs. All the meetings were facilitated by Herb Lee of Mālama Waiwai LLC and Dawn Chang of Kuiwalu Consulting. Refreshments were provided. Meeting agendas were provided to the attendees prior to the meeting and meeting notes were distributed after each meeting.¹

III. Common Themes from the Workshops

There were several common themes that emerged from each of the 4 workshops.

A. When to engage the community:

- Early community engagement even before a specific project has been decided to avoid adverse impacts;
- There is a difference between community engagement and Section 106 consultation, and waiting to engage the NHOs and community in Section 106 process is too late. Attached is a copy of a diagram of the community engagement and consultation process that emerged from the Kauai workshops but was similarly described in the other workshops.

B. Who to engage:

- Need to engage the Hawaiian community/stakeholders from the geographic area where the project is being proposed – look to the AMAC geographic representatives, starting with the Po‘o for each island;
- Engage the families who have lineal or ancestral connections to the specific geographic area.

¹ Summary notes of the respective workshops for Kaua‘i, Hawai‘i Island, Maui County and O‘ahu were previously sent out to all the workshop invitees.

C. How to engage the community, especially the native Hawaiian community:

- In culturally appropriate ways, i.e. small talk story sessions vs. public meetings, talk to kūpuna first;
- Need personal one-to-one contact rather than just sending out letters, and do not cold call, but rather find someone in the community that they trust to vouch for you;
- HDOT and the Counties need to be better coordinated on their projects, including sharing of information that they gather from the community;
- Consultation is an on-going process that requires timely follow-up if you want to have a trusting relationship.

D. How can HDOT improve relationships:

- Develop trust with the community by following up and engaging them early;
- Identify a point of contact on each island;
- Consider establishing a community engagement division that can reach out to the community, instead of having the project managers do it;
- Consider internal “training” on Section 106 and cultural sensitivity, particularly for personnel who may interface with the community;
- Consider doing more programmatic agreements for projects that are similar with minimal impacts;
- Conduct more of these workshops with the stakeholders as this is a good first step, but it needs to continue if the long-term goal is to improve relationships.

E. How can NHOs assist HDOT:

- NHO participants recognized that consultation is a two-way street where the NHOs have to participate in the consultation process and provide information about who to contact and not rely solely on HDOT;
- NHOs who have relevant information need to respond to meeting requests, correspondence, publications, etc. about projects that they may have information that could help to avoid adverse impacts;
- HDOT would greatly appreciate as much information during the planning process so that they can design projects to avoid impacts to cultural resources rather than mitigate;
- Some NHOs suggested that if they know about the project ahead of time and have a good relationship with HDOT, then the community could provide support to HDOT on legislative or even county council initiatives to testify in support of funding for their projects.

IV. Unique themes from each island workshop

While there were many common themes from all the workshops, there were also unique themes or issues from each County.

A. Kauai

- Consider establishing an “Advisory Council” for each island made up of key community stakeholders to provide guidance to HDOT;
- Establish a cooperative agreement with OHA to develop a database of NHOs and maintain the database for HDOT;
- Seek individuals who are trusted by the community, have experience working with community, and understand Native Hawaiian culture to facilitate meetings;
- HDOT should consider having dedicated liaisons to facilitate relations with Native Hawaiian community.

B. Hawaii Island

- HDOT should consider convening small talk story or kūkā sessions, not project-specific, in the communities in a more informal setting rather than the large public hearings;
- Some view HDOT as more of a developer or enabler and a threat to historic resources, therefore need to humanize HDOT staff;
- HDOT should consider public involvement or community in its overall project delivery process to ensure that HDOT staff will engage the community.

C. Maui County (including Maui, Lanai, and Molokai)

- Maui residents raised maintenance issues as a concern, and suggested collaborating with the community similar to the “Adopt-A-Highway” model (i.e. have residents help with grass cutting);
- Old government roads and trails are issues on Maui;
- HDOT needs to have separate meetings with NHOs rather than combined public meetings because they have a separate status from the public and will be more comfortable sharing.

D. Oahu

- Create a GIS mapping system of culturally sensitive sites or historic resources where the NHOs can include information and HDOT can review during the planning stages;
- Sometimes there are so many meetings that it causes stakeholder fatigue, so sometimes stakeholders just have to prioritize the projects that have greatest potential impact;

- Mitigation needs to include genuine consultation with the community, not be driven by HDOT staff;
- Establish a community engagement or outreach division within HDOT that has expertise with Section 106 and Chapter 6E and can conduct outreach, especially with NHOs, so that project managers would no longer have to assume this responsibility.

V. Next Steps

Based upon what HDOT heard, several initiatives are being considered to improve relationships with NHOs and the community, including:

- Finding opportunities to meet with the NHOs to provide information about HDOT and seek their input into the early planning process. As a start to this effort, HDOT requested to be on the agenda for the October 2018 Annual Hawaiian Civic Club Convention on the island of Kauai and their request was granted;
- Providing training opportunities to HDOT staff on cultural sensitivity, native Hawaiian rights, Section 106;
- Developing a data base of NHOs for different geographic areas;
- Committing to follow-up with the consulting parties for various Section 106 mitigation commitments to ensure that they are being adhered to; and
- Reviewing all the workshop proposed Best Management Practices to determine appropriate and feasible actions for HDOT to implement.

VI. Conclusion

Although the workshops were required pursuant to Section 106 MOAs, HDOT wanted to do more than “check off the box.” There is genuine commitment and desire by HDOT to improve their relationship with NHOs, interested stakeholders, and the community in general. Both FHWA and HDOT recognize the value in effective consultation and collaboration with NHOs on protecting cultural and historic properties for the highway projects. But more importantly, they recognize that early community engagement is critical to improving the overall relationship between HDOT and NHOs and the community, and ultimately build better roadways.

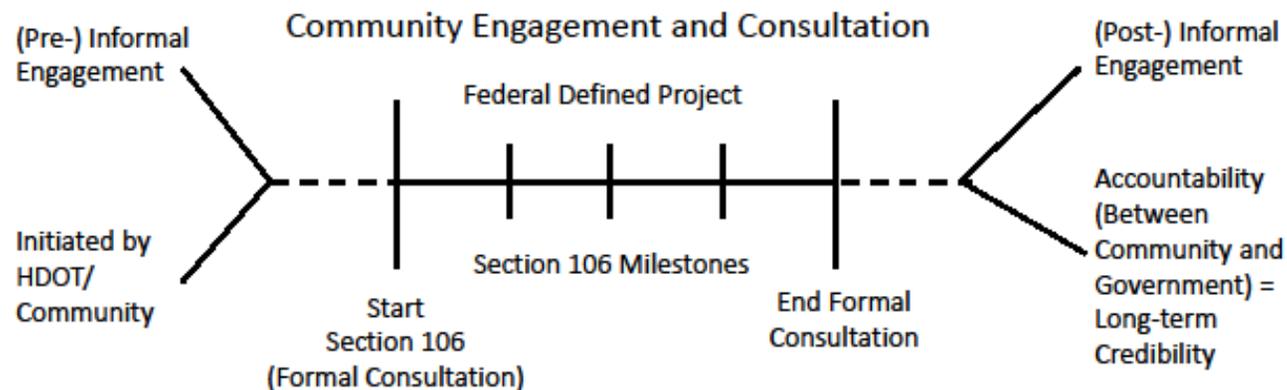
FHWA and HDOT heard from the NHOs and stakeholders that highway projects can be built to avoid impacts to historic and cultural properties with early community engagement with the NHOs and affected communities. In addition, projects that can avoid adverse impacts will minimize construction delays and cost overruns. By consulting people with ancestral ties to the proposed project area, roadway projects can be built in locations which may avoid adverse impacts to historic and cultural properties (i.e. iwi kūpuna and trails) rather than mitigating adverse effects. In addition, roadway projects can be designed to be more resilient for climate change by thinking seven generations ahead like how Hawaiians think and plan.

What became evident in all the workshops is that, (1) NHOs and the community want early community engagement even before the Section 106 consultation process that is required for highway projects with a federal nexus; (2) HDOT personnel, in particular project managers, want to have a better understanding and helpful tools in how to effectively engage with the NHO; s; and (3) Relationships are built upon trusting each other. At the beginning of each workshop, both HDOT and some NHOs were resistant and anxious about what to expect, but at the end of each workshop, there was candid sharing and optimism that these workshops have set the foundation for building trust between HDOT, NHOs, stakeholders, and the community at large.

FHWA and HDOT in particular, greatly appreciate the time that all the participants, including NHOs, interested stakeholders, agencies, and FHWA and HDOT staff took to attend these workshops to improve relationships, build better projects, and find better ways to protect valuable cultural and historic resources.

Desired Outcomes: Involving Native Hawaiians early in the process

- Begin consultation early.
- Let members of the community know which projects are planned for the future and provide as much information as possible on the details of these projects.



Key Concept: Ongoing relationship building
Ma ka hana ka 'ike: Learn by doing