

STIPULATION 14 – RELATIONSHIP BUILDING WORKSHOP

of the

MEMORANDUM OF AGREEMENT

Among the

ADVISORY COUNCIL ON HISTORIC PRESERVATION,

FEDERAL HIGHWAY ADMINISTRATION, and the

HAWAI'I STATE HISTORIC PRESERVATION OFFICER

Regarding the projects in the vicinity of the District of North Kona, Island of Hawai'i, State of Hawai'i which are known as the Queen Ka'ahumanu Highway Intersection Improvements for the Kaloko-Honokohau National Historical Park and the Queen Ka'ahumanu Highway Widening, Kailua to Ke'ahole

Stipulation 14 – Relationship Building Workshop of the MOA executed on March 17, 2015 reads:

*RELATIONSHIP BUILDING WORKSHOP. The FHWA and HDOT acknowledge the need to build upon existing and develop new relationships with NHO and communities statewide. The FHWA and HDOT shall commit to sponsoring an initial statewide (one day) relationship building workshop to provide a forum where discussion and knowledge exchange can occur between the FHWA, HDOT, NHOs, concurring parties, and community representatives in a non-project specific context. Other agencies may be invited to participate in this forum as deemed appropriate by a consensus decision between FHWA, HDOT, and OHA, advocating on behalf of NHO interests. This workshop shall be held within 24 months following the execution of this MOA.*

*The subject of the workshop may cover five (5) major areas: 1) identification of issues, challenges or problems that NHOs and HDOT/FHWA have experienced in consultation with each other; 2) a technical training about National Historic Preservation Act Section 106, U.S. Department of Transportation Act Section 4(f), National Environmental Policy Act (NEPA), NHO protocols, relevant Hawaiian history or cultural practices, or other relevant laws and practices (mutually sharing information); 3) a problem-solving session to share knowledge about best practices that would assist NHOs. HDOT and FHWA to have productive and effective consultation; 4) to identify NHO and community representatives interested in participating in the next stage of relationship building that may involve a training course sponsored by the FHWA/HDOT that integrates the NEPA/NHPA/U.S. Department of Transportation Act. Section 4(f) decision making processes for transportation projects in Hawai'i; and 5) explore the development of agreement documents that guide NEPA/NHPA consultation for transportation projects in Hawai'i.*

*The FHWA and HDOT may sponsor additional phases of the relationship building process and will decide within one year after the conclusion of the first workshop as appropriate and/or necessary.*

Actions Taken to Complete Stipulation 14 – Relationship Building Workshop

Stipulation 14 required FHWA and HDOT to sponsor one initial statewide workshop within 24 months of the execution of the MOA. The MOA was executed in March 2015. The first relationship building workshop, held on Hawaii Island took place on [August 29, 2017](#). A meeting on Maui was held on [April 9, 2018](#), and a meeting on Oahu was held on [July 27, 2018](#). A part of the delay was caused by HDOT's decision to hold workshops on multiple islands, rather than just one on Hawaii Island. The three workshops were conducted in deference to the cultural uniqueness of each county and to optimize opportunities for attendees to participate in the workshops.

As part of the Kuhio Highway widening project on Kauai, HDOT held listening sessions and workshops on Kaua'i from Apr. 2015 to Feb. 2016. Lessons learned from these consultations supplemented the

workshops held on Hawai'i Island, Maui, and O'ahu. Results of all four county workshops were combined in a [summary report](#) prepared by HDOT in Nov. 2018.

Key takeaways of the workshops included several common themes regarding when, who and how HDOT should engage the NHO community. In particular, NHOs would like to be [consulted earlier](#) in the process, when they feel they can make [the most difference](#). Some of the participants noted that many of the kupuna who consult would rather have face to face consultations than an e-mail or letter.

Participants also acknowledged the reciprocal nature of consultation in terms of how HDOT could improve relationships and how NHOs could assist HDOT towards facilitating the consultation process. In addition, themes and issues unique to each county emerged during the workshops. Attendees provided positive feedback about HDOT's invitation, and appreciated the opportunity to participate in the workshops.

HDOT and the project team prepared a summary of the workshops in Nov. 2018. HDOT distributed the summary to the invitees from all four counties by email dated Nov. 5, 2018.





**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 build.
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

### 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

### Other

- Baseyard
- Equipment
- Plant Habitat

## HAWAII DOT- HIGHWAYS DIVISION

### PUBLIC INFORMATION & COORDINATION

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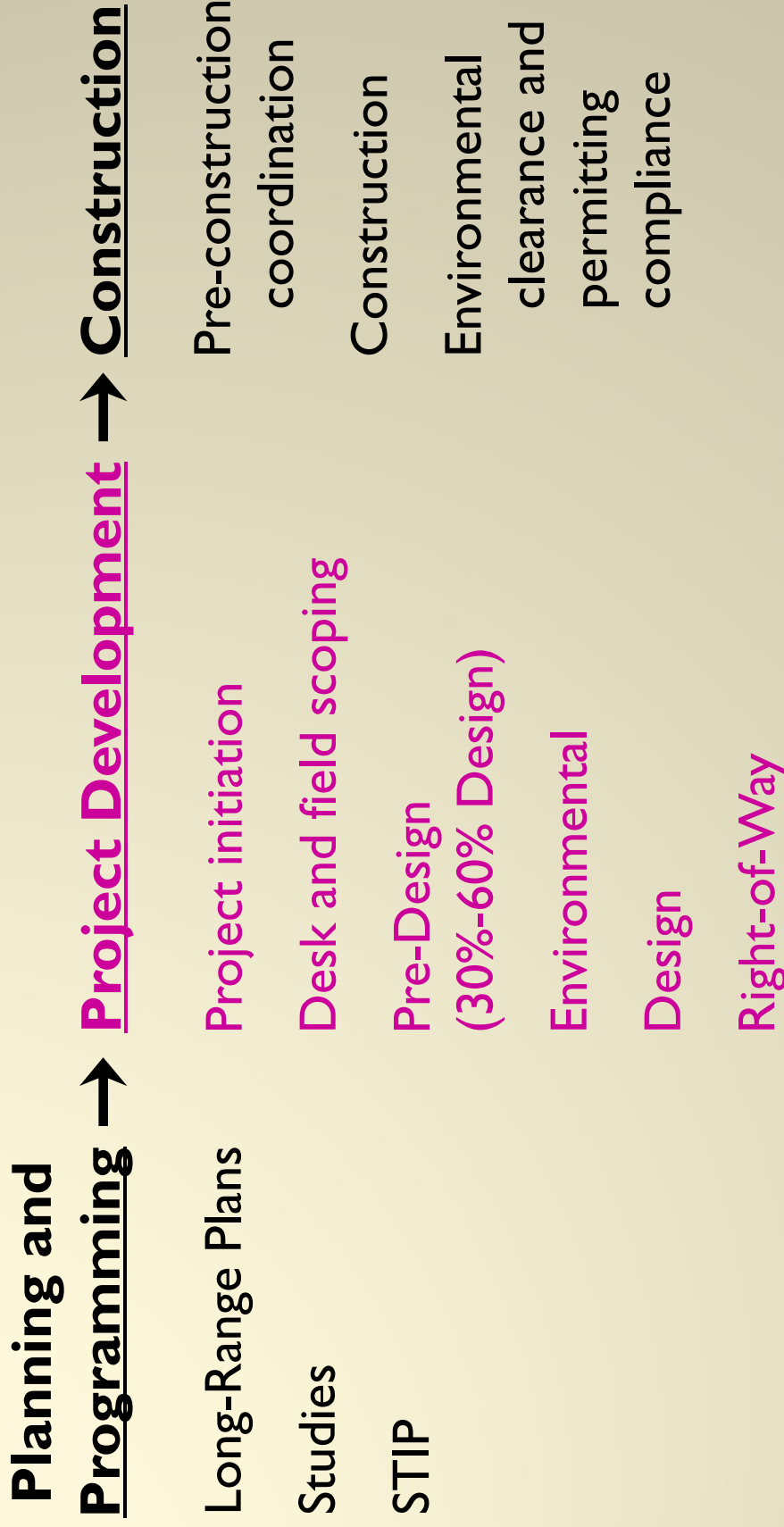
- STIP: [DOT Highways STIP](#)
- Project Website
  - ~ Projects Locations: [DOT Highways Project Status Maps](#)
  - ~ Description
  - ~ Schedule
  - ~ [Other Related Links](#)
- Respond to Calls/Email
- Project Meetings
- Press Releases



# HAWAII DOT- HIGHWAYS DIVISION

## PROJECT DELIVERY PROCESS

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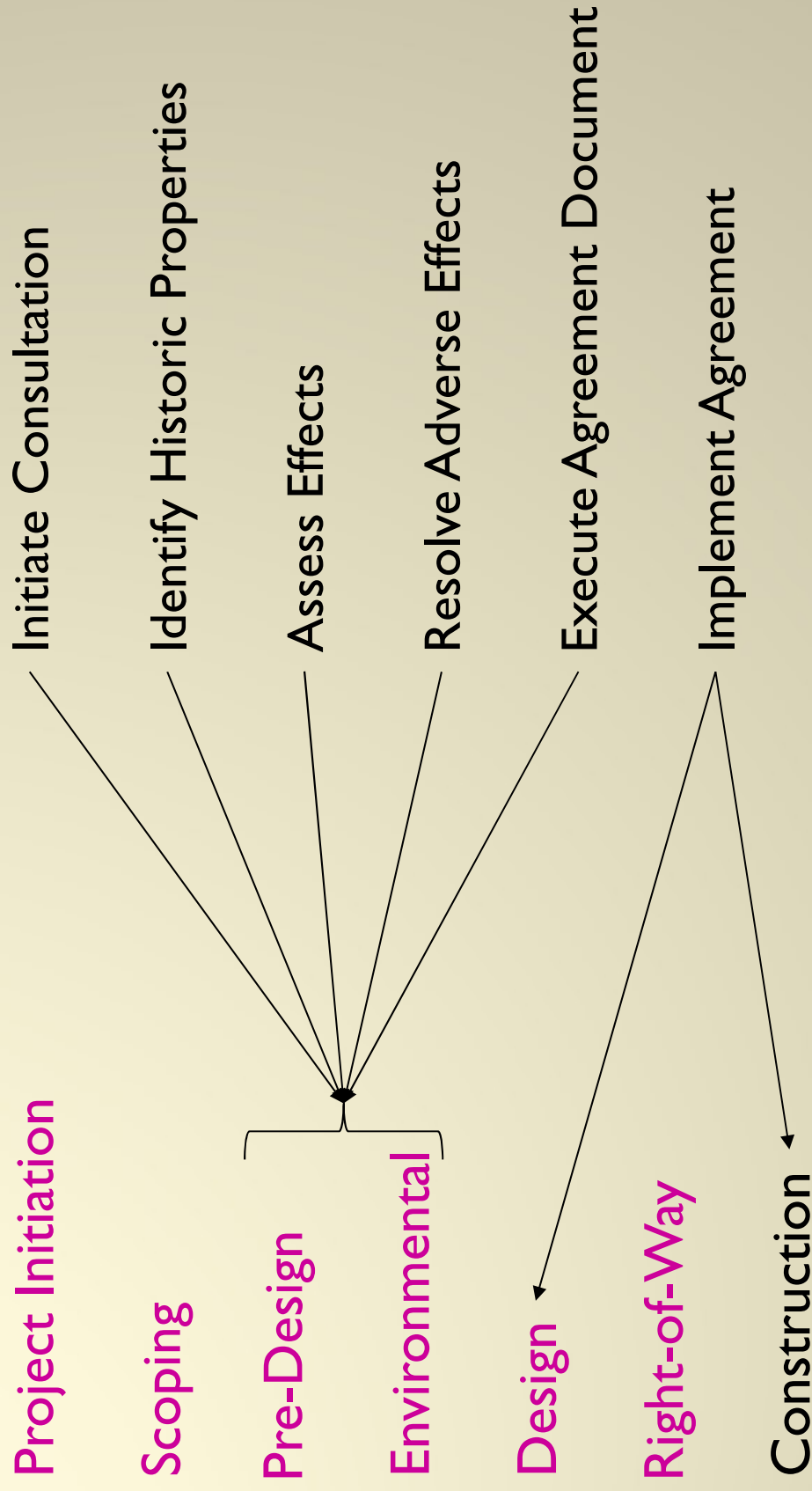
# HAWAII DOT- HIGHWAYS DIVISION

## NHPA SECTION 106 PROCESS

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### Project Development

### Section 106



# 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.


# Queen Ka'ahumanu Highway Widening, Phase 2

## Relationship Building Workshop

Date and Time: Tuesday, August 29, 2017, 9:00 am to 3:30 pm




Location: West Hawai'i Civic Center Council Chambers

74-5044 Ane Keohokalole Highway, Kailua-Kona, HI 96740

Name	Organization	Phone	Mailing Address and/or Email	Sign / Initial
Don Smith	DOT-H		donald.l.smith@hawaii.gov	
Natasha Soriano	DOT-H	933	natasha.a.soriano@hawaii.gov	NS
Scot Urada	DOT-Admin		scot.t.urada@hawaii.gov	GU
Ken Tatsuguchi	DOT-HWY-P		ken.tatsuguchi@hawaii.gov	KT
Deona Naboa	DOT-HWY-DE		deona.naboa@hawaii.gov	DN
Ralph Rizzo	FHWA			RR
Lisa Powell	FHWA		lisa.powell@dot.gov	LP
Kaha'a Rezantes	FHWA		Kaha'a.Rezantes@dot.gov	Kaha'a Rezantes
Adriana Windham	FHWA		adriana.windham@dot.gov	Adriana Windham
Jeff Zimpher	Kaloko-Honokohau National Historic Park, NPS		jeff_zimpher@nps.gov	Jeff Zimpher
Aric Arakaki	Ala Kahakai National Historic Trail, NPS		aric_arakaki@nps.gov	AA
Kiersten Faulkner	Historic Hawai'i Foundation		Kiersten@historichawaii.org	KF
Greg Chun	Historic Hawai'i Foundation		gchun@hawaiiintel.net	GC
Fred Cachola	Makani Hou o Kaloko-Honokohau		fredcachola@aol.com	Fred Cachola
Bo Kahui	La'i Opua 2020		bokahui@lapiopua.org	
Cynthia Nazara	Kona Hawaiian Civic Club		cynazara@gmail.com	CN
Leimana DaMate	Aha Moku Advisory Committee			
Jeno Enocencio	Hamakua Aha Moku Committee	640-1714	leimanan.a.kidamate@hawaii.gov pointman_jeno@msn.com	Jeno Enocencio

**Queen Ka'ahumanu Highway Widening, Phase 2  
Relationship Building Workshop**

**Date and Time:** Tuesday, August 29, 2017, 9:00 am to 3:30 pm  
**Location:** West Hawai'i Civic Center Council Chambers  
74-5044 Ane Keohokalole Highway, Kailua-Kona, HI 96740

Diane Kanealii	Kailapa Homestead	808 640-3145		808.640.3195
Shane Nelson	Office of Hawaiian Affairs			
Napua Akamu	North Kohala Hawaiian Civic Club			napuaa@earthlink.net
Amy Rubingh	State Historic Preservation Division - Kona Office	323-4521		amy.rubingh@hawaii.gov

Kason Pacheco

County of Hawaii  
DPW Eng

961-8931



Kason.pacheco@hawaii-county.gov

CAYLA CRIVELLO

ALA KAHAKA NATIONAL  
HISTORIC TRAIL, NPS

(808) 386-0423

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## Jason Tateishi

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**From:** Urada, Scot T <scot.t.urada@hawaii.gov>  
**Sent:** Friday, September 01, 2017 12:58 PM  
**To:** punatita7@yahoo.com; 808black@gmail.com; fredcachola@aol.com; homesteadlady001@yahoo.com; kaleobertelmann@gmail.com; youngc042@hawaii.rr.com; kkaupiko@gmail.com; peleddefensefund@gmail.com; dpvierra@yahoo.com; nawai1040@aol.com; pmaku808@yahoo.com; eta1hawaii@hawaiiantel.net; jpeleiholani@yahoo.com; gotfish87@gmail.com; pointman\_jeno@msn.com; acamaral@yahoo.com; djgm1@hawaii.rr.com; noenoe@hilo.net; kelii\_ioane@yahoo.com; kaimanaonalani@me.com; berkeleyy@aol.com; blossomdesilva1968@gmail.com; cynazara@gmail.com; shanen@oha.org; lchung1940@yahoo.com; kaenap@yahoo.com; kalaokahaku61@yahoo.com; maulili.d@gmail.com; napuaa@earthlink.net; fredcachola@gmail.com; djgm1@hawaii.rr.com; ing1@capitol.hawaii.gov; Sniffen, Edwin H; Smith, Donald L; Urada, Scot T; Soriano, Natasha A; Fisher, Olinda L; Tatsuguchi, Ken; Aiu, Pua; Naboa, Deona; Mimura, Misako K; Sonomura, Julann M; Ando, Marshall; Chow, Sterling; Taira, Robert; keolal@oha.org; lauren@oha.org; rick\_gmirkin@nps.gov; bokahui@laiopua.org; paka@sandwichisles.net; Kiersten@historichawaii.org; shanen@oha.org; jeff\_zimpfer@nps.gov; Laura Mau; Michelle Nathan; Jason Tateishi; herblee@thepaf.org; shookano@kuiwalu.com; Brian Takeda; Downer, Alan S; Lebo, Susan A; Richelle.takara@dot.gov; lisa.powell@dot.gov; meesa.otani@dot.gov; Rizzo, Ralph J (FHWA); DaMate, Leimana K; Du Pont, James W; mnaber@achp.gov; Rezantes, Kahaa (FHWA); Rubingh, Amy  
**Cc:** Urada, Scot T  
**Subject:** Mahalo everyone!  
**Attachments:** 170829 Suggested NHO List-Hawaii Island.docx

Aloha Everyone,

### RELATIONSHIP BUILDING WORKSHOP – MAHALO NUI LOA

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration (FHWA), we would like to thank those who were able to attend the Relationship Building Workshop that was held on Tuesday, August 29, 2017 in Kona, Hawai'i. For those who were not able to attend the workshop, we are including you on the information to ensure that everyone continues to stay informed. While convening the workshop was over due, we believe the participants and especially the HDOT and FHWA staff were extremely pleased with the candid discussion, sharing of mana'o, and heartfelt suggestions to improve the relationship between HDOT and the community, in particular the Native Hawaiian Organizations (NHO). MAHALO NUI LOA!

We would like to acknowledge the Consulting Parties (CPs) to the Memorandum of Agreement for the Queen Ka'ahumanu Widening Project who advocated for this Relationship Building Workshop as part of Stipulation 14. The CPs have been patient and understanding of HDOT as it has tried to implement the MOA stipulations and it was the CPs who expressed that the relationship building is a mutual responsibility that requires both HDOT/FHWA and the CPs/NHOs to work cooperatively. It is this spirit of collaboration and cooperation that we greatly appreciate.

As expressed often during the workshop, relationships are built upon trust and trust is built upon keeping one's commitments. Below are action items identified in the workshop that that the HDOT would follow up in a timely manner:

#### Follow up items:

- The following are the links that were referred to in Ken's presentation on various ways to access information about HDOT projects



- HDOT project status map showing both construction and future projects (by clicking on the appropriate tab): <http://histegeis.maps.arcgis.com/apps/MapSeries/index.html?appid=f69cd64b5d9a43b08ad6620d07b5e4c4>
- Statewide Transportation Improvement Program (STIP): <http://hidot.hawaii.gov/highways/other/other-related-links/stip/>
- Other Related Links: <http://hidot.hawaii.gov/highways/other/other-related-links/>
- Attached is a listing of the various organizations and agencies, identified by the workshop participants, that HDOT should contact when they are proposing a project, to solicit information about the area, as well as how to keep the community informed. Please feel free to add to the list as we would like to develop a comprehensive catalog of organizations, agencies, and individuals (i.e. kūpuna) who we should be contacting in the future as we plan projects on Hawai'i Island. If you are comfortable providing us contact information for these groups we would greatly appreciate it as we may not have access to the contact information; and
- If you would like additional information about HDOT projects on Hawai'i Island, please feel free to contact Don Smith @ (808) 933-8866.

### **Next Steps:**

As we shared at the workshop:

- HDOT and FHWA will convene similar workshop on the other islands;
- HDOT will prepare a comprehensive summary of all the statewide meetings and distribute to all the attendees.
- A recap of this Relationship Building Workshop on August 29<sup>th</sup> will be distributed to the workshop participants;
- HDOT will use the collective mana'o received at the workshops to improve our relationships with individuals and the community, and we are committed to seeking out the NHOs and CPs help and input as we seek to improve our community.

Once again, mahalo for your on-going commitment and participation.

Mahalo,  
 Scot Urada, HDOT  
 Ralph Rizzo, FHWA

August 29, 2017

RELATIONSHIP BUILDING WORKSHOP

SUGGESTED LIST OF NHOs AND OTHER ORGANIZATIONS RECEIVED FROM WORKSHOP PARTICIPANTS –  
HAWAII ISLAND

1. Kona-Kohala Chamber of Commerce
2. Hawaii Island Economic Development Board
3. Hawaii Leeward Planning Conference
4. Hawaii Community Development Planning Action Committee
5. Hawaiian Homes Leaders
6. Homestead Associations
7. Hawaiian Civic Clubs
8. Na Ala Hele
9. Ala Kahakai
10. Hawaiian Patriotic League
11. Royal Hawaiian Societies (Royal Order of Kamehameha, Hale Na Alii, and Kaahumanu Society)
12. Hawaii County Council
13. Aha Moku Committee and Councils
14. Kai Kuleana Network
15. County of Hawaii Cultural Resources Commission
16. South Kohala Coastal Partnership



**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 Maui County  
Draft Meeting Notes

**Date/Time:** Monday, April 9, 2018, 9:00 a.m. to 3:30 p.m.

**Location:** Maui Beach Hotel – Maui Beach Ballroom  
170 West Kaahumanu Avenue  
Kahului, Hawaii 96732

**Attachments:** Attachment 1, Agenda  
Attachment 2, Workshop Participant List

**Attendees:** See below

**Hawaii Department of Transportation (HDOT)**

Mr. Marshall Ando  
Mr. Ken Tatsuguchi  
Mr. Robin Shishido  
Mr. Ervin Pigao

**Federal Highway Administration (FHWA)**

Ms. Meesa Otani  
Mr. Wayne Kaneshiro

**Department of Hawaiian Homelands (DHHL)**

Ms. Toni Eaton  
Mr. Bryan Esmeralda

**Maui Metropolitan Planning Organization (Maui MPO)**

Ms. Lauren Armstrong

**County of Maui – Department of Public Works (DPW)**

Ms. Rowena Dagdag-Andaya  
Ms. Wendy Kobashigawa  
Mr. Ty Takeno

**Malama O Kauaula, Molokai**

Ms. Winnifred Lopez

**Lanai Culture & Heritage Center**

Ms. Diane Preza

**Aha Moku Maui Island Council - Wailuku**

Mr. Foster Ampong  
Mr. Iaukea Ampong

**Aha Moku Maui Island Council - Kaupo**

Ms. Jade Alohalani Smith

**Aha Moku O Maui (WESTPAC)**

Mr. Keeaumoku Kapu  
Mr. Bill Knowlton

**Friends of Mokuula, Inc.**

Ms. Blossom Feiteira

**Na Aikane O Maui**

Ms. Uilani Kapu

**Kuloloia Lineage-Ike Kaie o Kuloloia**

Mr. Leslie Apiu Aipalena

**Waiehu Kou Phase 3**

Mr. Roy Oliveira  
Mr. Daniel Ornellas

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

Ms. Laura Mau  
Ms. Noelle Wright

**Facilitators**

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

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**A. Opening Pule – Leslie Apiu Aipalena (Uncle Les Kuloloio)**

**B. Welcoming Remarks (Marshall Ando and Robin Shishido, HDOT)**

1. Marshall thanked all participants for coming from various parts of Maui County, including representatives from Lanai and Molokai, to participate in today's workshop by sharing their time and manao. HDOT greatly appreciates it. Marshall shared that HDOT does not have enough resources to do everything; therefore, the engineers will apply very technical criteria in prioritizing their work based upon safety and preserving the existing roadways. However, he understands that relationships do not move in the same technical way and he hopes that through this workshop everyone can be open and come to a place of mutual understanding in seeking a better working relationship, knowing there are differences and similarities. He acknowledged that it is OK to disagree, as long as dialogue is continued. HDOT intends to listen to everyone, and, while they are not sure how many additional workshops of this kind would be held in the future, he would hope that this workshop would be considered the start of open, honest dialogue.
2. Robin Shishido is the Maui District Engineer. He grew up on Maui, went to the mainland, and has returned to Maui to make it his permanent home once again with his family. Robin will be HDOT's main point of contact for Maui County.

**C. 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 Paki: (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 reminded all that "Aloha" is a word with depth. It is intended that through the Workshop, everyone will come together under this deeper understanding of Aloha to continue to grow.

**D. Introductions (Facilitated by Herb)**

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

1. NHOs were represented from the islands of Maui, Molokai, and Lanai.
2. Participants<sup>1</sup> from both government agencies and NHO community looked forward to the workshop as an opportunity for the following: to learn more, to understand all perspectives, to improve communication between one another, and to improve relationships.
3. Several participants acknowledged the difficulty in finding the balance between the western and traditional style of consultation, and desired to find a middle ground. Several participants were hopeful that this workshop could be a beginning of finding that balance because it is not only about styles of consultation but it is about the constitutional protections for native Hawaiian rights.
4. One participant expressed interest in learning more about project funding, including how funding is determined, what protocols are placed on funding, and, where funding goes after it is appropriated.

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<sup>1</sup> Permission was not given to HDOT to specifically attribute comments to participants; thus, all participants of the workshop are herein collectively referred to as "participants," regardless of affiliation with a particular NHO, Non-governmental organization, or government agency.

5. The participant also expressed that for Hawaiians, names are very important and many of the old names for highways or old rights of ways have been lost and maybe this workshop is an opportunity to look into old names of highways.
6. Several participants shared similar concerns about jurisdictional disputes between state, county, and private owners over old government roads that may still be owned by the government. Many of the participants were familiar with the Highways Act of 1892. One participant expressed concern with private landowners blocking access to old government roads that could impact native gathering rights.
7. A participant from the Hawaiian Home Lands community shared the Resilient Hawaiian Communities Initiative currently being undertaken at Waiehu Kou Phase 3 that is looking at the impact of climate change which could affect coastal roadways, too.
8. FHWA and HDOT representatives were looking forward to listening to the concerns of the participants so that they could improve their methods of consultation with NHOs. An HDOT engineer recognized that the department needs to have a better understanding and sensitivity to the cultural concerns of the communities in which they work.
9. One participant with a government agency works closely with people in the Hawaiian community, and looked forward to listening to the concerns of the people they serve.
10. One participant explained that Maui MPO is an agency which facilitates a comprehensive planning and budgeting process for federal-aid transportation projects on Maui. Part of the agency's role is to increase communication between the community and HDOT as they plan for programs that should receive funding. The participant looked forward to the workshop to gain a better understanding about how to improve relationships with the Hawaiian community.
11. One participant recognized HDOT for already taking steps in improving the way they conduct consultation as compared to the past.

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

1. Dawn expressed appreciation towards HDOT for embracing an approach that acknowledges and gives NHOs a seat at the table.
2. Dawn wanted to clarify that when Marshall used the term "preservation" in his opening remarks about HDOT's priorities, it was meant in the context of the preservation of existing highways; for many NHOs "preservation" usually is referenced in the context of preservation of resources, including cultural resources. She wanted to avoid any confusion because many of the participants are quite Akamai in the historic preservation laws, including burial laws.
3. 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. Stipulation 14 of the MOA mandated FHWA and HDOT build on existing and build new relationships with NHOs statewide through convening 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 was the third one, and the last workshop will be on Oahu.
4. HDOT noted that, while the MOA stipulated that a workshop was required, they wanted to have this workshop because they are committed to improving how they engage with NHOs. The NHOs thanked HDOT for this intention.
5. Dawn reiterated that while specific projects may arise throughout the day, the purpose of the workshop is not to be project specific but to talk story about process and how to improve relationships.

**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 documented, as follows:

1. One of the participants noted that HDOT is good at maintaining its current roads; however, fringe or abandoned highways are often left unmaintained;
2. Various participants emphasized the importance of consulting with NHOs on issues of road ownership, including those under the Highways Act of 1892.

Various participants noted that access to the roads is important for various reasons, including safe access during natural disasters. But access through old government roads or trails for native Hawaiians is especially significant because of the constitutional mandate to preserve and protect native Hawaiian traditional and customary practices which includes access to water, cultural and natural resources. Participants raised specific examples related to Kauaula, Kaupo, and Haleakala National Park, and old government road on Lanai (Keeaumoku). For many native Hawaiians safe access to ensure their continued ability to exercise their traditional and customary practices and rights is more important than spending money to repave a good road.

3. Several participants raised as an issue that in the past HDOT would justify a particular highway route as, "we are doing this for the greater good". However, many NHOs felt that the greater good at times was at the sacrifice of native Hawaiian cultural resources (i.e. native Hawaiian iwi kūpuna, historic sites, etc.). But this attitude by HDOT was viewed as being very disrespectful especially to the kūpuna in the meeting because many of these meetings were mostly attended by non-native Hawaiians. HDOT needs to hold separate meetings with NHOs and especially kūpuna to be more respectful.
4. Participants also had concerns that HDOT, and a lot of other government agencies, are in a constant cycle of crisis management or being reactive rather than being proactive. For example, hardening shorelines through placing rocks along eroded coastal highways and seawalls. HDOT needs to plan for the future not just doing short term fixes because many of these fixes have impacts on NHOs. Native Hawaiians plan for generations.
5. Several participants expressed concern that HDOT hires consultants who have no local knowledge; and suggested that they hire cultural consultants who are recognized as authorities in their communities. An example was where a private developer doing a project in Makena hired a cultural consultant who was not from Maui Island. Be respectful and recognize local cultural expertise not just people who have western credentials.
6. More as a comment, rather than concern, a participant thanked FHWA and HDOT for recognizing the importance of convening the workshop today, and suggested the creation of an NHO council on every island of the state, comprised of cultural experts from the areas they must work in. NHOs do not want to be combative, but rather want to work with the government to ensure projects are undertaken in a culturally sensitive way.. For example, agencies like DHHL consult with its beneficiaries before a project occurs on their land; HDOT could do the same in consulting with NHOs before the Section 106 process. Others reiterated support for the idea of NHO councils.
7. Various participants expressed the importance of providing signage and the naming of new or re-naming of existing highways using the traditional Hawaiian names for the area because it is important to name highways in a way that recognizes the culture and history of the place. Participants from Lanai, Molokai and Maui shared similar examples of how important naming the road is very important.

DPW explained that, in the past, a commission voted on names without outreach or attention to cultural significance. Presently, DPW is interested in naming streets in a way that is culturally appropriate.

8. One participant suggested thinking of transportation through the lens of time periods, starting from 1700, 1800, 1900 and 2000s, to examine how each island within Maui County handled transportation issues. By using this analysis, it would give all a deeper understanding into what is culturally important.

Various participants agreed that NPS should be involved in the conversation of highways and trails. NHOs should be made aware of NPS' comprehensive planning and programmatic partnerships. Inter-governmental relationships between NPS, NARS (signs for *malahini*), and others is important. It was reiterated that NHOs of the moku must be consulted when an issue or project comes up.

**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, 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.

- c. One participant asked if the Project Status Map website provided access to the EA or Environmental Impact Statement associated with each project. Ken responded that the documents were not directly provided on the website. However, information is provided for a point of contact at HDOT for each project, and they may contact the designated contact for project-related documents and information.
  - d. One participant asked if projects that receive federal grants apart from those received from FHWA, require the environmental process. Ken responded that yes, federal funds trigger the National Environmental Policy Act (NEPA) process.
  - e. Ken then presented HDOT's Project Delivery Process, which includes Planning and Programming, followed by Project Development, and Construction.
  - f. He noted that the Section 106 process is initiated within the "Environmental" and "Pre-Design" portion of the Project Development phase within the overall Project Delivery Process. A project design is usually 30-60% complete by the time HDOT is required to conduct Section 106 consultation.
  - g. Ken added that the HDOT STIP incorporates recommendations made from the Maui MPO Transportation Improvement Plan (TIP). Maui MPO confirmed that it is currently in the process of presenting the Draft Maui TIP to the community. The Draft Maui TIP can be found on Maui MPO's website.
2. Dawn presented 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. Dawn noted that the earlier discussion on allowing access to Native Hawaiian traditional customary practices is typically addressed in the Cultural Impact Assessment (CIA) required in the HEPA process. There is an obligation by the government to preserve and protect, to the extent feasible, and not merely mitigate, customary practices.
- b. One person asked if historic Hawaiian roads or trails could receive Federal support or protection even if they are under jurisdiction of the County. Dawn recommended the participant seek personal legal advice. Generally, though, Dawn commented that governments are concerned with the issue of liability and maintenance of a road; therefore, even if they claim ownership, they may not open it for public use.
- c. One participant noted the constant battle between public access versus constitutional mandate to provide access for Native Hawaiians. The participant encouraged reasonable regulations be put into place that would allow NHOs closed points of entry to access places for traditional customary practices. NHOs currently have an agreement with the Department of Land and Natural Resources (DLNR) where they can easily apply for access to a location, and DLNR complies. It was noted that NHOs do not generally pursue litigation in cases where they are injured because, from a Native Hawaiian perspective, they believe that is their kuleana and they take responsibility for their own action; however, when their cultural practices are interfered with, then they take legal action.
- d. One participant thanked Dawn and Ken for breaking down the different levels of understanding liability and regulatory requirements. Dawn responded that the presentation of legal requirements should not be viewed as framing such requirements as barriers or obstacles, but rather as opportunities for the government to make better decisions based on information given to them from the community.

**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)**

Herb opened the floor for a question and answer session regarding a Best Management Practices (BMPs) approach for HDOT to improve its processes. The discussion is summarized as follows.

1. Issue: HDOT does not inform the community on maintenance projects, such as repaving. However, most issues arise from the lack of maintenance of fringe areas.

**BMPs:**

- a. Examples of the kind of work the community could assist with include maintenance tasks such as cutting back brush by a stream. If the community identifies areas in need of maintenance and provides manpower, the burden is alleviated from HDOT. It was clarified that proposed maintenance work to be performed by the public would be outside of the stream, and not within the stream. RMTC clarified that work within the stream would trigger other permits, such as an Army Corps of Engineers (ACOE) Section 404 permit or a Stream Channel Alteration Permit (SCAP) from DLNR. Previously, HDOT and certain counties had programmatic 404 permits with the ACOE which allow for regular maintenance without having to re-apply for the 404 permit every time they want to perform work in the stream.
- b. Inter-agency collaboration by HDOT with departments such as DLNR or DHHL on maintenance issues should be established.
- c. The current mechanism through which HDOT can collaborate with the community is through Adopt-A-Highway. If the community wants to perform work within an HDOT right-of-way (ROW), they may apply for a permit directly with HDOT Maui District without a cost.
- d. Aha Moku O Maui groups could do monthly clean-ups. Traditionally, maintenance activities to the land are what Native Hawaiians would take on as their kuleana.



- e. A proposed process could be to first, ask the NHO community to identify an area in need of maintenance. Second, apply for an HDOT permit. And third, organize work days where the community contributes manpower and HDOT contributes use of equipment.
  - f. One participant suggested that DPW should be involved in the maintenance conversation. DPW clarified that they would like to assist HDOT with maintenance issues more; however, because of jurisdictional issues, at times they are restricted. A NHO suggested that HDOT and DPW let the NHOs know how they can help during their budget process so that they can urge their legislators to support state and county agencies who respond to the community's concerns.
  - g. DPW further clarified that although they have intergovernmental agreements for certain projects, issues related to streams and waterways may trigger other regulatory processes.
  - h. "Roads in Limbo" report was mentioned by a participant, which addressed issues such as ownership and maintenance of roads.
2. Issue: Laws apply to every area without attention paid to context. Each Aha Moku should be looked at from a site-specific point of view. Aha Moku O Maui has come up with a Code of Conduct for each moku which reminds the public about their responsibility for taking care of that moku. The Aha Mokus could use support from HDOT or the County to put up reminders or signs of the proposed Code of Conduct.

BMPs:

- a. Develop a partnership between HDOT, County, and Aha Moku.
  - b. Both the State and County expressed concerns about lack of funding for signage. The NHOs suggested that this is an area where they can be supportive as agencies develop their budgets or go before the legislative bodies, that the NHOs can provide supportive testimony, contact legislators, etc. to support the agencies because the culturally appropriate signage is important.
  - c. Inform HDOT on where to put signs.
3. Issue: How can the NHOs support DPW in maintenance?

BMPs:

- a. Stemming from the discussion on the limitations placed upon the County, one participant mentioned that their community has been performing grass cutting and would like to provide greater assistance to the counties because it is becoming a public safety issue.
  - b. The County no longer uses pesticides and only performs hand cutting, which takes more time. The weather has also sped up the growth of grass.
  - c. NHOs can draft a maintenance agreement with DPW.
4. Issue: HDOT currently consults NHOs in the same meeting as the general community, and they need to have separate meetings with the NHOs

BMPs:

- a. NHOs have a special status apart from the general public; therefore, NHOs should be consulted separate of and before the general public.
- b. NHOs should be included in the entire project planning process.
- c. HDOT needs to look into 20-year long-term planning and take into consideration issues such as climate change. From a Native Hawaiian lens, kūpuna teach long-term thinking. A structure to do long-term planning should be put in place now and NHOs should be brought to the table and given the opportunity to give their input during the early planning stage.

- d. HDOT responded that they presently run 20-year transportation model plans based on forecasts and statistics they receive from the County and other state entities like the Department of Business, Economic Development and Tourism. HDOT does plan ahead and agreed to involve NHOs next time they do a 20-year plan update.
- e. NHOs and the community as a whole need to know what projects HDOT needs to prioritize in order to meet the needs of the community. When the community is aware, then they can effectively organize at a community level to advocate to legislators for HDOT to receive funding for its projects. NHOs need to know the cost of projects and the needs of HDOT so that they can advocate for HDOT to their lawmakers. For example, NHOs are waiting to participate in the Keawe Street solution.
- f. The meaning of NHOs is specific – groups must be 100% Native Hawaiian Environmental justice groups are a western idea. It is important for HDOT to differentiate between the two.
- g. Project notices should be put out to “families of those in the ahupuaa” to engage in consultation, as they have a wealth of knowledge of their moku/ahupuaa.
- h. The way the workshop was organized today is a start to reaching out to families. NHOs want to communicate; however, because they are the minority, they need to be engaged first and separately.
- i. HDOT could send out a kahea to all NHOs on the Department of Interior (DOI) list, then the NHOs will share information or call other NHOs.
- j. An NHO Council as an advisory group is a good idea that would not only help HDOT, but would also help FHWA reach out to appropriate NHOs.
- k. FHWA and HDOT have the kuleana to reach out to those on the DOI list, and the NHOs have the kuleana to respond. If certain groups choose not to include themselves on the list, that is their kuleana.
- l. One participant shared that the Aha Moku O Maui has six committees: land, water, ocean, shoreline, iwi, and air. The overlays of each Aha Moku committee will help to relay important information for each project. The members of the Aha Moku know the land and where they believe development will be inappropriate and where it will be good. They believe their knowledge is separate from the wider community, as they are the host culture. It is a general benefit for HDOT to consult with each committee and utilize their wisdom.
- m. The government entities did not know NHOs felt left out and pushed out during public meetings; they thanked the NHOs for this deeper understanding and manao. DPW invited the Aha Moku to share their priorities with them directly. DHHL thanked the different government entities for opening themselves up to receiving manao from NHOs, as they felt like, in the past, all issues related to NHOs would fall onto them.

#### **I. Group closing remarks (Facilitated by Dawn)**

Dawn acknowledged each person in the room for speaking with aloha and respect for one another. She 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. Each attendee agreed to share their contact information with one another after the meeting in order to maintain open communication lines. See **Attachment 2, Workshop Participant List**.
2. Participants commended and thanked HDOT for holding the workshop and allowing all attendees to be honest and forthright with their concerns. Many participants agreed that the workshop was a good beginning to improving the relationship between HDOT and NHOs moving forward. One participant noted that they appreciated a government entity giving NHOs a seat at the table.

3. Participants thanked all levels of government for giving them a seat at the table and recognizing NHOs as separate from the general public. They encouraged government to continue to seek the wisdom of the people of the land and to conduct consultation with NHOs separately and first.
4. In response, all levels of government thanked NHOs for sharing their honest opinions and their knowledge.
5. Other participants noted that the open-minded environment created a safe space where they felt comfortable to share their honest opinions. The participants also thanked the facilitators for conducting the meeting in a manner that created this safe space.
6. Another participant noted the diversity amongst workshop attendees, which contributed to different perspectives and a productive conversation.
7. HDOT should take all of the information shared with them today as a solid foundation for a better relationship moving forward. HDOT should also share with the NHOs what they need and continue to hold workshops like this so that they can support HDOT in its future projects.
8. HDOT should conduct consultation with NHOs earlier than the Section 106 process. As soon as projects are identified, NHO consultation should occur. HDOT acknowledged this, and would consider this moving forward.
9. DPW recommended HDOT continue to assist the County through maintenance projects, and funding assistance. DPW would also like to continue the open line of communication with HDOT- Maui District Office.
10. HDOT understands that it has historically approached work from an engineering point of view, and this approach is embedded in the agency culture. They will continue to push for internal change at the top throughout the agency in regards to how consultation is approached.
11. HDOT also reiterated their commitment to continuing its relationship with NHOs beyond the workshop in order to build lasting trust, and looks forward to working with all attendees moving forward.
12. HDOT did not realize that NHOs wanted to be consulted separately from the general community and would like to do so moving forward. HDOT would like to do more than just comply with regulations; they would like to do more in regards to consultation.
13. HDOT would like to hold future meetings like this.
14. HDOT noted that most calls received at the department stem from misinformation. They encouraged all in the room to call the Maui District office any time they have a question so that HDOT can clarify.
15. Dawn and Herb commented that everyone in the room conducted themselves with respect and aloha, and they were grateful to everyone for sharing their manao with honesty and respect.
16. Overall, the success of the workshop could be measured by continuing the conversation beyond the workshop.

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

1. FHWA and HDOT will convene its last Relationship Building Workshop on Oahu Island; a date has not been determined yet.
2. HDOT will prepare draft meeting notes from today's Maui County workshop, and distribute to all attendees.
3. The Maui County workshop notes will be incorporated into a comprehensive summary of notes taken at the Hawaii, Kauai, and Oahu county meetings. In order to honor each county's experience, the comprehensive summary of all the statewide meetings will be distributed to all attendees upon the completion of the last workshop.

**K. Closing Pule – Keeaumoku Kapu**

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, Noelle Wright, and Dawn Chang

Attachments: Attachment 1, Agenda  
Attachment 2, Workshop Participant List

## **Attachment 1, Agenda**

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

**Monday, April 9, 2018  
9:00 am to 3:30 pm  
Maui Beach Hotel – Maui Beach Ballroom**

**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

**Contact Information:**

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Kahului, HI 96732  
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Email: [robin.k.shishido@hawaii.gov](mailto:robin.k.shishido@hawaii.gov)

**Website:** <https://hidot.hawaii.gov/highways/>

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

## **Attachment 2, Workshop Participant List**

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**Hawai'i Department of Transportation  
Maui Relationship Building Workshop  
April 9, 2018, 9:00 am to 3:30 pm  
Maui Beach Hotel - Maui Beach Ballroom  
List of Participants**





NAME	ORGANIZATION	TITLE	EMAIL ADDRESS
Mr. Foster Ampong	Aha Moku Advisory Council (AMAC) - Wailuku	Moku Representative	<a href="mailto:ahamokuowailuku@yahoo.com">ahamokuowailuku@yahoo.com</a>
Mr. Iaukea Ampong	Aha Moku Maui Island Council - Wailuku	Member	
Ms. Lauren Armstrong	Maui Metropolitan Planning Organization (Maui MPO)	Executive Director	<a href="mailto:lauren@mauimpo.org">lauren@mauimpo.org</a>
Ms. Rowena Dagdag-Andaya	County of Maui, Dept. of Public Works (DPW)	Deputy Director	<a href="mailto:rowena.dagdag-andaya@co.maui.hi.us">rowena.dagdag-andaya@co.maui.hi.us</a>
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Ms. Uilani Kapu	Na Aikane O Maui	Executive Director	<a href="mailto:uilani.kapu@gmail.com">uilani.kapu@gmail.com</a>
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Ms. Jade Alohalani Smith	Aha Moku Maui Island Council - Kaupo	Moku Representative	<a href="mailto:kaukaulani@gmail.com">kaukaulani@gmail.com</a>
Mr. Ty Takeno	County of Maui, DPW	Civil Engineer	<a href="mailto:ty.takeno@co.maui.hi.us">ty.takeno@co.maui.hi.us</a>
<b>PROJECT TEAM</b>			
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Ms. Dawn Chang	Kuiwalu	Facilitator	<a href="mailto:dnschang@kuiwalu.com">dnschang@kuiwalu.com</a>
Mr. Herb Lee	Malama Waiwai	Facilitator	<a href="mailto:herblee@thepaf.org">herblee@thepaf.org</a>

## HDOT Relationship Building Workshop for Maui County

Date and Time: Monday, April 9, 9:00 am to 3:30 pm

Location: Maui Beach Hotel – Maui Beach Ballroom

170 W Ka'ahumanu Avenue, Kahului, Hawai'i 96732


Name	Organization	Mailing Address and/or Email	Sign / Initial
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Mr. Ervin Anthony Pigao	DOT-Maui District	ervinanthony.r.pigao@hawaii.gov	
Mr. Marshall Ando	DOT-Admin	marshall.ando@hawaii.gov	
Mr. Ken Tatsuguchi	DOT-HWY-P	ken.tatsuguchi@hawaii.gov	
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Mr. Foster Ampong	Aha Moku Advisory Council - Wailuku	ahamokuowailuku@yahoo.com	
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Mr. Keeaumoku Kapu	Aha Moku O Maui	kapukapuakea@gmail.com	
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Ms. Blossom Feiteira	Friends of Moku'ula, Inc.	blossom@mokuula.com	
Mrs. Uilani Kapu	Na Aikane O Maui	uilani.kapu@gmail.com	
Mr. Leslie Apiu Aipalena	I ke Kai o Kulolo'i'a - Lineage	pokaiuli2@gmail.com	
Mr. Roy Oliveira	Waiehu Kou Phase 3	waiehukouphase3association@hotmail.com	

## HDOT Relationship Building Workshop for Maui County

Date and Time: Monday, April 9, 9:00 am to 3:30 pm

Location: Maui Beach Hotel – Maui Beach Ballroom

170 W Ka'ahumanu Avenue, Kahului, Hawai'i 96732

Mr. Daniel L. Omellas	Waiehu Kou Phase 3		<i>daniel.l.omellas@gmail.com</i>	
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Ms. Lori Sablas	Maui County Cultural Resources Commission		sablasl001@hawaii.rr.com	
Ms. Rowena Dagdag-Andaya	County of Maui, Department of Public Works		rowena.dagdag-andaya@co.maui.hi.us	<i>RM</i>
Mr. Ty Takeno	County of Maui, Department of Public Works		ty.takeno@co.maui.hi.us	<i>Ty</i>
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Ms. Lauren Armstrong	Maui Metropolitan Planning Organization (Maui MPO)		lauren@mauimpo.org	<i>Lauren</i>

**Date and Time:** Monday, April 9, 9:00 am to 3:30 pm  
**Location:** Maui Beach Hotel – Maui Beach Ballroom  
 170 W Kaʻahumanu Avenue, Kahului, Hawaiʻi 96732

[illegible]



## Jason Tateishi

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**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Wednesday, April 11, 2018 5:12 PM  
**To:** ahamokuowailuku@yahoo.com; lauren@mauimpo.org; rowena.dagdag-andaya@co.maui.hi.us; Eaton, Antonette G; Esmeralda, Bryan K; blossom@mokuula.com; wayne.kaneshiro@dot.gov; kapukapuakea@gmail.com; uilani.kapu@gmail.com; billdog100@gmail.com; wendy.kobashigawa@co.maui.hi.us; pokaiuli2@gmail.com; koiwe808@gmail.com; waiehukouphase3association@hotmail.com; daniel.l.ornellas@gmail.com; meesa.otani@dot.gov; dpreza@pulamalanai.com; kaukaulani@gmail.com; ty.takeno@co.maui.hi.us  
**Cc:** Shishido, Robin K; Pigao, Ervin Anthony R; Tatsuguchi, Ken; Laura Mau; Noelle Wright; dnschang@kuiwalu.com; herblee@thepaf.org  
**Subject:** Relationship Building Workshop  
**Attachments:** 180409 DOT Maui Relationship Workshop Participants (003).pdf

Aloha Everyone,

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration (FHWA), we would like to thank each and every one of you for attending the Relationship Building Workshop that was held on Monday, April 9, 2018 in Wailuku on the island of Maui. We are very pleased and appreciative of the open and candid discussion, and the sharing of mana'o and heartfelt suggestions by everyone to improve the relationship between HDOT and the Native Hawaiian Organizations (NHO). The spirit of collaboration and cooperation during this workshop was awesome and is very much appreciated. MAHALO NUI LOA!

As expressed during the workshop, relationships are built upon trust and trust is built upon keeping one's commitments. Below are action items identified in the workshop that the HDOT would follow up in a timely manner:

**Follow up item:**

- Attached is the list of meeting participants and their respective email addresses. Thank you for your willingness to share your contact information. Please take a moment to confirm that your contact information is accurately noted and let us know if any corrections are needed.
- In addition, we understand that many of you were interested in links that were reference in Ken's presentation on ways to access information about HDOT projects. While the URLs were provided in the meeting agenda, we would like to forward the live links here:
  - HDOT project status map showing both construction and future projects (by clicking on the appropriate tab): <https://histategis.maps.arcgis.com/apps/MapSeries/index.html?appid=39e4d804242740a89d3fd0bc76d8d7de>
  - Statewide Transportation Improvement Program (STIP): <http://hidot.hawaii.gov/highways/other/other-related-links/stip/>
  - Other Related Links: <http://hidot.hawaii.gov/highways/other/other-related-links/>

**Next Steps:**

- A summary of this Relationship Building Workshop will be distributed to all Maui workshop participants and invitees;
- HDOT and FHWA will convene a similar workshop on Oahu;
- HDOT will prepare a comprehensive summary of all the statewide meetings and distribute to all the attendees; and
- HDOT will use the collective mana'o received at the workshops to improve our relationships with the NHOs, and improve on the manner in which we seek input and kōkua of the NHOs as we strive to improve our community.

Once again, mahalo for your on-going commitment and participation.

Marshall Ando  
Acting Highways Administrator

Ralph Rizzo  
Division Administrator



**Hawai'i Department of Transportation  
Maui Relationship Building Workshop  
April 9, 2018, 9:00 am to 3:30 pm  
Maui Beach Hotel - Maui Beach Ballroom  
List of Participants**

NAME	ORGANIZATION	TITLE	EMAIL ADDRESS
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Mr. Iaukea Ampong	AMAC - Wailuku	Member	
Ms. Lauren Armstrong	Maui Metropolitan Planning Organization (Maui MPO)	Executive Director	<a href="mailto:lauren@mauimpo.org">lauren@mauimpo.org</a>
Ms. Rowena Dagdag-Andaya	County of Maui, Dept. of Public Works (DPW)	Deputy Director	<a href="mailto:rowena.dagdag-andaya@co.maui.hi.us">rowena.dagdag-andaya@co.maui.hi.us</a>
Ms. Toni Eaton	DHHL Maui / Lanai District	Supervisor	<a href="mailto:antonette.g.eaton@hawaii.gov">antonette.g.eaton@hawaii.gov</a>
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Mr. Daniel Ornellas	Waiehu Kou Phase 3	Board of Directors	<a href="mailto:daniel.ornellas@gmail.com">daniel.ornellas@gmail.com</a>
Ms. Diane Preza	Lāna'i Culture & Heritage Center	Board Member	<a href="mailto:dpreza@pulumalanai.com">dpreza@pulumalanai.com</a>
Ms. Jade Alohalani Smith	AMAC - Kaupo	Moku Representative	<a href="mailto:kaukaulani@gmail.com">kaukaulani@gmail.com</a>
Mr. Ty Takeno	County of Maui, DPW	Civil Engineer	<a href="mailto:ty.takeno@co.maui.hi.us">ty.takeno@co.maui.hi.us</a>
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## Jason Tateishi

---

**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Tuesday, July 24, 2018 4:25 PM  
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**Cc:** Abcede, George; Tatsuguchi, Ken; Smith, Donald L; Soriano, Natasha A; Ralph.J.Rizzo@dot.gov; richelle.takara@dot.gov; lisa.powell@dot.gov; Downer, Alan S; Yoon, Kaiwi N; Lebo, Susan A; Hilo, Regina; sstokely@achp.gov; Laura Mau; Noelle Wright; Buck Dayna K; Keohohou, Kiani JP; Fujio, Nancy; Ho, Tracy; dnschang@kuiwalu.com; herblee@thepaf.org; shookano@kuiwalu.com  
**Subject:** Relationship Building Workshop - RESEND  
**Attachments:** 180727 Oahu Workshop Agenda & Maps.pdf

Aloha Everyone,

Thank you for your RSVPs confirming your attendance at the Relationship Building Workshop this week Friday. Attached for your information is an advanced PDF copy of the workshop agenda. Hard copies of the agenda will also be available at the workshop. Please note that the workshop was moved to the following venue:

Windward Community College (WCC)  
Hale Kuhina, Room 115  
45-720 Keaahala Rd.  
Kaneohe, HI 96744

Included in the PDF are maps showing the directions to WCC, WCC campus layout, and Hale Kuhina layout. Detailed directions to WCC are also available at: [https://windward.hawaii.edu/about\\_wcc/directions/](https://windward.hawaii.edu/about_wcc/directions/). Parking will be complimentary, however, workshop participants must use the student parking areas shown on the WCC campus map (Map 2).

We appreciate your time and participation, and we look forward to seeing you there.

Mahalo,

Marshall Ando  
Highways Administrator  
Hawaii Department of Transportation

Ralph Rizzo  
Division Administrator  
Federal Highway Administration







**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

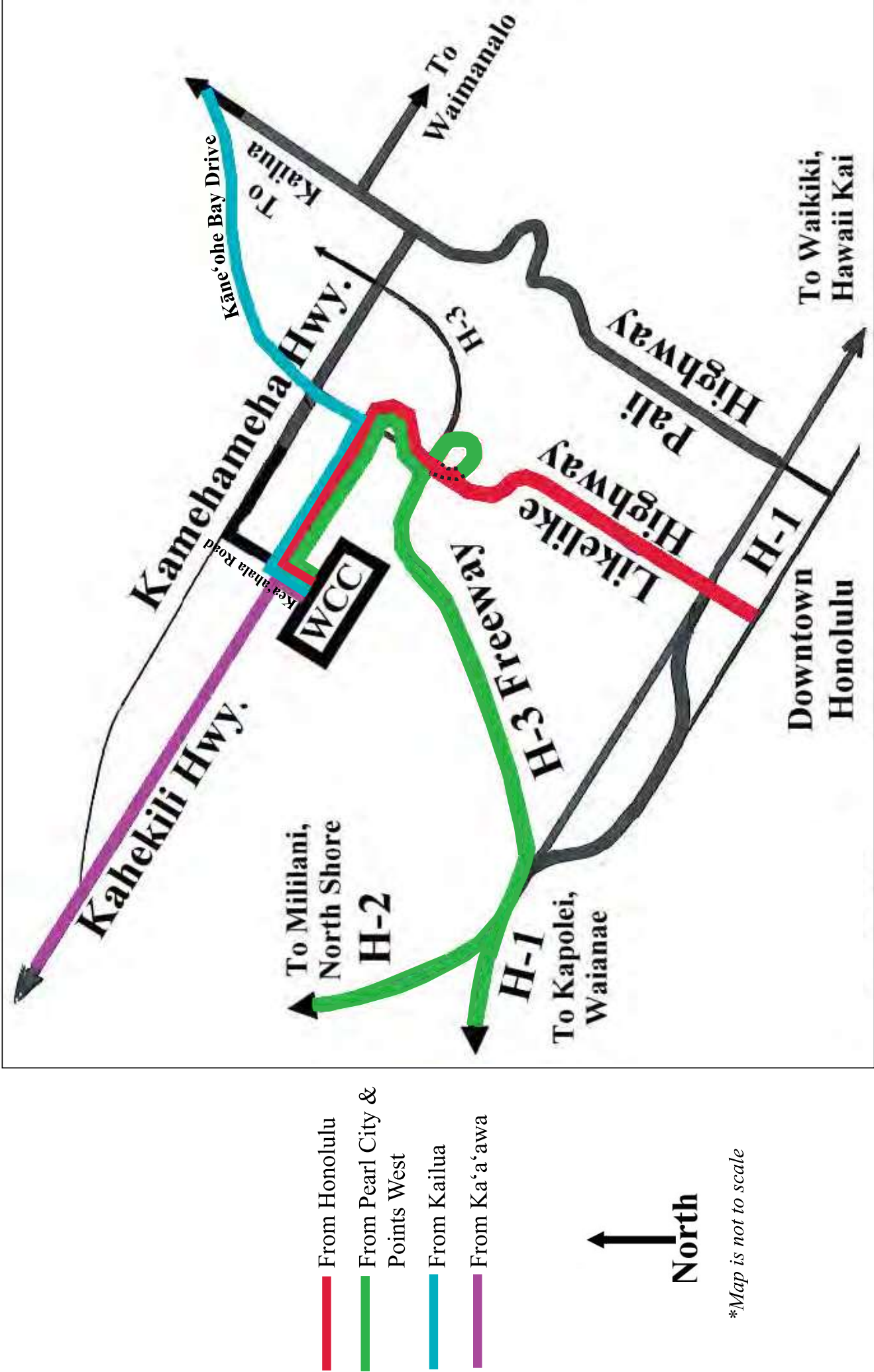
**Contact Information:**

Mr. George Abcede, O'ahu District Engineer  
727 Kakoi Street  
Honolulu, HI 96819  
Phone: (808) 831-6703  
Email: [george.abcede@hawaii.gov](mailto:george.abcede@hawaii.gov)

**Website:** <https://hidot.hawaii.gov/highways/>

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Windward Community College  
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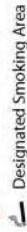


\*Please use Student Parking areas (no charge)

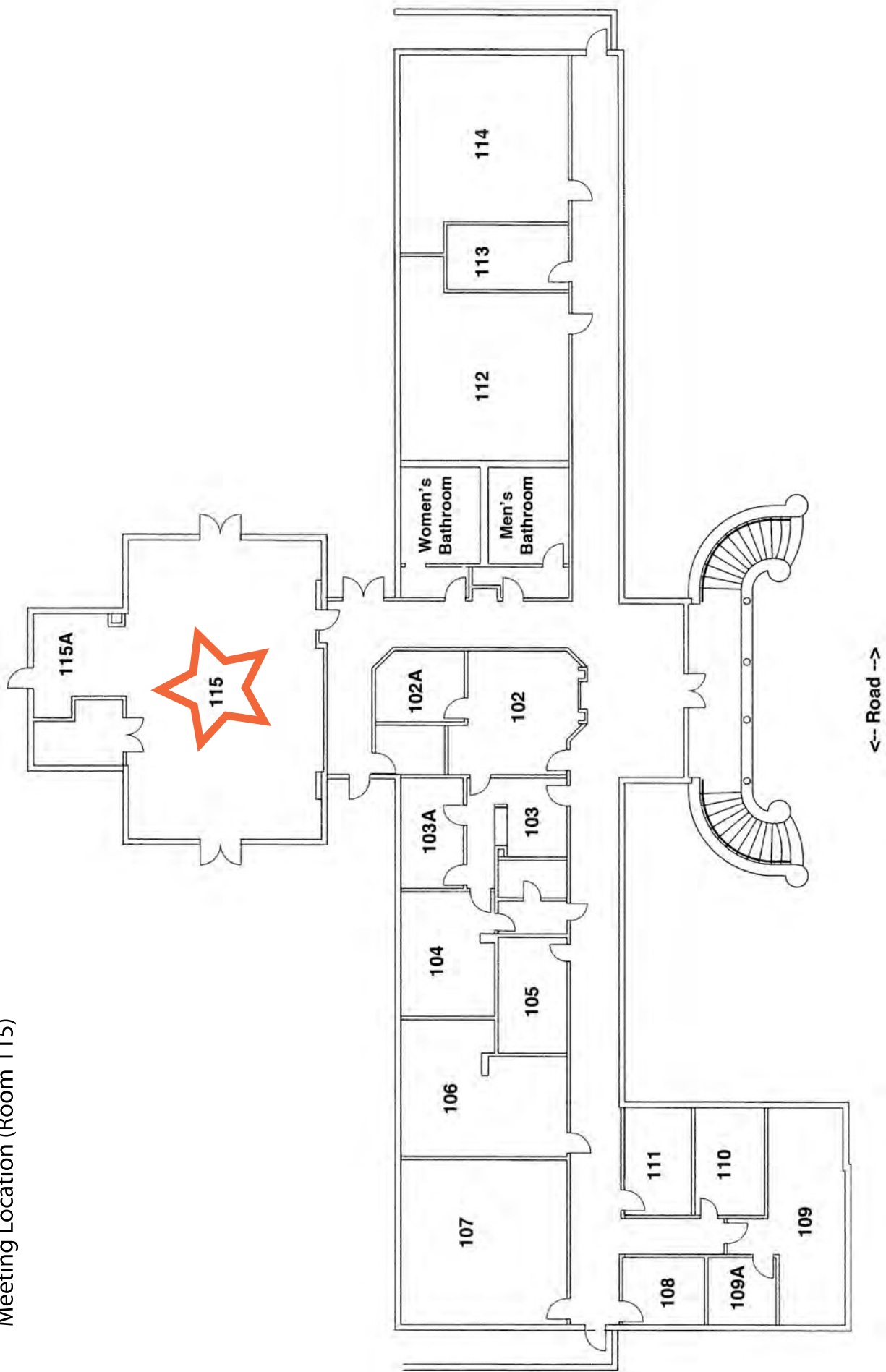
\*Participant Parking

**\*Participant Parking**

**For your safety, security cameras are in use 24 hours.  
Campus Security: 808-235-7355**



Hale Kuhina Map  
HDOT / FHWA Oahu Relationship Building Workshop  
Meeting Location (Room 115)







**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)

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**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 2<sup>nd</sup> 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**

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

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**Contact Information:**

Mr. George Abcede, O'ahu District Engineer  
727 Kakoi Street  
Honolulu, HI 96819  
Phone: (808) 831-6703  
Email: [george.abcede@hawaii.gov](mailto:george.abcede@hawaii.gov)

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# HDOT Relationship Building Workshop for O'ahu

Date and Time: Friday, July 27, 9:00 am to 3:30 pm

Location: Windward Community College

Hale Kuhina, Room 115

45-720 Kea'ahala Road

Kāne'ōhe, Hawai'i 96744

Name	Organization	Phone	Mailing Address and/or Email	Sign / Initial
Mr. George Abcede	HDOT- O'ahu District	831-6700 x 126	george.abcede@hawaii.gov	GA
Mr. Marshall Ando	DOT-Admin	587 2220	marshall.ando@hawaii.gov	MA
Mr. Ken Tatsuguchi	DOT-HWY-P		ken.tatsuguchi@hawaii.gov	
Ms. Pua Aiu	DOT-HWY-P	587-1497	pua.aiu@hawaii.gov	PA
Mr. Brian Tyau	DOT-HWY-P	587-6390	brian.tyau@hawaii.gov	BT
Ms. Sharen Cho-Ibanez	DOT HWY-D	692-7551	sharen.h.cho-ibanez@hawaii.gov	SI
Mr. Robert Sun	DOT HWY-D	692-7578	robert.sun@hawaii.gov	RS
Ms. Mung Fa Chung	DOT-HWY-D	692-7545	mungfa.chung@hawaii.gov	MC
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Ms. Hinaimoana Wong-Kalu	O'ahu Island Burial Council		taahine.hina@gmail.com	
Mr. Kyle Oyasato	City and County of Honolulu – Department of Facility Maintenance	808 763 3627	koyasato@honolulu.gov	KO
Ms. Kiersten Faulkner	Historic Hawaii Foundation		Kiersten@historichawaii.org	KF

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45-720 Kea'ahala Road

Kāne'ohe, Hawaii'i 96744

Ms. Ululani Beirne	Aha Moku o O'ahu - Ko'olauloa		ululani.beirne@gmail.com	
Ms. Rawlette Pua Mohala Kraut	Queen Emma Hawaiian Civic Club (Haleiwa)		rpkraut@hotmail.com	<i>Rawlette Pua</i>
Ms. Mahealani Cypher	George K. Cypher 'Ohana		malamapono744@aol.com	
Mr. Ken Schaefer <i>Ken</i>	Friends of Kahana		bdshafer@gmail.com	
Ms. Leimana DaMate	Aha Moku - Statewide (DLNR)		Leimana.k.damate@hawaii.gov	<i>Leimana DaMate</i>
Ms. Rocky Kaluhiwa	Aha Moku Advisory Committee (DLNR)	<i>Rocky Kaluhiwa</i>	rockykaluhiwa1122@gmail.com	
Ms. Lynette Cruz	Ka Lei Maile Alii Hawaiian Civic Club		palolo@hawaii.rr.com	

*Mahealani Cypher Ko'olauloa & Cypher 'Ohana*

*malamapono744@aol.com Mahealani Cypher*

**Date and Time:** Monday, April 9, 9:00 am to 3:30 pm  
**Location:** Maui Beach Hotel – Maui Beach Ballroom  
 170 W Ka‘ahumanu Avenue, Kahului, Hawai‘i 96732

[illegible]

## Jason Tateishi

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**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Monday, August 06, 2018 4:53 PM  
**To:** Aiu, Pua; Tyau, Brian; Cho-Ibanez, Sharen H; Sun, Robert; Chung, Mung Fa; Rodrigues, Hinano R; Hacker, Stephanie; Solis, Sheleigh; kelly.okumura@dot.gov; bruce.thill@dot.gov; Kiersten@historichawaii.org; laurenm@oha.org; koyasato@honolulu.org; rpkraut@hotmail.com; malamapono744@aol.com; DaMate, Leimana K; rockykaluhiwa1122@gmail.com; bdshafer@gmail.com; taahine.hina@gmail.com; ululani.beirne@gmail.com; pokaiuli2@gmail.com; shadskane@gmail.com; Lani@aukahi.com; palolo@hawaii.rr.com; palologyrl@yandex.com  
**Cc:** Abcede, George; Tatsuguchi, Ken; Smith, Donald L; Soriano, Natasha A; Ralph.J.Rizzo@dot.gov; richelle.takara@dot.gov; lisa.powell@dot.gov; Downer, Alan S; Yoon, Kaiwi N; Lebo, Susan A; Hilo, Regina; sstkely@achp.gov; Laura Mau; Noelle Wright; Buck Dayna K; Keohohou, Kiani JP; Fujio, Nancy; Ho, Tracy; dnschang@kuiwalu.com; herblee@thepaf.org; shookano@kuiwalu.com  
**Subject:** HDOT's and FHWA's Relationship Building Workshop - Oahu

Aloha Everyone,

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration, we would like to thank everyone who attended the Relationship Building Workshop on Friday, July 27, 2018 in Kaneohe on the island of Oahu. We also extend our thanks to those who intended to come but were unable to, as well as those who expressed interest in receiving post workshop information. We are very pleased and appreciative of the open and candid discussion, and the sharing of manao and suggestions by everyone to improve the relationship between HDOT and the Native Hawaiian Organizations (NHO). The spirit of collaboration and cooperation during this workshop was awesome and very much appreciated. MAHALO NUI LOA!

For those who are interested, here are the links that were referenced in Ken's presentation on ways to access information about HDOT projects. While the URLs were provided in the meeting agenda, we would like to share the live links here:

- HDOT project status map showing both construction and future projects (by clicking on the appropriate tab): <https://histategis.maps.arcgis.com/apps/MapSeries/index.html?appid=39e4d804242740a89d3fd0bc76d8d7de>
- Statewide Transportation Improvement Program (STIP): <http://hidot.hawaii.gov/highways/other/other-related-links/stip/>
- Other Related Links: <http://hidot.hawaii.gov/highways/other/other-related-links/>

As expressed during the workshop, relationships are built upon trust and trust is built upon keeping one's commitments. Below are action items that the HDOT will follow-up on:

- A summary of this Relationship Building Workshop will be distributed to all Oahu workshop participants as well as those who expressed interest in receiving post workshop information;
- HDOT will prepare a comprehensive summary of the workshops held on the islands of Kauai, Hawaii, Maui and Oahu for distribution; and,
- HDOT will use the collective manao received at the workshops to improve our relationships with the NHO, and will continue to seek input and kokua from the NHOs as we strive to improve our community.

Once again, mahalo for your on-going commitment and participation.

Marshall Ando  
Highways Administrator  
Hawaii Department of Transportation

Ralph Rizzo  
Division Administrator  
Federal Highway Administration

## Jason Tateishi

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**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Tuesday, August 07, 2018 12:58 PM  
**To:** ahamokuowailuku@yahoo.com; lauren@mauimpo.org; rowena.dagdag-andaya@co.maui.hi.us; Eaton, Antonette G; Esmeralda, Bryan K; blossom@mokuula.com; wayne.kaneshiro@dot.gov; kapukapuakea@gmail.com; uilani.kapu@gmail.com; billdog100@gmail.com; wendy.kobashigawa@co.maui.hi.us; pokaiuli2@gmail.com; koiwe808@gmail.com; waiehukouphase3association@hotmail.com; daniel.l.ornellas@gmail.com; meesa.otani@dot.gov; dpreza@pulamalanai.com; kaukaulani@gmail.com; ty.takeno@co.maui.hi.us  
**Cc:** Shishido, Robin K; Pigao, Ervin Anthony R; Tatsuguchi, Ken; Laura Mau; Noelle Wright; dnschang@kuiwalu.com; herblee@thepaf.org; Buck Dayna K; shookano@kuiwalu.com; Fariss, Matthew B; Phillips, Andrew K.; thelmas@oha.org  
**Subject:** FW: HDOT's and FHWA's Relationship Building Workshop - Maui  
**Attachments:** 180417 HDOT Maui Relationship Bldg Workshop - Mtg Notes-DRAFT.pdf



Aloha Everyone (again),

My sincere apologies as the initial email below was sent prematurely without including everyone on the cc, so I am resending this email to supersede the previous.

Please also note that I have included three additional invitees on the cc as they were not able to attend the workshop but had expressed interest in post workshop information.

Mahalo,  
Marshall

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**From:** Ando, Marshall  
**Sent:** Tuesday, August 07, 2018 12:51 PM  
**To:** 'ahamokuowailuku@yahoo.com' <ahamokuowailuku@yahoo.com>; 'lauren@mauimpo.org' <lauren@mauimpo.org>; 'rowena.dagdag-andaya@co.maui.hi.us' <rowena.dagdag-andaya@co.maui.hi.us>; Eaton, Antonette G <antonette.g.eaton@hawaii.gov>; Esmeralda, Bryan K <bryan.k.esmeralda@hawaii.gov>; 'blossom@mokuula.com' <blossom@mokuula.com>; 'wayne.kaneshiro@dot.gov' <wayne.kaneshiro@dot.gov>; 'kapukapuakea@gmail.com' <kapukapuakea@gmail.com>; 'uilani.kapu@gmail.com' <uilani.kapu@gmail.com>; 'billdog100@gmail.com' <billdog100@gmail.com>; 'wendy.kobashigawa@co.maui.hi.us' <wendy.kobashigawa@co.maui.hi.us>; 'pokaiuli2@gmail.com' <pokaiuli2@gmail.com>; 'koiwe808@gmail.com' <koiwe808@gmail.com>; 'waiehukouphase3association@hotmail.com' <waiehukouphase3association@hotmail.com>; 'daniel.l.ornellas@gmail.com' <daniel.l.ornellas@gmail.com>; 'meesa.otani@dot.gov' <meesa.otani@dot.gov>; 'dpreza@pulamalanai.com' <dpreza@pulamalanai.com>; 'kaukaulani@gmail.com' <kaukaulani@gmail.com>; 'ty.takeno@co.maui.hi.us' <ty.takeno@co.maui.hi.us>  
**Cc:** Fariss, Matthew B <matthew.b.fariss@hawaii.gov>; Phillips, Andrew K. <andrew.k.phillips@hawaii.gov>; 'thelmas@oha.org' <thelmas@oha.org>  
**Subject:** HDOT's and FHWA's Relationship Building Workshop - Maui

Aloha Everyone,

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration (FHWA), thank you again for attending the Relationship Building Workshop that was held on Monday, April 9, 2018 in Wailuku on the island of Maui. We very much appreciate your time and participation during the workshop and would like to share with you the attached draft summary of our discussion. If you have any comments or questions on the summary, they would be appreciated within 30 days of this email.

HDOT and FHWA recently convened a similar workshop on Oahu, and we will be preparing a comprehensive summary of all the statewide meetings for distribution.

Once again, mahalo for your on-going commitment and participation.

Marshall Ando  
Highways Administrator  
Hawaii Department of Transportation

Ralph Rizzo  
Division Administrator  
Federal Highway Administration



**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 Maui County  
Draft Meeting Notes

**Date/Time:** Monday, April 9, 2018, 9:00 a.m. to 3:30 p.m.

**Location:** Maui Beach Hotel – Maui Beach Ballroom  
170 West Kaahumanu Avenue  
Kahului, Hawaii 96732

**Attachments:** Attachment 1, Agenda  
Attachment 2, Workshop Participant List

**Attendees:** See below

**Hawaii Department of Transportation (HDOT)**

Mr. Marshall Ando  
Mr. Ken Tatsuguchi  
Mr. Robin Shishido  
Mr. Ervin Pigao

**Federal Highway Administration (FHWA)**

Ms. Meesa Otani  
Mr. Wayne Kaneshiro

**Department of Hawaiian Homelands (DHHL)**

Ms. Toni Eaton  
Mr. Bryan Esmeralda

**Maui Metropolitan Planning Organization (Maui MPO)**

Ms. Lauren Armstrong

**County of Maui – Department of Public Works (DPW)**

Ms. Rowena Dagdag-Andaya  
Ms. Wendy Kobashigawa  
Mr. Ty Takeno

**Malama O Kauaula, Molokai**

Ms. Winnifred Lopez

**Lanai Culture & Heritage Center**

Ms. Diane Preza

**Aha Moku Maui Island Council - Wailuku**

Mr. Foster Ampong  
Mr. Iaukea Ampong

**Aha Moku Maui Island Council - Kaupo**

Ms. Jade Alohalani Smith

**Aha Moku O Maui (WESTPAC)**

Mr. Keeaumoku Kapu  
Mr. Bill Knowlton

**Friends of Mokuula, Inc.**

Ms. Blossom Feiteira

**Na Aikane O Maui**

Ms. Uilani Kapu

**Kuloloia Lineage-Ike Kaie o Kuloloia**

Mr. Leslie Apiu Aipalena

**Waiehu Kou Phase 3**

Mr. Roy Oliveira  
Mr. Daniel Ornellas

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

Ms. Laura Mau  
Ms. Noelle Wright

**Facilitators**

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

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**A. Opening Pule – Leslie Apiu Aipalena (Uncle Les Kuloloio)**

**B. Welcoming Remarks (Marshall Ando and Robin Shishido, HDOT)**

1. Marshall thanked all participants for coming from various parts of Maui County, including representatives from Lanai and Molokai, to participate in today's workshop by sharing their time and manao. HDOT greatly appreciates it. Marshall shared that HDOT does not have enough resources to do everything; therefore, the engineers will apply very technical criteria in prioritizing their work based upon safety and preserving the existing roadways. However, he understands that relationships do not move in the same technical way and he hopes that through this workshop everyone can be open and come to a place of mutual understanding in seeking a better working relationship, knowing there are differences and similarities. He acknowledged that it is OK to disagree, as long as dialogue is continued. HDOT intends to listen to everyone, and, while they are not sure how many additional workshops of this kind would be held in the future, he would hope that this workshop would be considered the start of open, honest dialogue.
2. Robin Shishido is the Maui District Engineer. He grew up on Maui, went to the mainland, and has returned to Maui to make it his permanent home once again with his family. Robin will be HDOT's main point of contact for Maui County.

**C. 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 Paki: (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 reminded all that "Aloha" is a word with depth. It is intended that through the Workshop, everyone will come together under this deeper understanding of Aloha to continue to grow.

**D. Introductions (Facilitated by Herb)**

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

1. NHOs were represented from the islands of Maui, Molokai, and Lanai.
2. Participants<sup>1</sup> from both government agencies and NHO community looked forward to the workshop as an opportunity for the following: to learn more, to understand all perspectives, to improve communication between one another, and to improve relationships.
3. Several participants acknowledged the difficulty in finding the balance between the western and traditional style of consultation, and desired to find a middle ground. Several participants were hopeful that this workshop could be a beginning of finding that balance because it is not only about styles of consultation but it is about the constitutional protections for native Hawaiian rights.
4. One participant expressed interest in learning more about project funding, including how funding is determined, what protocols are placed on funding, and, where funding goes after it is appropriated.

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<sup>1</sup> Permission was not given to HDOT to specifically attribute comments to participants; thus, all participants of the workshop are herein collectively referred to as "participants," regardless of affiliation with a particular NHO, Non-governmental organization, or government agency.



5. The participant also expressed that for Hawaiians, names are very important and many of the old names for highways or old rights of ways have been lost and maybe this workshop is an opportunity to look into old names of highways.
6. Several participants shared similar concerns about jurisdictional disputes between state, county, and private owners over old government roads that may still be owned by the government. Many of the participants were familiar with the Highways Act of 1892. One participant expressed concern with private landowners blocking access to old government roads that could impact native gathering rights.
7. A participant from the Hawaiian Home Lands community shared the Resilient Hawaiian Communities Initiative currently being undertaken at Waiehu Kou Phase 3 that is looking at the impact of climate change which could affect coastal roadways, too.
8. FHWA and HDOT representatives were looking forward to listening to the concerns of the participants so that they could improve their methods of consultation with NHOs. An HDOT engineer recognized that the department needs to have a better understanding and sensitivity to the cultural concerns of the communities in which they work.
9. One participant with a government agency works closely with people in the Hawaiian community, and looked forward to listening to the concerns of the people they serve.
10. One participant explained that Maui MPO is an agency which facilitates a comprehensive planning and budgeting process for federal-aid transportation projects on Maui. Part of the agency's role is to increase communication between the community and HDOT as they plan for programs that should receive funding. The participant looked forward to the workshop to gain a better understanding about how to improve relationships with the Hawaiian community.
11. One participant recognized HDOT for already taking steps in improving the way they conduct consultation as compared to the past.

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

1. Dawn expressed appreciation towards HDOT for embracing an approach that acknowledges and gives NHOs a seat at the table.
2. Dawn wanted to clarify that when Marshall used the term "preservation" in his opening remarks about HDOT's priorities, it was meant in the context of the preservation of existing highways; for many NHOs "preservation" usually is referenced in the context of preservation of resources, including cultural resources. She wanted to avoid any confusion because many of the participants are quite Akamai in the historic preservation laws, including burial laws.
3. 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. Stipulation 14 of the MOA mandated FHWA and HDOT build on existing and build new relationships with NHOs statewide through convening 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 was the third one, and the last workshop will be on Oahu.
4. HDOT noted that, while the MOA stipulated that a workshop was required, they wanted to have this workshop because they are committed to improving how they engage with NHOs. The NHOs thanked HDOT for this intention.
5. Dawn reiterated that while specific projects may arise throughout the day, the purpose of the workshop is not to be project specific but to talk story about process and how to improve relationships.

**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 documented, as follows:

1. One of the participants noted that HDOT is good at maintaining its current roads; however, fringe or abandoned highways are often left unmaintained;
2. Various participants emphasized the importance of consulting with NHOs on issues of road ownership, including those under the Highways Act of 1892.

Various participants noted that access to the roads is important for various reasons, including safe access during natural disasters. But access through old government roads or trails for native Hawaiians is especially significant because of the constitutional mandate to preserve and protect native Hawaiian traditional and customary practices which includes access to water, cultural and natural resources. Participants raised specific examples related to Kauaula, Kaupo, and Haleakala National Park, and old government road on Lanai (Keeaumoku). For many native Hawaiians safe access to ensure their continued ability to exercise their traditional and customary practices and rights is more important than spending money to repave a good road.

3. Several participants raised as an issue that in the past HDOT would justify a particular highway route as, "we are doing this for the greater good". However, many NHOs felt that the greater good at times was at the sacrifice of native Hawaiian cultural resources (i.e. native Hawaiian iwi kūpuna, historic sites, etc.). But this attitude by HDOT was viewed as being very disrespectful especially to the kūpuna in the meeting because many of these meetings were mostly attended by non-native Hawaiians. HDOT needs to hold separate meetings with NHOs and especially kūpuna to be more respectful.
4. Participants also had concerns that HDOT, and a lot of other government agencies, are in a constant cycle of crisis management or being reactive rather than being proactive. For example, hardening shorelines through placing rocks along eroded coastal highways and seawalls. HDOT needs to plan for the future not just doing short term fixes because many of these fixes have impacts on NHOs. Native Hawaiians plan for generations.
5. Several participants expressed concern that HDOT hires consultants who have no local knowledge; and suggested that they hire cultural consultants who are recognized as authorities in their communities. An example was where a private developer doing a project in Makena hired a cultural consultant who was not from Maui Island. Be respectful and recognize local cultural expertise not just people who have western credentials.
6. More as a comment, rather than concern, a participant thanked FHWA and HDOT for recognizing the importance of convening the workshop today, and suggested the creation of an NHO council on every island of the state, comprised of cultural experts from the areas they must work in. NHOs do not want to be combative, but rather want to work with the government to ensure projects are undertaken in a culturally sensitive way.. For example, agencies like DHHL consult with its beneficiaries before a project occurs on their land; HDOT could do the same in consulting with NHOs before the Section 106 process. Others reiterated support for the idea of NHO councils.
7. Various participants expressed the importance of providing signage and the naming of new or re-naming of existing highways using the traditional Hawaiian names for the area because it is important to name highways in a way that recognizes the culture and history of the place. Participants from Lanai, Molokai and Maui shared similar examples of how important naming the road is very important.

DPW explained that, in the past, a commission voted on names without outreach or attention to cultural significance. Presently, DPW is interested in naming streets in a way that is culturally appropriate.

8. One participant suggested thinking of transportation through the lens of time periods, starting from 1700, 1800, 1900 and 2000s, to examine how each island within Maui County handled transportation issues. By using this analysis, it would give all a deeper understanding into what is culturally important.

Various participants agreed that NPS should be involved in the conversation of highways and trails. NHOs should be made aware of NPS' comprehensive planning and programmatic partnerships. Inter-governmental relationships between NPS, NARS (signs for *malahini*), and others is important. It was reiterated that NHOs of the moku must be consulted when an issue or project comes up.

**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, 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://histategis.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.

- c. One participant asked if the Project Status Map website provided access to the EA or Environmental Impact Statement associated with each project. Ken responded that the documents were not directly provided on the website. However, information is provided for a point of contact at HDOT for each project, and they may contact the designated contact for project-related documents and information.
  - d. One participant asked if projects that receive federal grants apart from those received from FHWA, require the environmental process. Ken responded that yes, federal funds trigger the National Environmental Policy Act (NEPA) process.
  - e. Ken then presented HDOT's Project Delivery Process, which includes Planning and Programming, followed by Project Development, and Construction.
  - f. He noted that the Section 106 process is initiated within the "Environmental" and "Pre-Design" portion of the Project Development phase within the overall Project Delivery Process. A project design is usually 30-60% complete by the time HDOT is required to conduct Section 106 consultation.
  - g. Ken added that the HDOT STIP incorporates recommendations made from the Maui MPO Transportation Improvement Plan (TIP). Maui MPO confirmed that it is currently in the process of presenting the Draft Maui TIP to the community. The Draft Maui TIP can be found on Maui MPO's website.
2. Dawn presented 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. Dawn noted that the earlier discussion on allowing access to Native Hawaiian traditional customary practices is typically addressed in the Cultural Impact Assessment (CIA) required in the HEPA process. There is an obligation by the government to preserve and protect, to the extent feasible, and not merely mitigate, customary practices.
- b. One person asked if historic Hawaiian roads or trails could receive Federal support or protection even if they are under jurisdiction of the County. Dawn recommended the participant seek personal legal advice. Generally, though, Dawn commented that governments are concerned with the issue of liability and maintenance of a road; therefore, even if they claim ownership, they may not open it for public use.
- c. One participant noted the constant battle between public access versus constitutional mandate to provide access for Native Hawaiians. The participant encouraged reasonable regulations be put into place that would allow NHOs closed points of entry to access places for traditional customary practices. NHOs currently have an agreement with the Department of Land and Natural Resources (DLNR) where they can easily apply for access to a location, and DLNR complies. It was noted that NHOs do not generally pursue litigation in cases where they are injured because, from a Native Hawaiian perspective, they believe that is their kuleana and they take responsibility for their own action; however, when their cultural practices are interfered with, then they take legal action.
- d. One participant thanked Dawn and Ken for breaking down the different levels of understanding liability and regulatory requirements. Dawn responded that the presentation of legal requirements should not be viewed as framing such requirements as barriers or obstacles, but rather as opportunities for the government to make better decisions based on information given to them from the community.

**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)**

Herb opened the floor for a question and answer session regarding a Best Management Practices (BMPs) approach for HDOT to improve its processes. The discussion is summarized as follows.

1. Issue: HDOT does not inform the community on maintenance projects, such as repaving. However, most issues arise from the lack of maintenance of fringe areas.

**BMPs:**

- a. Examples of the kind of work the community could assist with include maintenance tasks such as cutting back brush by a stream. If the community identifies areas in need of maintenance and provides manpower, the burden is alleviated from HDOT. It was clarified that proposed maintenance work to be performed by the public would be outside of the stream, and not within the stream. RMTC clarified that work within the stream would trigger other permits, such as an Army Corps of Engineers (ACOE) Section 404 permit or a Stream Channel Alteration Permit (SCAP) from DLNR. Previously, HDOT and certain counties had programmatic 404 permits with the ACOE which allow for regular maintenance without having to re-apply for the 404 permit every time they want to perform work in the stream.
- b. Inter-agency collaboration by HDOT with departments such as DLNR or DHHL on maintenance issues should be established.
- c. The current mechanism through which HDOT can collaborate with the community is through Adopt-A-Highway. If the community wants to perform work within an HDOT right-of-way (ROW), they may apply for a permit directly with HDOT Maui District without a cost.
- d. Aha Moku O Maui groups could do monthly clean-ups. Traditionally, maintenance activities to the land are what Native Hawaiians would take on as their kuleana.

- e. A proposed process could be to first, ask the NHO community to identify an area in need of maintenance. Second, apply for an HDOT permit. And third, organize work days where the community contributes manpower and HDOT contributes use of equipment.
  - f. One participant suggested that DPW should be involved in the maintenance conversation. DPW clarified that they would like to assist HDOT with maintenance issues more; however, because of jurisdictional issues, at times they are restricted. A NHO suggested that HDOT and DPW let the NHOs know how they can help during their budget process so that they can urge their legislators to support state and county agencies who respond to the community's concerns.
  - g. DPW further clarified that although they have intergovernmental agreements for certain projects, issues related to streams and waterways may trigger other regulatory processes.
  - h. "Roads in Limbo" report was mentioned by a participant, which addressed issues such as ownership and maintenance of roads.
2. Issue: Laws apply to every area without attention paid to context. Each Aha Moku should be looked at from a site-specific point of view. Aha Moku O Maui has come up with a Code of Conduct for each moku which reminds the public about their responsibility for taking care of that moku. The Aha Mokus could use support from HDOT or the County to put up reminders or signs of the proposed Code of Conduct.

BMPs:

- a. Develop a partnership between HDOT, County, and Aha Moku.
  - b. Both the State and County expressed concerns about lack of funding for signage. The NHOs suggested that this is an area where they can be supportive as agencies develop their budgets or go before the legislative bodies, that the NHOs can provide supportive testimony, contact legislators, etc. to support the agencies because the culturally appropriate signage is important.
  - c. Inform HDOT on where to put signs.
3. Issue: How can the NHOs support DPW in maintenance?

BMPs:

- a. Stemming from the discussion on the limitations placed upon the County, one participant mentioned that their community has been performing grass cutting and would like to provide greater assistance to the counties because it is becoming a public safety issue.
  - b. The County no longer uses pesticides and only performs hand cutting, which takes more time. The weather has also sped up the growth of grass.
  - c. NHOs can draft a maintenance agreement with DPW.
4. Issue: HDOT currently consults NHOs in the same meeting as the general community, and they need to have separate meetings with the NHOs

BMPs:

- a. NHOs have a special status apart from the general public; therefore, NHOs should be consulted separate of and before the general public.
- b. NHOs should be included in the entire project planning process.
- c. HDOT needs to look into 20-year long-term planning and take into consideration issues such as climate change. From a Native Hawaiian lens, kūpuna teach long-term thinking. A structure to do long-term planning should be put in place now and NHOs should be brought to the table and given the opportunity to give their input during the early planning stage.

- d. HDOT responded that they presently run 20-year transportation model plans based on forecasts and statistics they receive from the County and other state entities like the Department of Business, Economic Development and Tourism. HDOT does plan ahead and agreed to involve NHOs next time they do a 20-year plan update.
- e. NHOs and the community as a whole need to know what projects HDOT needs to prioritize in order to meet the needs of the community. When the community is aware, then they can effectively organize at a community level to advocate to legislators for HDOT to receive funding for its projects. NHOs need to know the cost of projects and the needs of HDOT so that they can advocate for HDOT to their lawmakers. For example, NHOs are waiting to participate in the Keawe Street solution.
- f. The meaning of NHOs is specific – groups must be 100% Native Hawaiian Environmental justice groups are a western idea. It is important for HDOT to differentiate between the two.
- g. Project notices should be put out to “families of those in the ahupuaa” to engage in consultation, as they have a wealth of knowledge of their moku/ahupuaa.
- h. The way the workshop was organized today is a start to reaching out to families. NHOs want to communicate; however, because they are the minority, they need to be engaged first and separately.
- i. HDOT could send out a kahea to all NHOs on the Department of Interior (DOI) list, then the NHOs will share information or call other NHOs.
- j. An NHO Council as an advisory group is a good idea that would not only help HDOT, but would also help FHWA reach out to appropriate NHOs.
- k. FHWA and HDOT have the kuleana to reach out to those on the DOI list, and the NHOs have the kuleana to respond. If certain groups choose not to include themselves on the list, that is their kuleana.
- l. One participant shared that the Aha Moku O Maui has six committees: land, water, ocean, shoreline, iwi, and air. The overlays of each Aha Moku committee will help to relay important information for each project. The members of the Aha Moku know the land and where they believe development will be inappropriate and where it will be good. They believe their knowledge is separate from the wider community, as they are the host culture. It is a general benefit for HDOT to consult with each committee and utilize their wisdom.
- m. The government entities did not know NHOs felt left out and pushed out during public meetings; they thanked the NHOs for this deeper understanding and manao. DPW invited the Aha Moku to share their priorities with them directly. DHHL thanked the different government entities for opening themselves up to receiving manao from NHOs, as they felt like, in the past, all issues related to NHOs would fall onto them.

#### **I. Group closing remarks (Facilitated by Dawn)**

Dawn acknowledged each person in the room for speaking with aloha and respect for one another. She 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. Each attendee agreed to share their contact information with one another after the meeting in order to maintain open communication lines. See **Attachment 2, Workshop Participant List**.
2. Participants commended and thanked HDOT for holding the workshop and allowing all attendees to be honest and forthright with their concerns. Many participants agreed that the workshop was a good beginning to improving the relationship between HDOT and NHOs moving forward. One participant noted that they appreciated a government entity giving NHOs a seat at the table.

3. Participants thanked all levels of government for giving them a seat at the table and recognizing NHOs as separate from the general public. They encouraged government to continue to seek the wisdom of the people of the land and to conduct consultation with NHOs separately and first.
4. In response, all levels of government thanked NHOs for sharing their honest opinions and their knowledge.
5. Other participants noted that the open-minded environment created a safe space where they felt comfortable to share their honest opinions. The participants also thanked the facilitators for conducting the meeting in a manner that created this safe space.
6. Another participant noted the diversity amongst workshop attendees, which contributed to different perspectives and a productive conversation.
7. HDOT should take all of the information shared with them today as a solid foundation for a better relationship moving forward. HDOT should also share with the NHOs what they need and continue to hold workshops like this so that they can support HDOT in its future projects.
8. HDOT should conduct consultation with NHOs earlier than the Section 106 process. As soon as projects are identified, NHO consultation should occur. HDOT acknowledged this, and would consider this moving forward.
9. DPW recommended HDOT continue to assist the County through maintenance projects, and funding assistance. DPW would also like to continue the open line of communication with HDOT- Maui District Office.
10. HDOT understands that it has historically approached work from an engineering point of view, and this approach is embedded in the agency culture. They will continue to push for internal change at the top throughout the agency in regards to how consultation is approached.
11. HDOT also reiterated their commitment to continuing its relationship with NHOs beyond the workshop in order to build lasting trust, and looks forward to working with all attendees moving forward.
12. HDOT did not realize that NHOs wanted to be consulted separately from the general community and would like to do so moving forward. HDOT would like to do more than just comply with regulations; they would like to do more in regards to consultation.
13. HDOT would like to hold future meetings like this.
14. HDOT noted that most calls received at the department stem from misinformation. They encouraged all in the room to call the Maui District office any time they have a question so that HDOT can clarify.
15. Dawn and Herb commented that everyone in the room conducted themselves with respect and aloha, and they were grateful to everyone for sharing their manao with honesty and respect.
16. Overall, the success of the workshop could be measured by continuing the conversation beyond the workshop.

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

1. FHWA and HDOT will convene its last Relationship Building Workshop on Oahu Island; a date has not been determined yet.
2. HDOT will prepare draft meeting notes from today's Maui County workshop, and distribute to all attendees.
3. The Maui County workshop notes will be incorporated into a comprehensive summary of notes taken at the Hawaii, Kauai, and Oahu county meetings. In order to honor each county's experience, the comprehensive summary of all the statewide meetings will be distributed to all attendees upon the completion of the last workshop.

**K. Closing Pule – Keeaumoku Kapu**

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, Noelle Wright, and Dawn Chang

Attachments: Attachment 1, Agenda  
Attachment 2, Workshop Participant List



## Jason Tateishi

---

**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Thursday, August 30, 2018 3:52 PM  
**To:** Aiu, Pua; Tyau, Brian; Cho-Ibanez, Sharen H; Sun, Robert; Chung, Mung Fa; Rodrigues, Hinano R; Hacker, Stephanie; Solis, Sheleigh; kelly.okumura@dot.gov; bruce.thill@dot.gov; Kiersten@historichawaii.org; laurenm@oha.org; koyasato@honolulu.org; rpkrut@hotmail.com; malamapono744@aol.com; DaMate, Leimana K; rockykaluhiwa1122@gmail.com; bdshafer@gmail.com; taahine.hina@gmail.com; ululani.beirne@gmail.com; pokaiuli2@gmail.com; shadskane@gmail.com; Lani@aukahi.com; palolo@hawaii.rr.com; palologyrl@yandex.com  
**Cc:** Abcede, George; Tatsuguchi, Ken; Smith, Donald L; Soriano, Natasha A; Ralph.J.Rizzo@dot.gov; richelle.takara@dot.gov; lisa.powell@dot.gov; Downer, Alan S; Yoon, Kaiwi N; Lebo, Susan A; Hilo, Regina; sstokely@achp.gov; Laura Mau; Noelle Wright; Buck Dayna K; Keohohou, Kiani JP; Fujio, Nancy; Ho, Tracy; dnschang@kuiwalu.com; herblee@thepaf.org; shookano@kuiwalu.com  
**Subject:** Oahu Relationship Building Workshop  
**Attachments:** 180727 HDOT Oahu Relationship Bldg Workshop - Draft Mtg Notes 180822A.pdf

Aloha Everyone,

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration (FHWA), thank you again for attending the Relationship Building Workshop that was held on Friday, July 27, 2018 in Kaneohe on the island of Oahu. We very much appreciate your time and participation during the workshop and would like to share with you the attached draft summary of our discussion. If you have any comments or questions on the summary, they would be appreciated within 30 days of this email. Included on this email are those who intended to attend the workshop but were unable to, as well as those who expressed interest in receiving post workshop information.

As expressed during the workshop, we will prepare and distribute a comprehensive summary of the statewide workshops held on the islands of Kauai, Hawaii, Maui and Oahu.

Once again, mahalo for your on-going commitment and participation.

Marshall Ando  
Highways Administrator  
Hawaii Department of Transportation

Ralph Rizzo  
Division Administrator  
Federal Highway Administration



**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

**Contact Information:**

Mr. George Abcede, O'ahu District Engineer  
727 Kakoi Street  
Honolulu, HI 96819  
Phone: (808) 831-6703  
Email: [george.abcede@hawaii.gov](mailto:george.abcede@hawaii.gov)

**Website:** <https://hidot.hawaii.gov/highways/>

- 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/>

# **Relationship Building Workshop Summary for the Queen Kaʻahumanu Highway Widening Phase 2**

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North Kona District, Island of Hawaiʻi



State of Hawaiʻi  
Department of Transportation

November 2018

**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.<sup>1</sup>

### **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.

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<sup>1</sup> 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.

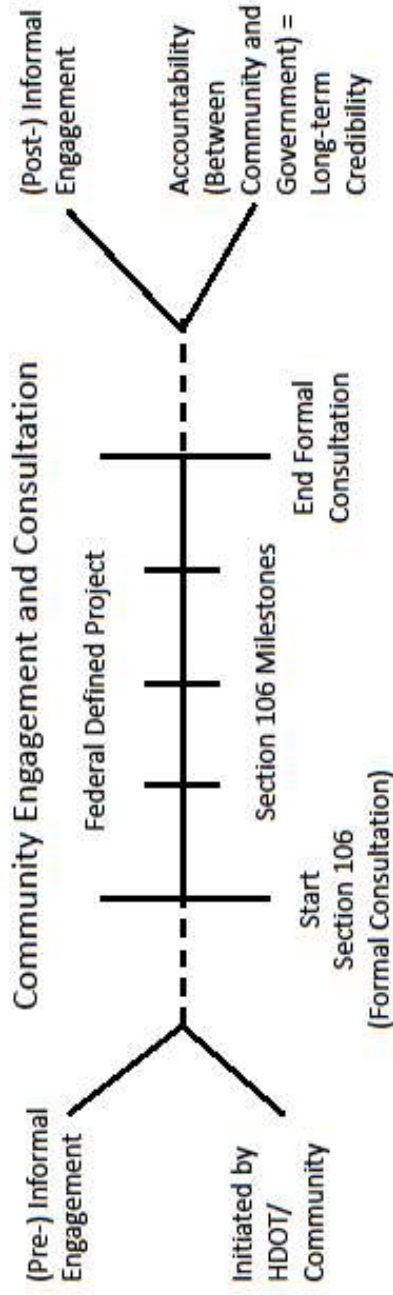
What became evident in all the workshops is that, (1) NHOs and the community want early community engagement even before the Section 106 consultation process that is required for highway projects with a federal nexus; (2) HDOT personnel, in particular project managers, want to have a better understanding and helpful tools in how to effectively engage with the NHOs; 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

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- 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

## Jason Tateishi

---

**From:** Ando, Marshall <marshall.ando@hawaii.gov>  
**Sent:** Monday, November 05, 2018 1:54 PM  
**Cc:** Ralph.J.Rizzo@dot.gov; Sniffen, Edwin H; Buck Dayna K; Cheong, Veronica AM; Dawn Chang; Herb Lee; Laura Mau; Noelle Wright; Matsuda, Curtis; Tatsuguchi, Ken; Smith, Donald L; Dill, Lawrence J; Shishido, Robin K; Abcede, George  
**Subject:** Section 106 Workshops Summary Report  
**Attachments:** Section 106 Workshops Summary Report - Final.pdf

Aloha Everyone,

On behalf of the State of Hawaii Department of Transportation (HDOT) and the Federal Highway Administration (FHWA), we very much thank those who were able to attend one of the four Relationship Building Workshops convened between 2016 to 2018 on Kaua'i, Maui County, Hawai'i Island, and Oahu. As expressed at the end of each workshop, we committed to preparing and distributing a comprehensive summary of the statewide workshops to not only those who attended but to all the invitees as well. Attached is a copy of the Summary Report.

We greatly appreciated your interest and participation in the Relationship Building Workshops, and mahalo for your on-going commitment and participation.

Marshall Ando  
HDOT Highways Administrator  
Hawaii Department of Transportation

Ralph Rizzo  
Division Administrator  
Federal Highway Administration

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

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#### **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.

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- Consider establishing an “Advisory Council” for each island made up of key community stakeholders to provide guidance to HDOT;
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- 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.

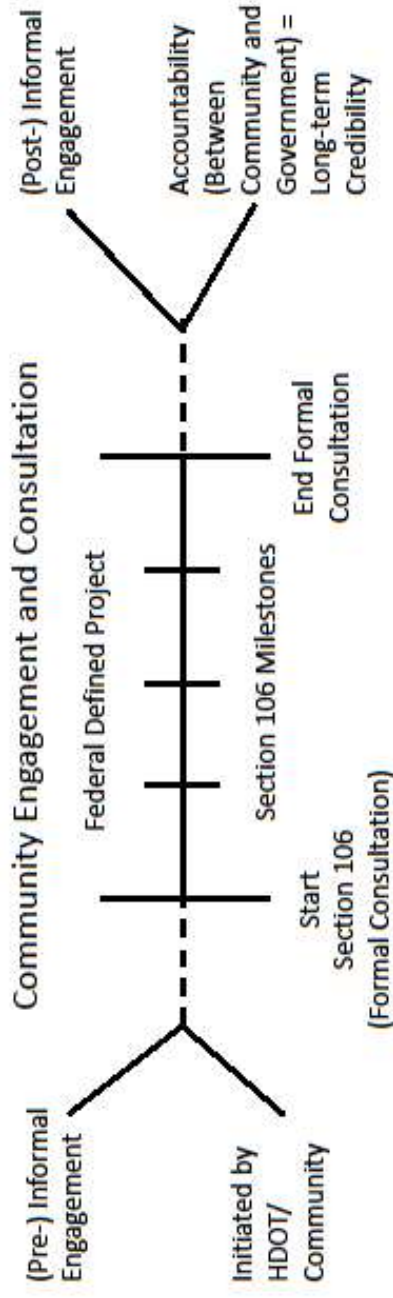
What became evident in all the workshops is that, (1) NHOs and the community want early community engagement even before the Section 106 consultation process that is required for highway projects with a federal nexus; (2) HDOT personnel, in particular project managers, want to have a better understanding and helpful tools in how to effectively engage with the NHOs; 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

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- 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