

Queen Ka'ahumanu Highway Mitigation – Consulting Parties Meeting – November 2021 FINAL MINUTES

Final Minutes

Meeting Name
Consulting Party Meeting

Meeting Date
November 6, 2021

Attendees

Trisha Kehaulani Watson, Honua Consulting, LLC
Pua Aiu, HDOT, HWY-P
Lisa Powell, FHWA
George Abcede, HDOT-Highways Administrator
Susan Lebo, SHPD, Archaeology Branch Chief
Julann Sonomura, HDOT, HWY-H
Harry Takiue, HDOT, HWY-H
Josiah Jury, Kuahiwi Fencing and Wildlife Services LLC
Fred Cachola, President, Makani Hou o Kaloko-Honokōhau (Makani Hou)
Paka Harp, Vice President Makani Hou
Mandy Johnson-Campbell, Ala Kahakai Historic Trail
Jackson Bauer, Nā Ala Hele
Tim Scheffler, UH Project Manager (email scheffle@hawaii.edu)
Ashley Obrey, Native Hawaiian Legal Corporation
Rick Gmirkin, Ala Kahakai Historic Trail
Kiersten Faulkner, Historic Hawaii Foundation
Mikayla Kia, UH Hilo student (mitigation fund scholarship recipient)
Meesa Otani, FHWA
Taylor Leilani Waldron, UH Hilo student (mitigation fund scholarship recipient)
Kekoa Nazara, Kona Hawaiian Civic Club

Time
9:00 AM, HST
(Adjourned 10:58 AM)

Prepared by
Ethan McKown, Honua Consulting

Meeting Location
Via Zoom / Teleconference

Invited but did not attend

Richelle Takara, FHWA
David Clark, FHWA
Mandy Ranslow, ACHP
Jamie Loichinger, ACHP
Tyler Paikuli-Campbell, NPS
Jeff Zimpfer, NPS
Keola Awong, NPS
John Broward, NPS
Aric Arakaki, NPS
Melia Lane-Kamahele, NPS
Lauren Morawski, OHA
mmkahawaii@gmail.com, Maurice Kahawaii,
Diana Akao, Laiopua
Tanya Lizama, NPS
Dodge Watson, Honua Consulting
Tanya Lee-Grieg, Aina Archaeology
Bobby Command, Hawaii County, Parks
Kamakana Ferreira, OHA

Responsibility:	Action Items:	Deadline:
Honua Consulting	Provide Mr. Cachola and group work plan including scope and roles within MOA	November 12 Draft work plan H. Takiue for distribution to CPs on November 27, 2021
Honua Consulting	Share draft minutes with group	November 20 Draft sent to CPs for review by T.K. Watson on November 11 Final sent to H. Takiue for distribution to CPs on November 27, 2021
Honua Consulting	Share draft vegetation removal plan with archaeological monitoring program with group and provide to SHPD via HICRIS (SHPD to identify HICRIS project to use and add T. Watson as a contact in the HICRIS file)	November 10, Draft sent to CPs for review by T.K. Watson on November 11 Final sent to H. Takiue for distribution to CPs and SHPD (via HICRIS) on November 27, 2021

1 I. Introductions and Background from Mr. Cachola and Mr. Harp

- 2 • Fred Cachola (Makani Hou) provided the following contextual background.
- 3 ○ When the highway expansion project began, Mr. Cachola and Mr. Harp were involved in
- 4 the initiation of sec. 106. Much the consultation was not pono, and a formal objection
- 5 was filed. The primary concern as Native Hawaiians was that Kekaha was being
- 6 destroyed. Beyond destroying the place, the highway bisected many trails and destroyed
- 7 many other sites (trails, burial sites, ranching areas, etc.). Those places produced
- 8 processes for kūpuna which enabled them to thrive. Losing those places means losing
- 9 the knowledge they provide. As a result, the UH-Hilo program provided Native Hawaiian
- 10 scholars to study these places and associated processes. This scholastic work asks
- 11 questions such as, how did Native Hawaiians have gardens in the middle of lava fields?
- 12 What did they grow? What kinds of soils did they use? Could this knowledge help us
- 13 today? What did the landscape look like before the highway, including the trail network?
- 14 ○ They requested a terrain map be developed to examine in what ways development
- 15 occurred. The product was not wholly what they envisioned; they envisioned multiple
- 16 layers to see how urbanization had changed the landscape over time.
- 17 ○ The original MOA provided stipulations to drive the process of consultation. However, the
- 18 MOA merely provided the stipulations; it did not provide the reasons the stipulations were
- 19 needed.
- 20 ○ During planning, there were places that were deliberately planned to be saved. But,
- 21 during construction, five places were destroyed. This was unconscionable, particularly
- 22 after deliberate efforts to consult and save those places.
- 23 ○ Later, they worked with trail folks to develop the mitigation plan in consultation with Native
- 24 Hawaiian civic clubs and Royal Order of Kamehameha.
- 25 • Paka Harp (Makani Hou) provided the following contextual background.

- 26 ○ Had little faith in the archaeological survey that was originally conducted.
- 27 ○ Cultural Surveys Hawaii had identified 17 historic properties. After a joint review of the
- 28 area by NPS and NHOs, the number went from 17 to 76 historic properties, which were
- 29 confirmed by Cultural Surveys Hawaii. (It is difficult to believe they missed so many).
- 30 ○ NHOs were blamed in the media for delaying the project.
- 31 ○ These sites are like a story book of how people of the past thrived in the area. The more
- 32 sites we lose, the more of the story we lose.
- 33 ○ Are there federal funds that the County can access to restore parts of the trail not under
- 34 the restoration plan?
- 35 ○ Federal highways and H-DOT do not have a formal kanaka maoli consultation process.
- 36 ▪ NPS and other federal agencies already have a formal kanaka maoli consultation
- 37 processes.

38 II. Stipulation & Scope of Work

- 39 • Kehau Watson (Honua Consulting): Shared stipulation document (**Attachment A**).
- 40 • Mr. Cachola clarified that this is an amendment to the MOA. Many of the stipulations were not
- 41 completed. Amendment 2 was created to complete some of the outstanding mitigation and to
- 42 address the destruction of the two trails in four places. Amendment 2 also includes the University
- 43 of Hawaii at Hilo MOA.
- 44 • Ms. Watson displayed an arial map of the proposed trail preservation project location
- 45 (**Attachment B**).
- 46 ○ The map shows a yellow line depicting the location of the trail. Mr. Cachola proposed
- 47 extending this along the rest of the route (approaching the Kealakehe Transfer Station).
- 48 ○ Everything on the mauka side is the County regional park.
- 49 ○ The narrow strip between the trail and the highway is HDOT Right of Way (ROW).
- 50 ○ The question is now being raised: should the trail become a part of the park complex?
- 51 ▪ After the trail is restored, the MOA requires that it be transferred to Nā Ala Hele.
- 52 ○ Jackson Bauer (Nā Ala Hele) expressed that the shared goal was to restore the trail.
- 53 There have been recent conversations with Liliuokalani Trust, who owns the land further
- 54 along the highway, past the Kealakehe Transfer Station. There is a great opportunity to
- 55 restore and make available for walking once again a very large track of trail.
- 56 ▪ This is the first big step. As the project goes forward with clearing the trail,
- 57 interpretive programs, providing a parking area, etc., the public will be able to
- 58 engage.
- 59 ▪ HDOT can speak to why the 2,500 foot is the way it is, and why not beyond.
- 60 ▪ To be clear, Nā Ala Hele is in support of transferring the trail to Nā Ala Hele.
- 61 ▪ Working with County and has great synergy regarding nexus with County park.
- 62 ○ Mr. Cachola referenced another strip of land and buffer that belongs to the State that
- 63 could be transferred to the County.
- 64 ▪ Mr. Bauer said that this was in line with what they had discussed before. It is
- 65 important that the buffer is included with the trail. It assists with the management
- 66 and goal of keeping the buffer in its natural state.
- 67 ▪ Mr. Bauer noted that in the latest plans he saw, they do have some engineering
- 68 issues related to wastewater. A proposed solution was to put settling ponds
- 69 between the proposed park and the trail. Nā Ala Hele voiced concerns that this
- 70 defeats the purpose of the trail/park synergy.
- 71 ▪ Mr. Bauer noted that anything mauka of the 30-foot buffer should go to the County
- 72 for the park purposes. There are mauka-makai trails that connect the two.
- 73 ○ Mr. Harp again noted that continuing restoration of the trail along its route was not
- 74 something that HDOT or FHWA were willing to pursue. However, there is potential
- 75 funding that the County could access.
- 76 ▪ Lisa Powell (FHWA) clarified that two Decembers ago, the FHWA planner
- 77 presented the Transportation Alternatives Program (TAP) to this group. This is

78 another federal funding source that could be used for this type of project. HDOT
79 manages the program but cannot apply for it. The County would need to apply for
80 it.

- 81 ▪ Meesa Otani (FHWA) noted that the County did apply for this program on the Hilo
82 side so is familiar with the program. However, she does not know what the funding
83 categories will be in the new transportation bill.

- 84 ○ Mr. Cachola noted that he and Mr. Harp also worked with NPS with the goal of continuing
85 the trail up to the airport. They have been in dialogue with the additional landowners and
86 HDOT-Airports to try to preserve the trail segments in these areas as well.

- 87 ▪ This stipulation limits the restoration only to the smaller area. Mr. Cachola
88 believes it would be beneficial to extend the trail further.

- 89 ○ Mandy Johnson-Campbell (Ala Kahakai Historic Trail) shared that they have been
90 working on projects throughout the corridor in support of the trail and its continuous use.
91 At the time they could have applied for TAP funds, they were objecting that the
92 stipulations had not been followed.

- 93 ○ Mr. Cachola noted the need for a parking lot and walkways for the trail area in order to
94 ensure safety. There should also be interpretive signage and a canopy to provide shade.

- 95 ▪ Ms. Watson noted that she could not speak to the canopy because Honua
96 Consulting does not do construction; she can speak with HDOT.

- 97 ○ Mr. Bauer said there might be an opportunity for funding of an interpretive plan for the
98 entire corridor.

- 99 ○ Mr. Harp asked if Nā Ala Hele could access TAP funding for restoration of section of trail.

- 100 ▪ Mr. Bauer responded that they would be willing to do that. He asked if Nā Ala
101 Hele could qualify for TAP funding

- 102 ▪ Ms. Otani said that there is other funding that goes to Nā Ala Hele called the
103 National Recreational Trails program, which is a possible avenue for funding this
104 project.

- 105 ▪ Mr. Bauer clarified that this project would not qualify for that program since it does
106 not have RTP designation. Rather, they are looking for additional funding that
107 does not tap into existing RTP budgets. This is specifically for mitigation due to
108 damages from the highway. Mr. Bauer asked again if they could qualify for TAP.

- 109 ▪ Ms. Otani said that this would require a separate conversation with HDOT as they
110 manage the TAP.

- 111 ○ Mr. Harp asked (FHWA) to research other funding that could be accessed. Mr. Harp
112 asked Mr. Bauer if Lanihau Properties (who owns a parcel of land across Kealakehe
113 Parkway containing the trail north of this project), must maintain the trail.

- 114 ▪ Mr. Bauer clarified that they do not have control over the maintenance of the trail.
115 However, there may be archaeological laws that have to be followed. For all
116 intents and purposes, the trail here (in the developed area between Kealakehe
117 Parkway and the Lanihau property) is not physically walkable.

- 118 ○ Mr. Harp noted that during their meeting with Bobby Command, Bobby expressed interest
119 in trying to continue the trail to join with the National Park. He asked if HDOT might
120 consider donating a trail corridor beginning at the northwestern corner of the Kealakehe
121 Parkway intersection continuing along Queen Kaahumanu Highway to provide
122 pedestrian access from the northeastern corner of the park to the Kaloko-Honokohau
123 park.

- 124 ▪ Ms. Watson replied she could follow up with HDOT on this question.

- 125 ○ Rick Gmirkin (Ala Kahakai Historic Trail) said that a transfer of ownership of the trail to
126 Nā Ala Hele was one factor, but regardless of the ownership it should still be preserved
127 due to its historic significance. The section near Kaiser Permanent is being protected and
128 should be connected soon. Lanihau Properties is aware that the trail is historically
129 significant.

- 130 ○ Ms. Lebo (SHPD) said that SHPD would be happy to consult with them to ensure trail
131 preservation.
- 132 ○ Mr. Gmirkin also expressed hopefulness that someone in the consulting parties will be
133 able to apply for TAP funds.
- 134 • Mr. Cachola explained that according to the MOA, consultation with Native Hawaiian
135 Organizations was mandatory during the development of the PP and through the Section 106
136 process.
- 137 • Ms. Watson explained that they would start with a draft vegetation clearing and monitoring plan
138 before they can begin archaeological surveying the area. Once it is ready, she asked for folks to
139 review the plan, since different Native Hawaiian groups have different standards (such as use of
140 pesticides/herbicides). After this component is completed, they would begin to work on the
141 preservation plan with everyone.
- 142 • Mr. Harp expressed concerns for hazardous conditions if people are parked along the highway.
143 He recommended access to a parking area in an already disturbed area.
- 144 ○ Ms. Watson said she believes the parking is outside of their scope, but she will continue
145 to work with HDOT on this matter.
- 146 • Ms. Watson asked Ms. Lebo if there were any specifics she would like to see in the vegetation
147 clearing plan.
- 148 ○ Ms. Lebo discussed the operations of submitting the plan along with proof of consultation.
149 SHPD would like the condition assessment before any restoration work, as well as
150 background research that would guide the discussion of what preservation would look
151 like.
- 152 • Mr. Harp requested a response on whether HDOT would allow access to the other (makai) side
153 of the highway for a trail connecting to the National Park.
- 154 ○ George Abcede (HDOT) said they would look into it and the legalities.
- 155 • Mr. Cachola asked Ms. Watson to explain what parts of the MOA were not part of her contract,
156 specifically parking.
- 157 ○ Ms. Aiu clarified that the parking lot would be a construction contract which would not
158 include Honua Consulting. She does not believe they would do the parking lot until they
159 are finished with the preservation plan. Under the plan, parking would be covered under
160 access. The discussion would include location. After that, HDOT would start a process
161 to construction.
- 162 • Mr. Bauer asked to what extent Honua Consulting was involved in signage.
- 163 ○ Ms. Watson replied that Honua Consulting would assist with design of signage but not
164 the construction or installation.
- 165 • Ms. Johnson-Campbell asked if the processes driving trail restoration would include both federal
166 NEPA as well as state level laws and regulations.
- 167 ○ Ms. Watson replied that she did not believe NEPA has a nexus here.
- 168 ○ Ms. Otani said that this project is already covered under NEPA as part of the original
169 construction of the highway widening project. This is considered mitigation, which is
170 covered under the NEPA document. It is not considered a separate project.
- 171 ○ Ms. Watson clarified that they would be compliant with NHPA throughout.
- 172 • Mr. Cachola again asked for explicit clarification for what Honua Consulting's contract covered
173 in the MOA.
- 174 ○ Ms. Watson said that she would provide Mr. Cachola a work plan including their scope
175 and will be very clear as to what Honua Consulting is covering in the MOA. She will
176 further work with Ms. Aiu to identify the statuses of items outside their scope in the MOA.
- 177 ○ Ms. Aiu said that they are not ready just yet to provide details for the parking lot
178 specifically.
- 179 ○ Mr. Harp asked George Abcede and Harry Takiue of HDOT to clarify in writing Honua
180 Consulting's kuleana (responsibilities) under the contract to avoid unnecessary
181 assumptions on what should be expected of Honua Consulting. Ms. Watson said she

182 would work with HDOT to provide a document clarifying who is responsible for each of
183 the stipulations in Amendment 2.
184
185

186 **Consulting Party Comment Tracking**

187

Party	Comments	Date
Isaac "Paka" Harp, Makani Hou o Kaloko Honokōhau	Provided throughout minutes and incorporated into final	November 17, 2021

188