

BACKGROUND AND SUMMARY OF THE AUGUST 2006 MEETINGS

On August 28-31, Paul Lumley and several representatives of the Army and the Marine Corps traveled to Honolulu, Hawaii for a Department of Defense and Native Hawaiian Organizations Consultation Protocol Workshop. The workshop was sponsored by the International Institute for Indigenous Resource Management at DoD's request. Highlights of the workshop included the following:

- August 28—DoD representatives from Washington, DC and Hawaii participated in a cultural site visit to the Royal Mausoleum State Monument (Mauna Ala), considered the most sacred burial ground in Hawaii. Mauna Ala was completed in 1865 as the final resting place for the kings and high chiefs of Hawaii. Mauna Ala is located just outside of downtown Honolulu and is the resting place for the Kings Kamehameha II through V, as well as for the beloved and fun-loving last king, Kalakaua, and for Hawaii's last monarch, Queen Liliuokalani. William Kaihe'ekai Mai'oho shared Mauna 'Ala's history, its meaning and its inhabitants, and of his family's nearly two centuries of service to Hawaii's Native Hawaiian Royalty.
- August 29-31—the actual workshop covered two and one half days.
 - August 29—the first day consisted of DoD Headquarters representatives meeting with Native Hawaiians to frame the goals and objectives of the workshop and hearing DoD related concerns of Native Hawaiians. DoD Hawaii was not involved in this meeting. DoD HQ and DoD Hawaii met in a separate meeting to discuss the workshop and other topics of concern to DoD Hawaii. Establishment of the Stryker Brigade and associated consultation was discussed in some detail. The central issue is how to satisfy the Native Hawaiian Community that is affected by construction activities and potential disturbance of sacred sites. Enforcement of the Programmatic Agreement between the Army and Native Hawaiian Organizations with respect to Monitoring construction activities is the problem here. Another issue involved the extent to which the Military coordinated consultation issues in Hawaii. Paul Lumley recommended that the Military in Hawaii adopt an approach similar to the HQ Native American Integrated Product Team. Following the first day's workshop sessions, DoD HQ and the Commander of Schofield Barracks visited a sacred site called Na Mo'olelo a ka Po'e Kahiko at the invitation of a local family. This is a sacred Hawaiian site believed to be the location where wives of chiefs came to give birth over 800 years ago. Colonel Killian, Commander of Schofield Barracks provided comments during the luncheon.
 - August 30—the second day involved the joint DoD and NHO workshop. DoD HQ and DoD Hawaii opened discussion over the purpose and objectives of the workshop. This was quickly followed by the presentation of case studies and associated discussion of lessons learned during these cases and what can apply to the standards for the protocol. The definition of "consultation" became the central topic dominating the discussion. Valerie

Curtis and “Bumpy” Kanahele presented the Bellows Field Case Study. Valarie presented the Air Force’s role in repatriation of human remains and Bumpy presented the NHO role. The afternoon session found a second case study presentation by June Cleghorn of the Marine Corps regarding the disposition of cultural items under the control of the Marine Corps Base Hawaii at Kaneohe Bay. Andrew Poepoe, Director of the Hawaii District, Small Business Administration, provided comments concerning his agency’s activities during the luncheon.

- August 31—the third day found the workshop participants lingering over the persistent question of what constitutes “consultation.” Several definitions were offered including one from the National Park Service in the Section 106 Consultation process. To tackle the definition, the workshop participants were asked to individually provide a response on what each person in the room would consider consultation to be. This proved to be a much revealing exercise and many passionate and thought provoking ideas were put forward. The workshop ended with a closing luncheon by the Office of Hawaiian Affairs where the Chairperson of OHA, Haunani Apoliona, gave closing remarks. She acknowledged that the DoD Consultation Protocol initiative was a great first step and expressed OHA’s commitment to help.

The attached notes were taken during the workshop and will be used as the foundation for development of the protocol document.

**Department of Defense
and
Native Hawaiian Organizations
Summary of Discussions**

August 29-31, 2006

**Notes submitted to
International Institute for Indigenous Resource Management
by
Kim Ku'ulei Birnie and Kalei Tsuha**

September 2006

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MEANINGFUL CONSULTATION

ELEMENTS of MEANINGFUL CONSULTATION

- Process and product must be embraced by both local military and Hawaiian community
- Open dissentation
- Ability to comment on preamble
- Disclosures of past problems/issues
- Obligation to act upon advice/recommendation
- Understanding of foundation of consultation i.e. government definition
- Government-to-government relationships
- Apply Native American policy to native Hawaiian consultation were applicable
- Cultural sensitivity
- Knowledge, practice, traditions
- Include more from Native Hawaiian communities to participate
- Common understanding of goal
- Sufficient notification prior to decision-making
- Appropriate manner of notification
- Process—attitudes, beliefs, outcomes—is pono
- Fully informed participants
- Mutually understanding of context
- Assumption (by NHO) operating as a government/self-governing entity
- Understanding of actions/undertakings that lead to need for consultation
- Free flowing information from both sides
- Mutual understanding of what consultation means i.e. ability to disagree; disagreements must be resolved before project proceeds
- Understanding rules and regulations for consultation
- Outreach other than sending letter: talking story, phone calls, etc.
- Trust
- Open communication
- Clear understanding by participants of authority to make decisions
- Appreciation of both sides' objectives and constraints
- Education of process and legalities
- Honesty
- DoD understanding of Native Hawaiian process of rebuilding nation
- Parity among participants
- Understanding Hawaiian right (international law, US law) to sovereignty
- Clarity of what is necessary to achieve standing for ongoing participant, at all stages
- Mutually agreed upon meeting place, date, time, agenda

- Meetings begin with prayer
- Dialogue
- Listening
- Mutual respect for one another
- Understanding of authority of consultation participants
- Love of people, ancestors, kingdom, ali'i
- Policy backed by action
- Understanding vitality of input
- Three branches of government available as means to accomplish goals
- Learn history, background info, knowledge to establish appreciation and respect
- Knowing who you are dealing with:
 - History of the people
 - Politics of the people
 - Hawaiian foundation
- Aloha 'āina: identity linked to place
 - Land is not a commodity; to be respected and cared for
- Full knowledge of place by both sides
- Notification (phone calls, letters, messages) do not constitute consultation
- Not empty
- Participatory
- Input founded on past generations; knowledge intended for future
- Hawaiian community has kuleana/responsibility to go to bases, continue education
- Keen awareness of cumulative impact of DoD presence in Hawai'i's communities, particularly those most exposed to training
 - Depleted uranium
 - Chemical weapons
 - Electromagnetic field
- Full disclosure of perceptions and expectations
- Cultural sensitivity
- Opposing points of view are acknowledged
- Understand that reburial traditions and practices vary
- More transparency
- Better understanding of military culture

How meaningful consultation can be conducted

- Done with large meetings, listening conferences
- Vested in culture, one another, in outcomes
- Codify relationships so rotating commands can maintain relationships, trust, further better understanding of local culture
- Gov't service workers are the constants to provide continuity to service personnel, many of whom are Native Hawaiians
- Next meeting: send out guidelines for input to goals and objectives in advance
- DoD HQ role is to support field personnel
 - Conduct education in Native Hawaiian culture

- Initiate relationships
- Address provision for clean-up of lands impacted by training—live weapon, chemical, etc.
- Consult with:
 - Extended families
 - Lineal
 - Those who've accepted kuleana
 - Practitioners
 - Native Hawaiian organizations
 - Connected to site/issue
 - Users of site
 - Provide supportive resources management
 - Land documents that identify:
 - Displaced 'ohana
 - Beneficiaries
- Other studies previously done should be made accessible to Hawaiian communities
- Distinguish between Hawaiian people and governance
- Necessary to work with all parties; be flexible; ask the right questions (appropriate methodology)
- Pre-emptive consultation (i.e. review of constructions projects can lead to modifications of projects)
- Recommendation(s) to HQ on importance & resources (staff) necessary for consultation
- Using mainstream media, community access, *Ka Wai Ola* (OHA's monthly publication), CNHA public announcements
- Learn from tribes that have learned to use all three (3) branches of government toward differing outcomes

PROBLEMS WITH CONSULTATION PROCESS—WHEN IT DOESN'T WORK

Process, as presented here

- Wording in pre-written matrix is offensive
- Preamble not shared with group
- Fear of validating what we don't buy in to
- Built on perception that Native Hawaiians as enemy and strategies are developed to relate accordingly is not pono—disclose how Hawaiians are viewed by DoD

Lack of understanding of federal need(s) for process

- Unable to resolve if military has not articulated the problems
- Don't understand federal meaning for consultation
- Silence—how do feds interpret?
- By law, no response means proceed
- Rules, regulations, laws are large
- Unclear about laws, processes, acronyms

- Lack of education provided to understand processes; therefore, unable to make appropriate decisions, make appropriate conclusions

Responsiveness

- Lack of bureaucratic response
- Sec. 106 process is limiting; 30-day notification is not enough (whereas Sec. 10 has no time limit)
- Notification is not existent or not long enough
- No sensitivity to cultural protocol; one meeting not enough
- Community does not want DoD in Hawai'i
- Not everybody has e-mail
- Perception that letters, request for written response, seem insensitive
- Feds not clear about who is authority (in Hawaiian community)
- Lack of response to requests for supporting documentation

Perception that relationship is unequal

- Relationship appears untruthful
- Lack of parity
- Belief that determination made, therefore, no use to respond
- Promises not kept; or made without authority to keep them
- Understanding the authority of the parties consulting; making promises that can't be kept

Disrespect

- Past disrespects
 - Lost records
 - Chemical dumping
 - Continued weapons use of precious lands
- Lack of institutional memory begets lack of trust
- Ignoring consultation or suggestions that discount cultural or historical knowledge in favor of "experts'" opinions
- Cultural intrusion

Difference in responses

- Lack of funding for Native Hawaiians
- Absence of pono
- Safe platform is denied
- Feds need paper
- Hawaiians protest differently; two sides may not see or talk to one another
- Liaison may form relationship with communities, but decision-maker has no relationship with community, or is far removed
- Agreeing to (engage in consultation) = being part of the desecration adds to the cumulative hurt not understood by feds
- Contentious claimant debate
- Is time consuming—24/7 on-call

MEETING RECORD

DoD – NHO CONSULTATION WORKSHOP Hale Koa Hotel, Waikīkī, Hawai‘i August 29, 2006

0849 hrs Pule – John Sang: Opening Prayer & Reflection

- Merv Tano leads introduction.
- Mervina Cash-Ka‘eo, Alu Like
- Sparky Rodriguez, Individual
- Fred Cachola, ‘Ike ‘Āina
- EiRayna K. Adams, Sons and Daughters of Hawaiian Warriors – Kamāmakakaua, Kuhina
- Martha Ross, OHA, Washington D.C.
- Kai Markell, OHA
- Apolei Bargamento, OHA
- Sol Kaho‘ohalahala, E.D., KIRC
- Tony Sang Chairman, DHHL
- John Sang, Individual
- Paul Lumley, Tribal Liaison – DoD
- Len Richardson, Consultant for Runway - Indigenous Communities
- Kaniela Saisedi – Representing ‘Ohana¹ of Kūkaniloko
- Talbert Peleioholani George, Kūkaniloko, Kupuna Representative
- Lee Foster, Do Army – Cultural Resource, NEPA, NHPA, NAGPRA, Policy Compliance
- Col. Derek Donovan, Headquarters for USMC – Policy & Implement Compliance
- Capt. Aaron Otte, Cultural Resources Issues Liaison
- Terri Keko‘olani-Raymond, Claimant for ‘iwi kūpuna in Mōkapu

¹ ‘Ohana = Family

- Donna-Ann Camvel - He‘eia 1 of 21 claimants for ‘iwi kūpuna in Mōkapu
- Kalei Tsuha, Recorder
- Kim Birnie, Recorder
- Iokona Baker, UH of Mānoa Law Student – Interest, Cultural Resource Management

0915 hrs Merv Tano explains his background and makes connections with audience.

0928 hrs Paul Lumley introduces his background and his work:

- Purpose

1. Conduct training/orientation for the Military Personnel through Legacy Program
2. Explore DoD Consultation Process with the Native Hawaiian Communities

- Role

1. Help Implement policies and is the facilitator.

-Success

1. Success → Embraced by Local Military
Embraced by Hawaiian Community

- Larger Hawaiian Community will be invited in the future.

- Outreach

1. Willing to meet one on one
2. Will address specific issues

Boundaries

- No Discussion of Akaka Bill
- DoD has no influence on the agenda, or the invitee list
- DoI initiative not related to this particular purpose of the conference.

DoD must comply with Federal Advisory Committee Act.

OBJECTIVES

Open Dialog – Define Consultation

Clarify boundaries of Consultation

Discuss Fair & Effective Consultation, legal responsibilities, duties and responsibilities,

Clarify needs and obligations for Military

Clarify needs and obligations for Hawaiian Communities

Establish Broad framework for consultation protocols

ADD – Iokona Baker

Application of other – moral – obligations and responsibilities

EXPECTATIONS VS OBLIGATIONS

Informal/Formal

Cultural/Moral

I. Culturally Sensitive Consultation

Assumptions:

Issues:

II. Informed Consultation

III. Inclusive Consultation

IV. Timely Consultation

V. Expansive Consultation

VI. Transparent Consultation

Question asked:

Sparky asked – Define Consultation:

Paul Lumley – Will consult when actions “may have potential to effect.”

Fred Cachola – Asked for examples of DoD’s definition of consultation.

Paul Lumley – Explains how some Native American tribes have consulted with DoD.

Fred Cachola – What is meaningful consultation. All interested parties with the issues are informed. Do we really understand what the problem is before we talk about it? Are you talking to strangers?

Consultation must have meaning. Respect must be mutual with all parties to be able to have meaningful consultation and discussion with the DoD.

Mervina Cash-Ka‘eo – If consultation is ignored than the interested parties stop coming.

Sol Kaho‘ohalahala – An expectation for Hawaiians to have a meaningful discussion and consultation between many parties is that there is an expectation that everyone has an understanding and familiarity with one another.

Fred Cachola – Identity with place is important. Sense of place. ‘Āina is a commodity to others, whereas Hawaiians are connected to it. Sometimes the mentality is to ignore that connection that Hawaiians have to his or her land, which causes problems.

Kai Markell – Distinct rules and laws between notification and consultation. Find the protocols for the term “meaningful consultation” and what are the rules and laws that should be formulated. Not just rules and laws that seem empty and void of respect for consultation outcome.

Example Given:

Hawaiian burial found. Interested parties are notified, all follow rules and laws, meaningful consultation occurs, all parties that have vested interest in the outcome are involved, all are accountable for his or her own actions, and there is meaningful consultation between the parties. Unless these issues are addressed than the protocols are somewhat useless to the Hawaiian parties involved.

Paul Lumley – Reads from book.

- Origins in tribal sovereignty is recognized

Government to Government

Mutual agreed upon

May or may not involve agreement

2 heads of their government

May use tribal consortia

Tribal consortia may not be used

- Coordination

Leadership or Staff Level

Processes and ground rules

Facilitates legal notification

Effective discussion early and often

- Perspective from both Parties

Donna Camvel – Consideration of decisions made today of agreed process of protocols will impact the future generations.

Iokona Baker – Understanding the process of finding results for consultation.

Consultation must reflect the views and concerns of the Hawaiian Communities.

Tony Sang – What does it mean to whom I represent who are not agencies?

Lee Foster – Explains about the importance of community outreach and open communication.

Col. Derek Donovan – Explains about forming relationships with the local communities is imperative for personnel.

Capt. Aaron Otte – Explains about following protocols within his organization and also recognizes the frustration between all parties.

Col. Derek Donovan – Explains native personnel on the Base helping new personnel assimilate into the cultures. Importance that the right individuals are hired to provide bridging and understanding between communities. Continuity of protocol is imperative.

Fred Cachola – Explains how outreach by military agencies from HQ is appreciated.

Ambiguity. Frustration is felt by the Federal Agencies as they MUST communicate with all Hawaiians not just one leader.

Cultural barriers or understanding is important.

Example:

Repatriation of a burial had occurred and Hawaiians asking the military leader to address the kupuna² (in this case the repatriated individual) and explain that he, the military leader, will tell the kupuna that he will not be moved again. Also, promising that each new commander will be brought to the burial to make the same promise to which the military leader had followed the instructions and addressed the remains. That action and show of respect is meaningful to Hawaiians and also establishes a positive relationship with the Hawaiian community.

Terri Keko‘olani Raymond – It is imperative that the facilitators between the parties understand the history of the area they are occupying. Non-communication or decisions made prior to consultation is disrespectful.

Paul Lumley – Explains how Native American tribes can tell when a decision was made before the discussion occurred. It is a negative impact on the relationship between parties. He also explained about cultural differences and misunderstandings.

Kai Markell – Owning up to responsibilities is pertinent. Education of customs of the people is important.

Merv Tano – How do decisions made that are indirect or long term come about?

Col. Donovan - HQ supporting personnel to be better educated and “armed” to start the relationships. Sympathetic to the needs of the Hawaiian communities.

Fred Cachola – Creating SOPs for the chain of command. Provide Hawaiian Glossary to all personnel.

Col. Donovan - Shared appreciation for history and culture.

² Kūpuna = Elders. Kupuna = Elder. This term may be used for those alive and those who have passed on into the next realm. Note: Hawaiians culturally feel a connection and strong relationship to the bones of their ancestors and responsible for the proper guardianship over remains.

Fred Cachola – Leaving the Hawaiian place names on geographic areas on Base instead of changing the names because Hawaiian is hard. Simple little things like this go a long way with establishing a positive relationship with the Hawaiian Community. It's a simple show of respect. "We have been victims of a cumulative effect," and it hurts, which in turn hurts relationships with the Federal Agencies. The better you understand this, the better things are going to be with the Hawaiian Communities.

It sets up a new attitude between relationships.

Keen understanding of the accumulative effect of the local communities will help the personnel. All this is done in the name of history, tradition, and culture. A simple demonstration goes a long way.

Sparky Rodriguez – Explains his personal victimization of accumulative effects by living right next to Makua Valley. Sparky begins listing the effects on the communities such as the electro-magnetic fields, 'ōpala (trash), being downwind of emissions, living within a blasting radius, radioactive waste. Being the beneficiaries and exposed to the pollution of war training literally encompassing the communities.

Lack of trust and communication hurts.

Merv Tano explains about the Global War on Terrorism and its effects on Hawai'i.

Sparky Rodriguez – Honesty is an issue. No clean up of the UXO waste is being created or considered.

Merv Tano – Decisions are made before arriving in Hawai'i.

Fred Cachola – We are not isolated from Global impact. Various kinds of negative impact become part of that accumulative effect that continues to hurt the local

communities. What kind of impact does it have on the future? What is the impact on Education, Economy, & Community Resources?

“We are not alone in this.”

Sol Kaho‘ohalahala – Relationships where one side is viewed as the enemy, mainly the Hawaiians protesting the military actions, is not “pono” or the right way to form relationships. Ignoring the mutual respect and understanding of one another does not solve issues.

Tony Sang – Concerned about communications between parties.

Talbert George points to the fourth line in the consultation example; clarify needs and obligations of DoD and NHO should be turned around. NHO and then DoD due to foundation of language, cultural value and understanding. Provides historical understanding of “Ua mau ke ea i ka ‘āina i ka pono³.” If you’re going to do something, “Keep your word.” This is a basic Hawaiian value for meaningful consultation.

Discussion must happen with respect on both sides.

1202 hrs – Pule⁴ for lunch by Sol Kaho‘ohalahala

1203 hrs – Break for lunch

³ Hawai‘i’s motto recited on “Lā Ho‘iho‘i Ea,” Restoration Day. It was uttered by Kamehameha III when Britain returned the ruler ship back to the Hawaiian Kingdom. Translated commonly as, “The life of the land is perpetuated in righteousness.” Actual translation is: Sovereignty continues for the nation due to virtuousness.

⁴ Pule = Prayer. This is a custom in Hawai‘i to give thanks at opening and closing of a meeting and prior to meals. The denomination or custom of the person offering the prayer is respected amongst most Hawaiians and the local populace who have been raised in Hawai‘i with this custom.

**DoD/NHO Conference
August 29, 2006
Afternoon Break-out Session**

1336 hrs Break out discussion begins on formulating Consultation. A website was given to the audience for those interested individuals to download and to read the policy booklet that Paul Lumley had referred to throughout the morning.

WWW.DENIX.MIL

- Native American
- Policies

Merv Tano reads NEPA Federal Plans numbers 1 – 5.

NEPA – FEDERAL PLANS → Only Applies to Federal Lands

1. Fulfill Needs - Limitations of active use for subsistence
2. Assure All Americans safety “Living Resources”
3. Protection
4. Environmental Resources
5. Achieve balance with Resources and Enhance Resources

Dr. Davianna McGregor explains about other plans and agreements that had been previously made between Native Hawaiian Organizations and Federal Organizations. She explained about the GEO-Thermal experience in the Hawai‘i Volcano National Park. She pointed out Bulletins # 19 & 38. Explaining that the term “Living Resources” had taken precedence on the determination of the stakeholders and interested parties.

MEANINGFUL CONSULTATION - Discussion

What determines meaningful consultation?

- Culturally sensitive

Fred Cachola – Start fixing problems from past demonstrating “un-doing” insensitive acts previously done. A simple act goes a long way. I.e. Re-naming or reusing Hawaiian Place Names instead of names given and used by Federal Agencies like “Pyramid Hill,” “Hill 904,” “Bird Shit Island,” etc.

Consultation – Ignoring consultation or suggestions and discounting cultural or historical knowledge granting outside individuals with degrees in higher education saying that these outsiders are “experts” to whom these individuals opinions have more merit than those who have lived in a place for generations is insensitive.

Culturally appropriate activities conducted in sensitive areas.

Community is not pleased with the process.

Notification and response time is inadequate.

History with wahi pana⁵ is dismissed.

Expectations of both parties are not met.

- Outcome for community is unheard

HOW TO I.D. PARTIES OF INTEREST – Who gets notified?

If you can identify the Issues – Topics – Area than the Families involved, practitioners, etc. can be determined.

Policies set with the State of Hawai‘i Burial Council and Native Hawaiian Historic Preservation Council are favored by the Hawaiian Community.

☞ What determines who should/could be consulted? The Where; determines who should/could/must be consulted.

Example:

⁵ Storied Place or Location within legends and folklore.

Issue – Water

Topic – Un-clean water

Area – “Waiialua” ← This place identifies who in the community is contacted and what procedures are expected to be done.

CONCERNS

Studies done – Book/Study taken – Recommendations Made – Recommendations ignored. Reports paid for but ignored. Community impact statement made and presented, but is ignored or dismissed.

Kupuna gives oral history; brain is picked for information, then the reporter leaves and the report or study is not given to the family. Hawaiians are careful and prudent about how information is kept and passed on.

- Kupuna advisory should be formed – Families have haku⁶ to attend meeting on behalf of the family.

- Who are you? We are living human beings.

Respect for each other. Be upfront.

What does DoD get out of it?

- Will it lead to a better relationship?

How the Hawaiian’s interests are begin met?

Laying out principles to understand when consultation should occur.

Undermining traditional experts, excluding Hawaiian involvement needs to transpire.

Consideration and acceptance that Federal Agencies match funds necessary for community experts and for the community’s own produced EIS.

⁶ Family leader or head spokesperson.

If Hawaiians need technical funds to provide means for producing an EIS than DoD should provide it. Creates equity for Hawaiians.

EFFECTIVE CONSULTATION

Other studies that have been previously done should be made accessible to the Hawaiian communities.

Opposing points of view are acknowledged.

Cultural practices and qualities of kupuna, in Hawaiian community, supersede the “PhD experts.” Authority is given to “Archaeologists” knowledge and kūpuna are dismissed.

Listing “qualifiers” may not be advantageous.

Many different thoughts, expected procedures between the various organizations, families. “We’re not recognized [by the Feds].”

How do you effectively work with everyone?

How response is expected. Different expectations from the varying interested parties.

Even after government is formed, you still must go to the different communities.

A working model already exists⁷. It’s a beginning.

Perhaps DoD should be considered.

- Criteria – Framework
- Lineal descendants
- Practitioners and use

⁷ State of Hawai‘i Burial rules and regulations from the State Historic Preservation Office HRS Chapter 6E 43.5 & 43.6 and HAR§ Chapter 300, all of which pertain to burial discovery and treatment.

Protocol could direct other Federal organizations. Using guidelines provided by these gatherings or possible procedures agreed upon after these meetings to which a document may or may not be produced.

1532 hrs End of meeting.

**DoD break-out session
August 29, 2006**

Chuck Streck, Corps of Engineers
Lynn Onaga, attorney Makua
Mark Ketko, Army attorney, PTA
Lori Lucking cultural resources mgr army
Eric West arch, navy

Dave Cox, army
Paul Sullivan, navy
Monica Bacon, cultural resource, Army National guard
Lee Foster, Army
June Cleghorn, MCBH cultural resource
Valerie Curtis, USAF Hickam
Randy Young, NAVPAC attorney

1. LEGACY PROJECT
2. CONSULTATION PROTOCOL
3. TRAINING PROGRAM for MILITARY PERSONNEL

Background – Paul Lumley
Denied Legacy Project
Funded Consultation
Appealed training

Meetings are FACA compliant. No exemption for advisory group.

Merv Tano developed list of invitees, agenda, run meeting. Paul is participant.

Elements of consultation

Observation:

Federal agencies tend to view consultation as a process

Native/indigenous peoples tend to view consultation as a relationship

Silences is: agreement, disagreement

Boundaries:

- Increased coordination with other federal agencies i.e. DOI
- Avoid Akaka Bill and sovereignty discussions
- DoD exempt from certain provisions in Akaka Bill. Who put this in? Jim Van Ness doesn't understand "Rights, resources and land." Expressed concern for Hawaiian Relations, so DoD was found to be exempt from consultation process.

Recommendation: Akaka discussion was avoided but people want to address it

OUTCOME

Draft protocol for consultation process. Will draft then be distributed down to armed services? Possibly.

DoD Policy for American Indian/Alaska Native.

Guidance coordinates all services, responsibilities.

Whatever is developed is invaluable if not embraced by all parties" Pentagon, NHOs, Intended for across-the-board DoD interactions. Good start, but recommendations may differ in different areas i.e. historic preservation, environmental protection, clean-up actions.

- Discuss role that consultation plays in fair & effective manner.
- Clarify needs and obligations of DoD.
- Clarify needs and obligations of Native Hawaiian organizations.
- Establish broad guiding principles or framework for protocol.

November 2006 –opportunity for public comment.

Consultation. Has there been earlier discussion of definition of NHO? Have Hawaiians been.

US MC. Hard to not invite greater community. Meeting appears to be restrictive. Claimant perspective vs. agency perspective. Biggest stumbling block will be getting Hawaiian claimants to agree. Need paper with signatures of all claimants. Have monies to build vault and location. Awaiting congressional authorization.

USAF. NHPA mitigation is the key to getting funds authorized. (NAGPRA authorizes only repatriation.)

US Army has crypts, or inexpensive paepae, at Shafter, Ft. DeRussy, Pohakuloa, Wai'anae.

US AF. How got remains, where from, how decided where the burial vault and whether it was necessary. Various different avenues used for consultation. Stress is on communication—formal meetings, informal, one-on-one. NHO prefer call on phone to written letter. Construction of burial vault. Repatriation next week.

Documentation of verbal meetings.

Formal. Section 106 typed letter. 2. Neighborhood board meetings (taped and played on 'Ōlelo). Update on NAGPRA meetings. Best networking is outside of meetings.

US ARMY. More Section 106 finds rather than NAGPRA, but response is low. Usually response is “we don't want you in there.” OHA always responds. How to end process. Well documents process and all communication are in writing.

Stryker. Programmatic in place. Mākua.

Had community meetings, used OHA newsletter, Ka Lāhui newsletter, conducted public meetings for NEPA and NAGPRA requirements. Low response.

Lot disagreed but chose not to come. Some did not understand personal responsibility for input (letter states, “The Army has made a determination that there is no adverse effect.”) Distributed all prior survey reports. Set up cultural monitors (as in BWS).

Have learned that families input need to have greater weight than the orgs as defined by NAGPRA. Lineal descendants should prioritize over cultural descendants.

Been asked for “substantive consultation” but “substantive” not defined.

Morning group discussed “meaningful consultation.”

How are verbal objections handled? Do not proceed; continue consultations even if only verbal?

USN. Kūkaniloko and Tom Lenchanko.

US National Guard. Infancy stage in dealing with consultation. Did a Section 106 minimal response: OHA and DLNR.

QUESTIONS.

1. Has group met since last meeting with Paul? Institutionalize meetings biannually or quarterly.
2. What is working well? What is not?

- a. Weekend and nighttime meetings and conversations.
 - b. Site visits. Inviting people out to areas, federal lands, where sites are.
Worked well to have active military to meet community.
 - c. Working informally with individuals vs. working with traditional NHOs.
Worked with PAO office as community outreach mechanism and funds.
 - d. Being available (weekends, cell phone, etc.)
3. What are obstacles?
- a. Lack of useful response that can be sent up to Command.
 - b. Competing Hawaiian sovereign groups.
 - c. NHOs will not meet in one room, same time (NAGPRA).
Recommendation: call it coordination, rather than consultation.
 - d. Unrealistic understanding/expectations of what is feasible.
 - e. Top-driven activity in service (i.e. Army) that doesn't allow time to do meaningful consultation; lack of information from above to fully inform community
 - f. Definitions: process vs. relationship. In the end, military still gets to have the final decision, and it's painful to have such relationships.

FOLLOW-UP ACTIONS.

Example. Rename to Hawaiian place names.

E-mails work well.

DoD/NHO Conference
August 30, 2006
Morning Session

0912 hrs

Opening Pule given by Bumpy Kanahale. Morning Prayer and reflection.

Merv Tano opens and leads introductions

Valerie Curtis, USAF - Archaeologist

Iokona Baker, UH Law student

Col Derek Donovan

Sol Kaho'ohalahala, KIRC

Fred Cachola, 'Ike 'Āina

Martha Ross, OHA – D.C.

Capt. Aaron Otte

Apolei Bargamento, OHA

Mervina Cash-Kae'o, OHA

Tony Sang

Monica Bacon, USAF

Lisa Oshiro, CNHA

Paul Lumley, DoD

Laurie Lucking, DoD Army Archaeologist

Kanalei Shin, Archaeologist

Talbot George, Kūkaniloko

Lee Foster, HQ Do Army

Kaniela Salsedi, Kūkaniloko

Sparky Rodriguez, 'Ōlelo Public Communications

Dennis Bumpy Kanahele, Nation of Hawai'i, Aloha First, Pu'uhonua of Waimānalo
Village

Donna Camvel, 1 of 22 claimants to the Mōkapu burials

John Kirkell, Nation of Hawai'i

Jay Black, Nation of Hawai'i

Steve Tayama, Nation of Hawai'i

Karen Desilets, Archaeologist, NAVFACPAC

Gary O'Donnel, ICES/CEVP

Nani Jacobson, CRM – Hickam

EiRayna Adams – Son & Daughters of Hawai'i - Kamāmakakaua

Paul Sullivan, US Navy

Van Diamond, Diamond 'Ohana

Kalei Tsuha, Recorder

Kim Ku'ulei Birnie, Recorder

James Makapala, Pu'uhonua

Len Richeson

Terri Keko'olani-Raymond

André Perez, Hui Pū

Nihi Napoleon, Hawaiian

Andrew Poepoe, SBA

June Cleghorn, MCBH

Kalāuli Ka'awa, Kanaka Maoli

0930 hrs – Merv Tano begins

Van Diamond gives a short historical and traditional background of Kalia district within Waikīkī.

0942 hrs – Paul Lumley explains his background.

Federal Advisory Commission Act

Paul Lumley offers to be available for one-to-one meetings with individuals and is also planning to be here in Hawai‘i, including outer islands, in Nov, Jan ‘07, Feb ‘07

Boundaries

Avoid Akaka Bill & Sovereignty Discussion

RECAP

What is the definition of Meaningful Consultation?

What compromises Meaningful?

It has come to the attention of the DoD that Consultation to the Native Hawaiian Communities means relationships.

Process is process concerning consultation.

DoD used the term Native Hawaiian Organizations, acknowledges that perhaps the term Native Hawaiians, which includes Families/Communities should be used.

Lack of communication. Lack of Notice vs. Lack of Response

Iokona Baker – Why are we restricted just to the consultation process?

Paul Lumley – This booklet has many policies. The protocols are still being worked out.

1001 hrs – Martha extends lunch to all participants, which will be provided on Thursday and sponsored by OHA.

Merv Tano – Presents matrix of definitions. Decision was made not to continue as there had not been any handouts printed with the new matrix. Apologies conveyed to the group for presenting the matrix on the screen prior to providing handouts to everyone for their examination.

1005 hrs Valerie Curtis begins her presentation.

- Bumpy Kanahale explains his experience with consultation between the Waimānalo communities and the Military (Bellows). History of the place and the native people needed to be explained first and foremost⁸ to the military in order for the beginnings of any relationship between all entities could occur.

“Trust Factor is the key.”

Human rights violations had occurred only no upfront violence was seen.

Political activities are seen by Native Hawaiians as a one sided process leaving the Hawaiians out. Consultation works when all parties are upfront and understanding is established between all parties involved. Notification of communities and interested parties had occurred and discussion between said parties was made, including decision of a new location for the repatriation of the disturbed burial and also who was to be involved with the repatriation, etc. Determination followed and implementation of the Bellows Burial Vault transpired.

Sol Kaho‘ohalahala – “Do you believe (to Bumpy) that how you and your communities were involved is a good way for us to use your processes as a guideline for our discussion here [today]?”

⁸ This is a common practice for native Hawaiians. Philosophy is that no relationship can be formed without an explanation of historical background with the people and the place to which a connection can be made between parties, followed by a formal establishment of a relationship.

Bumpy Kanahele – Good dialogue occurred between the various Hawaiian Communities.

Emotions were stirred up, but the task needed to be accomplished, leaving issues aside.

Fred Cachola – Commends Valerie with asking the right questions, at the right time, in the right way, and that she had extended above and beyond by reaching out to the communities. More Federal Agencies should follow the model although Valerie did acknowledge that it did take a lot of time and energy on her part to reach out to the communities. That is what needs to occur in order to get effective consultation with Native Hawaiians, that's the kind of effort and energy you're going to have to take to succeed.

Bumpy – Valerie was integral in the whole process.

Iokona Baker – NAGPRA had rules. Valerie went above and beyond the scope. "I'm looking at digging and the disturbance of the artifacts and the burials. It's almost as if we are doing damage control. Could consultation occur prior to the disturbance so that the digging is avoided all together?"

Tony Sang – Comes from the Waimānalo community and feels his organization had not been notified. Mr. Sang had been informed about the burial vault via news on the TV. Previously, beneficiaries of Homelands had been called upon as part of the process of notification for burials that had been found on or re-interred on or near the area by the Department of Hawaiian Homelands. Mr. Sang expresses frustration for not being notified and wanted to know if there is a place that he can go to find the reports or be involved with any future notifications.

Gary O'Donnel – Responds to the question about avoidance prior to disturbance. Cabin had been planned to be constructed was relocated due to the knowledge discovery of previous burials. They attempt avoidance as much as possible.

Bumpy Kanahele – Mihi aku⁹ to Tony Sang and explains that he had tried to reach all communities.

Van – Lineal descendants leaving and coming back. Length of time for discussion between families and Hawaiians sometimes is frustrating for all parties. Perhaps anticipating length of discussion between organizations a formation of some sort of formal process can be created and followed.

Valerie – Consultation starts as soon as possible. Projects are done and she tries to stay on top of issues. She often directs projects prior to their commencement to consider possible impact on any sites or burials.

Determination is made that the 'iwi kūpuna¹⁰ are Hawaiian before she makes the call to NAGPRA. Human remains are studied. The manner of burial, the burial items, and placement of burial usually determine the ethnicity of the burial. Last resort is to exhume.

Exhumation occurs in a culturally sensitive manner based on the direction of the Hawaiian Communities.

Sparky Rodriguez – Notification for families that have migrated to other lands is lacking. Access to public T.V. or Radio should occur so that all the interested parties are part of the notification process or the consultation process. How do we resolve the process of

⁹ Formally asks to be “forgiven” for not being able to provide a resolution for Tony Sang’s frustration.

¹⁰ Meaning, human remains; literally elderly bones or ancestors bones.

notification/consultation, using the available public resources so that a broader community is informed?

Valerie Curtis – Would like suggestions from communities.

Fred Cachola – Consultation process. Federal Agencies must understand that Hawaiians come with 200 years of accumulative cultural trauma. Do not expect that Hawaiians will not come without any burdens. Some Federal Agencies come without understanding this historical knowledge, appreciation, or awareness of the accumulative hurt. What you say is going to add to the cultural trauma and hurt on the Hawaiian. It makes consultation very difficult. Federal Agencies must come understanding this accumulative hurt and be prepared for this adversity in the consultation process.

Sol Kaho'ohalahala – Problem of identifying place, genealogy of family by Federal Agencies is acknowledged. Understanding the issue or the problem will then determine who is involved and what can occur.

Ms. Cleghorn – Consultation usually explains going above and beyond often to identify the interested parties. She would like to see a recommendation that the HQ acknowledge the importance of consultation and then the resources so that meaningful consultation can occur. Preservation of resources is integral. Defining who the different interested parties is pertinent. Ms. Cleghorn recognizes that improvement for resources, funding, and staff in the community outreach and the notification process is integral in order to fulfill the communities' expectation of meaningful consultation.

Apolei Bargamento– Utilizing the OHA Newsletters as a resource for the notification process.

André Perez – Hawaiians have to be real clear when we make the stand. The idea of consultation is questioned. Mr. Perez would like to see preventative measures in place. There is no mitigation for desecration. The message is clear, “How can we make you feel better as we continue to desecrate your land and your sites through this consultation?” This makes us feel alienated. Wording in the documentation is that Hawaiians are made to feel that we are the outsider; the native people are the external parties. Who really owns the land that the military sits on?

Acknowledge that these are the results of tangible effects of hurt. Expresses to the Hawaiians in the room to be clear about what consultation means, and asks that the DoD to acknowledge the historical and traditional customs.

Van Diamond – Consultation. Please define what consultation means. Is it that you receive the information, consultation occurs within the interested communities and then presented to the Federal Agencies? Then this content is picked through and dissected only some is taken and then the key points made are left behind, if this is what you mean when you say consultation than it is not appropriate. The lists of NHOs are not formal. Mr. Diamond recommends that a directory be created to which all the Native Hawaiian Organizations are listed.

Paul Lumley – Apologizes to Mr. Perez, and anyone else in the room, if any language in the document explaining the various meanings of consultation is offensive.

Sol – Can public access T.V. resources be utilized?

Sparky – Funding for a dedicated channel for the DoD is not available.

Mr. O'Donnell – His office deals with respect to cultural and natural resources. Bellows burials utilized a lot of funding, but you never know when the resources will not be available.

Lisa Oshiro – Our office (CNHA) have many documents that have information on ahupua'a (land districts) that can link and trace the families who have interest to the sites or burials. We have expertise on staff that can do this type of work.

Sparky – Consultation definition. Are we in the position of equity or in an inferior role in this definition of consultation? What happens with negotiating with the local leader and then we learn that the HQ are the actual deciding factor, which in the end dismisses the end product of what had been consulted.

Paul – It doesn't have to be an inferior relationship. Native Americans are skilled now in the process and are comfortable in approaching all three branches of the US Govt. How would you all like to have trustworthy, meaningful, consultation? This is an opportunity for you to formulate your own process that works for you. This is completely uncharted territory.

Hawaiian Individual – Speaks about foundations. We all have 'ili (skin), koko (blood), 'iwi (bones) which makes a foundation of similarity between one another. 'Ohana (families) are often times left out because they are not organizations. Please give more time for notification. The bones are the treasure of the family. Please understand that we [the families] would like to be part of the process too.

1151 hrs Break for lunch.

DoD – NHO CONSULTATION WORKSHOP
Hale Koa Hotel, Waikīkī, Hawai‘i
August 30, 2006
Afternoon Session

1322 hrs June Cleghorn presents her PowerPoint of Mōkapu reburials.
Community search for lineal descendants produced 22 claimants

Mele oli¹¹ and matrilineal genealogy by Donna Ann Camvel and makes her presentation about her experience as one of the claimants. Explanation of her personal accumulative hurt and the frustration felt to continue to be in “meaningful consultation,” which to her means to establish a relationship in the Hawaiian philosophy with another party or individual. Explanation of her personal experience with the military at Mōkapu and her kuleana¹² with caring for the ‘iwi kūpuna¹³ was given. At this time, after many years of “consultation,” her relationship with the military has come to a place where there is mutual understanding. June Cleghorn has been pertinent in the formulation of this improved relationship. They’ve had many successful endeavors, but there continues to be frustration for other endeavors. Continual change over of military personnel was frustrating until June Cleghorn had arrived.

Notes of what needs to be changed: 30 days notification is not long enough, especially if it is connected to another document that has only 30 days to fill and file. The amounts of pages in the reports are huge and sometimes the time is not long enough. Response by military for documentation in referenced documents should be quicker. Often times, responses do not come and the deadline is missed. Referenced military in larger documents is not readily available, therefore the deadline for the 30 days passes and the

¹¹ Traditional chant to honor various individuals, places, or traditions.

¹² Inherited responsibility.

¹³ Burials

concerns are not heard. It has been a contentious claimant environment for various reasons.

Van Diamond – Explains his experience with the Mōkapu burials. Mr. Diamond explained about the frustration felt between the various claimants. Differences of opinions, cultural practices, family practices, but talk needed to happen. Mr. Diamond expressed frustration with the Bishop Museum and possible removal of ‘iwi kūpuna. Explanation of finally coming to terms with the families.

Consultation:

How linear is the relationship between the Federal Agencies and the interested parties?

Terri Keko‘olani Raymond – Explained her experience with finding the ‘iwi in a storage room and finding that there had been over 1,000 burials disturbed and collected. The insensitivity of picking at and studying the bones was overwhelmingly disrespectful. Her na‘au¹⁴ became hurt with the understanding on how disconnected these kūpuna had become from their resting place. Ms. Keko‘olani explains that she had been hired to do the ethnographic research of the Mōkapu area. She described about the insensitivity of trying to select a culturally appropriate area on the beach to repatriate the remains, but had been denied due to personal reasons. I.e. disrupts the coastal view and beauty.

Expresses frustration in being denied access to female practice and worship on traditional sites located at Mōkapu. Conflicting world views is constant. Makahiki ceremonies have begun again at the Kāne‘ohe Marine Corp Base. Expresses that she will continue to defend these lands and cultural practices.

¹⁴ Gut feeling. Hawaiians traditionally believe that the ancestral connection and consciousness resides in a person’s guts.

Sol Kaho'ohalahala – Asks June Cleghorn how they deal with the processes similar to what had just been explained. How can we benefit from these processes? How do you integrate it? How do you perceive the military's relationship with the claimants? How do you perceive, who you represent, supports giving time and energy to this lengthy process?

June Cleghorn – Our duty as the Cultural resource managers to provide energy, time, and facilitation. It's a constant battle, a lot of time is spent and often times we go beyond what is the regulated and also goes beyond compliance of rules and laws, but is needed and necessary. They try to accommodate.

Merv Tano – If you mutually agree that the 30 days are not enough than why can't you change it?

June – Revisions constantly need to happen and the dissemination of the information does not always get to those who need to see it. Constraints of time and money are constant. Clashes of the cultures will continue.

Merv Tano – How can native Hawaiians know when accommodations are being made.

June - Codes and Federal regulations are written by Congress and to get those amended is not something that June can do. It takes an act to change and act.

Tony Sang – Hasn't the military for the past 100 years had experience with the American Natives? Congress defines what you do. Therefore, how do we as Hawaiians find resolution for our issues? Communication does not stay open. The military has their own culture and does not seem to have a template for consultation with all cultures.

Capt. Otte – Explains that he cannot speak on how they deal with various indigenous cultures. The military culture is that you are a marine first, a rifleman second and that is

its culture. There is cultural difference and expectation within the various military branches.

There are differences between the various branches of the military. Actions are shaped by how their services' superiors must comply.

Fred Cachola - It's good that you admit [to Otte] that there are stubborn differences.

Then perhaps you can understand how we operate. We are looking to explore a relationship with a liaison from the Secretary of Defense who is going to attempt to help us. The Secretary of Defense is the entity who will determine how this will happen. We can't have Government to Government discussion. Every case is going to be different, but there should be some common threads. We are a challenge as we are not recognized like other Native Americans, but there are also Native American tribes that are not recognized either. We're in the same boat. Do you want some commonality amongst these groups, tribes and organizations?

Every ahupua'a¹⁵ is going to be different. Every case is going to be different. Early notification, loose definition of native Hawaiians, family, genealogies, needs to be considered.

The issues, the "what's", and the location will determine how you identify the "whos."

You can identify who is involved with the consultation.

Sol – How do you consider who is informed? Have you had consultation or consideration on the "whos" is identified and then you say you take the concern up your chain of command. Are you an advocate of the "whos?" Or, are you just the messenger for those to whom you take the information up the chain of command? Is it someone

¹⁵ A larger pie shaped land district that commonly starts at the top of a mountain and stretches down to the sea marked by natural boundaries such as valleys, ridges, rivers, and other land features.

who is so far and disconnected to the place and yet will be the one who will determine what will happen? The voices that you carry, are they going to have some sort of value?

June – I do advocate for the claimants all the time as I am the liaison. She lays out the options and plans for the commander and she finds creative ways to accommodate the requests.

Fred Cachola – Who would you feel should be negotiating with our native Hawaiian liaisons? Will they either advocate or pass on information to our own chain of command. They are government to government officials who have issues also and don't feel that they have meaningful, equitable consultation.

Talbort George – Look to the truth – Seek the truth – Living the truth

Ref. Apology Bill (P.L. 103-105)

Re: Illegal overthrow of Hawaiian Kingdom

Mr. George is honored to listen to Capt. Otte who acknowledges that he cannot speak on behalf of his organization.

Mr. George expresses his thoughts on leading this discussion with love, and fixing the confusion with aloha.

Explains that Kūkaniloko is the piko¹⁶ of O'ahu. There are connections genealogically with all Hawaiians.

We all have ancestors.

Paul – Acknowledged Capt Otte's explanation of acknowledging the various military branches differences. Mr. Lumley recognizes that there are differences and similarities between cultures.

¹⁶ Center, naval, sacred.

Mr. Lumley reads from the Native Alaskan guidelines that may become a guide or a prototype for standards.

Definition must come from Hawai'i for the meaning of consultation. Recognizes that Hawai'i is a unique place. Tomorrow should be dedicated to work out the definition of Hawaiian consultation.

Military Individual from Louisiana – Explains about his experience with tribes that had been displaced but still have an affiliation with such lands. Treatment of the term of Native Hawaiian Organization and the Cultural affiliation with geographical area is important. It is still important to address a lineal connection and a cultural affiliation with various native Hawaiians. Direct affiliations may be different. You cannot address consultation until you have determined the cultural affiliation. This is to acknowledge the various families as they call themselves tribes, clans, etc. which really mean the many families.

Regulations are in place that the Installation Commander is who the tribal nations communicate with; becomes a government to government consultation. This establishes the relationship between the Installation Commander and the Native Hawaiians.

Van Diamond – A person's genealogy is critical. It allows the individual to connect back. An agreement must be made.

Apolei – Representation of their 'ohana is equal to tribes of native Americans and Alaskans.

1537 hrs – Meeting adjourned.

DoD – NHO Conference
August 31, 2006
Morning Exercise

0916 hrs Morning Pule given

Len and Merv explain the morning's exercise. There will be two charts up in front.

Exercise is that each individual will provide bullets to one or both charts.

Mervina Cash – Ka'eo – Expresses confusion and frustration that the group is being forced to provide meaning of the concept of consultation yet not enough parties in the Hawaiian communities are involved with this process. She explains that a matrix of what had been discussed on Thursday had been shown on the screen yet no one had been provided a hard copy. Ms. Cash-Ka'eo is concerned that her words and those of others have been manipulated and changed to reflect content other than what had been expressed. She also elucidated that Mr. Tano's quick change and dismissal of the matrix appeared that the words and summation of everyone's thoughts may have been altered and done in secrecy. She expresses frustration, feels offended, and is skeptical of the process being taken to formulate consultation between the Hawaiian communities.

Iokona Baker – Concurs with Ms. Cash-Ka'eo. Mr. Baker is concerned that not enough voices are being heard from the Hawaiian communities and families and is also curious about the reason why the DoD is beginning this process in the first place.

Sparky Rodriguez – Also concurs and adds that he feels the DoD has not been upfront since a matrix for consultation appears to have been created and no one was allowed to see what had been included within said matrix. Also feels that everyone is being forced to create something that only a few will be privy to. Wants the notes that are being taken for the conference made available to everyone who attended the meeting as the

individuals who attended the meeting will have to go back and inform their own communities about what had transpired. Mr. Rodriguez is worried that access to the notes or a report generated from the discussion will not be made available.

Paul Lumley – Apologizes to the group and explains that the matrix should not have been shown to the group.

Len Richeson – Suggests that the matrix briefly seen on the previous day be ignored for purposes of today's exercise. He suggests that this morning's exercise will help to focus the group on how Hawaiians may define meaningful consultation. He suggests that everyone start fresh on a new sheet of paper. "The slate has been wiped clean. Forget the matrix."

Len then explains that he'd like everyone to add a bullet to one or both of the charts upfront. One chart was titled, "Consultation that worked." The other chart was titled, "Consultation that did not work."

The list of elements is listed in previous section.

**DoD/Consultation Workshop
Second Discussion
STRYKER Brigade**

1110 hrs Merv Tano begins the discussion of the EIS from the STRYKER Brigade.

Explains that things are constantly happening outside of the State that will make larger impact on what's happening here in the Hawai'i.

Fred Cachola - Accumulative effect of the various Federal Agencies is frustrating. There are more Federal Agencies here in Hawai'i than there are in any other state. Hawai'i is bombarded by so many Federal Agencies. DoD the most predominate. A consideration for interagency cohesiveness needs to occur. DoD should consider a coordinator in charge of Mālama¹⁷ the 'āina¹⁸, cultural resources and that all the kānaka maoli¹⁹ can go to that one department or person to address the problem. Instead of having to go to six different departments to try and deal with the problems that are occurring. Therefore the Hawaiian community knows who or where to go, in order to be heard or express concerns.

Mr. Cachola is also concerned about having to spend more time and energy with six or more other Federal Agencies conducting more workshops just to formulate the same process for consultation. Has there been any one who has complied with the amendments and the regulations that had been formed in 1992?

Paul – These workshops will help to develop a consultation plan that will perhaps become a formula for other Federal Organizations.

¹⁷ Care for, love, stewardship

¹⁸ Land, land base, placenta

¹⁹ Native Hawaiians – Transliteration - Real Person/People

Merv – Explains that a single point of contact is how the Federal Agencies work. But, there are many more ways that processes can be formed. Collaboration between the Native Hawaiian Institutions and the DoD needs to occur.

Sparky – Filming desecration will get public awareness quicker. Funding is needed. There should be both the Federal side and the Hawaiian Community side shown.

Mr. Rodriguez suggests public documentation and distribution. i.e. Explain Section 106 of NAGPRA or other processes that the community needs to understand in order for a timely response to the Federal Agencies can transpire.

Mr. Rodriguez explains that this is trying to be proactive about future problems instead of reactive. Anger and hurt becomes the community response and it is unproductive.

Paul – Perhaps Hawaiians could tap into the resources that EPA has for funding for public broadcast access.

Lisa – CNHA has done some work on publicizing information. She describes developing model templates and checklists so that voluminous documents can be explained properly to the communities or the 'ohana involved in order for there to be clear understanding about the laws, regulation, & expectations.

Terri – There needs to be education in the political arena and the Hawaiian communities. By the time we go through the EIS process the decisions have already been made. Include communities Impact Assessment. It is the people's response.

Safe platform or access denied to public hearings because it was held on private lands.

Cooperation between the Federal, State, and County levels can be achieved.

A battle is occurring within the communities' and it is based on the ability to govern in our country.

Kaniela – “I know that I can address my family, and my kūpuna.” You can talk to me. Trust is important. If you really want to talk to the communities and the families, talk to the heads of the families. The elders. He illustrates that the generations today are stuck between the old ancient world and a new modern world. New technology is bombarding from many angles.

1st Cultural monitor for STRYKER Brigade – Lots of palapala²⁰ have been created and when violations occur, they are often times dismissed unless the kia‘i (monitors) are on top of it. Time to complete Site protection plans, mitigation plans, etc is not enough or is lengthy. Field time is all allotted for and no administration time or resources are allotted. Cultural monitoring was set up to fail. Therefore frustration is felt and adds to the accumulative hurt. *Cannot finish statement. *Overcome by emotions.

2nd Cultural Monitor – In-depth training has not occurred as they have not been able to understand the documentation that explains Section 106 of NAGPRA.

1st Cultural Monitor – Consultation between the monitors and communities needs to occur. What had been reported on the EIS previously is not what they are finding on the field. Sites such as Hale‘au‘au have been found and it is now known that it will be a main target for the Stryker exercises, when the monitor tried to bring attention to the problem, she had been told that the 30 days to respond had been over. Access to the EIS was not available to the community two years ago. The 30 days came and went a long time ago.

Paul – The Stryker Brigade is problematic. Lack of quality information is brought quickly. There is need and this gathering of individuals is the beginning of trying to develop the consultation process at this time.

²⁰ Documentation

Apolei – OHA & Civic Clubs had been approached. Ms. Bargamento expressed dismay of the Federal Agencies dismissal and their concept of the Hawaiian communities' non-response. She explains that she has a file that is thick with Hawaiian people who have tried to respond and have been turned away or denied. It is untrue that there have not been folks responding.

Mervina – Who is heard or whose authority supersedes the Hawaiians.

Paul – You have 3 levels of government to address.

Hawaiian Individual – While we are waiting for the process to be formed, the Army is continuing on with the desecration. The stopping of the negative action on the land needs to happen immediately.

Paul – Native people know when decisions were made prior to arriving at the meeting.

Offers to work on a process with the individual.

Louisiana – Conveys his experience working with Native Americans and of the authority the National Historic Preservation Advisory Council possesses. A postponement can occur while the Native Americans begin their own discussion on how to proceed.

Construction must stop immediately while discussion occurs.

1st Cultural Monitor - Cultural Monitoring not permitted to the site within 650 feet, yet other personnel who do not have the same certification can go closer. HAZWOPER, UXO, etc.

Former Cultural Monitor for the H-3 construction talks - Responsibility of the ASHP they can advise or make recommendation to the decision makers.

The meeting did not occur culturally until a comfort zone was made and the na'au was placed on the table. Na'au is used to drive the force. An emergency action needs to take

place about Hale‘au‘au. Not all information is written down and just because it isn't written doesn't mean that it should be dismissed.

* Please note that some Hawaiians would like to be addressed as Kānaka Maoli first instead of Native Hawaiian.

*Next steps

1248 hrs – Meeting adjourned for lunch.

GLOSSARY of HAWAIIAN WORDS

‘āina	(n) land, environment
ali‘i	(n) chief, royalty
aloha	(n) love, compassion
hā	(n) breath
hā‘ole	(adj) without breath; (n) foreigner, usually white person
ili	(n) skin
iwi	(n) bones, ancestors (fig)
kanaka maoli	(n) true person; native Hawaiian
kia‘i	(n) sentry, guard
koko	(n) blood
kuleana	(n) responsibility
kupuna [kūpuna]	(n) elder, grandparent [plural]
mana	(n) life force
mana‘o	(n) idea, thought, opinion
make	(adj) dead
mālama	(v) care for, steward; (n) stewardship
mo‘oku‘auhau	(n) genealogy; lineage
‘ohana	(n) family; kin
palapala	(n) Paperwork, documentation
piko	(n) navel, center; sacred
pau	(adj) finished, completely over, dead
pono	(adj.) right, correct; (n) righteousness
tūtū	(n) grandparent
‘uhane	(n) spirit

ACRONYMS

BRAC	Base Realignment & Closure
CNHA	Council for Native Hawaiian Advancement
FACA	Federal Advisory Committee Act
NEPA	National Environmental Protection Act
OHA	Office of Hawaiian Affairs