

**PUBLIC PARTICIPATION IN A POLARIZED ERA**  
*The Good, the Bad, the Future*

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**Day 1 – Taking Stock and Devising Solutions**

Friday, December 1, 2017  
8:30 a.m. to 4:30 p.m.

University of Hawai'i at Mānoa  
East-West Center  
Imin Hall

**Day 2 – Public Consultation Strategies and Skills**

Saturday, December 2, 2017  
8:30a.m. – 12:00 p.m.

University of Hawai'i at Mānoa  
William S. Richardson School of Law  
Classroom 2

**Sponsors and Organizers**

The **ACCORD3.0** Network  
University of Hawai'i Public Policy Center  
Honolulu Civil Beat  
Uluono Initiative  
ThinkTech Hawai'i  
William S. Richardson School of Law

## **Why This Gathering?**

In the late 1970s, and in the face of strong new environmental laws, government agencies adopted new community consultation strategies. Foremost among these were National Environmental Protection Act (NEPA) requirements, sunshine laws, and the use of public meetings whenever new policies, projects and plans were proposed.

Called by different names—public consultation, civic participation, stakeholder engagement—they promised (1) earlier notice of impending decisions; (2) more responsiveness from slow-moving, underfunded, and sometimes secretive bureaucracies; (3) additional opportunities for and attention to diverse voices; (4) a more level playing field between government, corporations and communities; (5) new checks and balances against authoritative decision-making; and (6) more transparent and informed decision making.

Three decades later, too many public meetings have become perfunctory ‘tick-the-box’ compliance exercises, or simply fresh combat zones for old ideological wars. Many have evolved into formulaic productions by project proponents or well-organized opposition campaigns by opponents; both represent an unfunded bureaucratic burden for agencies to endure.

Further, as public discourse has become increasingly polarized and hostile, it gets harder to arrive at decisions that can be supported by a plurality of citizens. Businesses often feel victimized by the tyranny of the minorities that come out to public meetings. And advocacy groups feel frustrated that they have so little impact.

This full-day gathering, followed by a half-day skill and strategy workshop, will take stock of how public participation is faring, gather ideas for changes to the way public consultation takes place, and spark conversations that have consequences now and for the future.

# Day 1 – Taking Stock and Devising Solutions

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- 8:00a**      **Coffee and Registration**
- 8:30**      **Welcome and Overview** – Peter Adler, Ph.D. - The *ACCORD3.0* Network
- 8:40**      **Why Public Participation and Consultation Matter** – Colin Moore, Director - University of Hawai‘i Public Policy Center  
*(Public participation: its current dynamics and its future relevance)*
- 9:00**      **The Landscape of Existing Consultation Practices** – Keith Mattson, The *ACCORD3.0* Network - Moderator  
*(Legal requirements and perspectives on the effectiveness of ongoing practices)*
- Overview of Key Requirements for Public Consultation: Sunshine Laws, EIS, Agency Rulemaking, Planning Permits, etc. – Professor Denise Antolini, Associate Dean, William S. Richardson School of Law
- Nonprofit Perspectives – Marjorie Ziegler, Executive Director – Conservation Council of Hawai‘i
  - Business Perspectives - Mitchell D’Olier
  - Elected Official Perspectives – Hon Ed Case, U.S. House of Representatives, Ret.
- 10:30**      **Break**
- 10:45**      **Learning from Case Studies**– Scott McCreary, The *ACCORD3.0* Network  
*(Different types of processes and their differing impacts)*
- Kaka‘ako Citizen Advisory Committee – Kem Lowry, Department of Urban and Regional Planning (ret.)
  - Complete Streets Planning – Melissa White, Sr. Planner, SSFM International

- 'Aha 2016 and the Native Hawaiian Constitution – Kaleiaina Lee, 'Aha 2016 Chair
- Kaua'i's Proposed New Dairy – Amy Hennessey, Communications Director, Ulupono Initiative
- Envision Maunakea – Greg Chun, Social Science Research Institute, University of Hawai'i

**12:30p Lunch (included)**

**1:20p Taiko Thunder Drums – A Call Back by Nakama**

**1:30p Top Ten Ways to Make Sure Public Consultations Fail – Linda Colburn**  
*(A humorous countdown of the strange and interesting things that befall people and events in public meetings)*

**1:45 Developing Public Policy: Who Gets Heard? – Makena Coffman, Chair, Department of Urban and Regional Planning, University of Hawai'i at Mānoa**  
*(People on different sides of controversial issues often claim to speak for their community, their ethnic group, or for future generations. Are there good, better, and worse ways to understand what communities want, especially when there are diverse stakeholders? What would an ideal public consultation process entail?)*

**2:10 Innovations, Solutions, and Fixes - Rapid Fire Questions, Answers, and Brainstorming with ACCORD3.0 Members and Sponsors – Peter S. Adler, Moderator**

- Nicole Brodie
- Robert Fishman
- Jay Fidell
- Ann Gosline
- Amy Hennessey
- Tim Hicks
- Elizabeth Kent
- Kem Lowry
- Keith Mattson

- Scott McCreary
- Colin Moore
- Ken Schmidt
- Jim Simon
- Richard Wilson

**3:30**      **Open Breakout Groups to Discuss Specific Issues, Questions, and Ideas with Presenters over Pupus and Cash Bar**  
*(Stations with presenters and opportunities for available for informal conversations)*

**4:15**      **Report on Potential Future Action Items from Designated Listeners – Jana Wolff and Anne Smoke**

**4:30**      **Formal Adjournment**

## Part 2 – Strategy and Skill Workshops

Saturday, December 2, 2017

University of Hawai'i at Mānoa  
William S. Richardson School of Law  
Classroom 2  
8:30 a.m. to 12:00 p.m.

**8:30 a.m. Planning and Designing Specific Public Consultation Processes –**  
Kem Lowry, Rich Wilson, and Tim Hicks *(Keith Mattson - Moderator)*

*Effective public consultation depends a great deal upon designing processes tailored to the unique set of issues and communities involved. Organizers, managers, and facilitators must weigh several factors, including a community's previous experience with similar issues, the public's general knowledge base about the issue at hand, and the levels of polarization that may exist in the community. Three highly-experienced facilitators share their insights, methods, and recommendations for planning and designing processes that can lead to successful consultation outcomes.*

**9:30 a.m. Break**

**9:45 a.m. Transparency and Privacy: Grappling with the public's right to know and the need to explore solutions out of the public glare–**  
Ray Soon, Jim Simon, Greg Chun *(Jana Wolff - Moderator)*

*While stakeholders and organizers want open and direct dialogue on issues, there is often the need for a 'safe harbor' where those with opposing viewpoints can engage in honest debate and confidential discussions without the repercussions of publicized statements and positions. The media's presence and the public's demand for transparency can stifle the level of frankness around the table and even dissuade people from engaging in difficult discussions in the first place. Three experienced professionals share their insights and techniques on ways to balance the needs for transparency and privacy.*

**10:45 a.m. Break**

**11:00 a.m. Consultation Processes with Native Hawaiian Communities –**  
Kaleiaina Lee and Malia Akutagawa *(Peter Adler - Moderator)*

*Vibrant communities across Hawai'i want to participate in decisions that affect their individual and collective futures, especially Native Hawaiians who continue to experience a cultural renaissance. This panel will ask and try to answer the question: How do diverse Hawaiians prefer to be consulted when decisions that may affect them are on the table?*

**12:00 p.m. Pau**