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February 27, 2019

Marigold Zoll
Oahu Forestry and Wildlife Manager
State of Hawai'i Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813
Email: marigold.s.zoll@hawaii.gov

IN REPLY REFER TO:
Log No.: 2018.03015
Doc. No.: 1902SH06
Archaeology
History and Culture

Dear Marigold Zoll:

**SUBJECT: Chapter 6E-8 Historic Preservation Review –
Request for Concurrence with the Effect Determination and Review of
Archaeological Inventory Survey Report and Archaeological Monitoring Plan
Phase I Geotechnical Testing at Kuaokalā Ridge
Ka'ena and Keawa'ula Ahupua'a, Wai'anae District, Island of O'ahu
TMK: (1) 6-9-003:001 and (1) 8-1-001:014**

The State Historic Preservation Division (SHPD) received a letter from the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) requesting concurrence with DOFAW's Chapter 6E-8 effect determination for a Department of Defense Missile Defense Agency (MDA) project to conduct geotechnical testing on Kuaokalā Ridge in order to determine the feasibility of constructing possible future MDA projects on the island of O'ahu. This letter was accompanied by a revised draft Archaeological Inventory Survey (AIS) report and a draft Archaeological Monitoring Plan (AMP) for SHPD review and acceptance. The SHPD received this submittal on December 26, 2018.

In order for the MDA to conduct surveys and studies needed to determine site viability for future construction, a Special Use (Right-of-Entry [ROE]) Permit from the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is required for the portion of the project area that includes the Kuaokalā Game Management Area. As such, the project is subject to Chapter 6E of the Hawaii Revised Statutes (HRS). Additionally, the MDA has determined the project is a federal undertaking as defined in 36 CFR 800.16(y). The State Historic Preservation Officer (SHPO) concurred with the Section 106 effect determination of *no adverse effect* for the proposed project in a letter dated January 17, 2019 (SHPD Log No. 2018.03000, Doc. No. 1901SH17).

The proposed project involves conducting geotechnical testing in support of potential future MDA actions and alternative site selection related to the Homeland Defense Radar – Hawai'i (HDR-H) project, which is a separate undertaking. The geotechnical testing will consist of 10 soil test borings and 3 auger borings. The soil test borings will be 4 to 6 inches in diameter and up to 100 feet deep. Auger borings will be up to 12 inches in diameter and up to 6 feet deep. In accordance with Hawaii Administrative Rules [HAR] § 13-168-16 and the DLNR Commission on Water Resource Management, following each soil test boring, the lower portion of the boring will be backfilled with a bentonite grout, and the top portion backfilled with drill spoils and on-site soils. Each auger boring will be backfilled with the excavated material. Prior to the start of the geotechnical testing, the geotechnical survey crew will conduct a boundary survey and stake out proposed boring locations, adjusting locations as needed to accommodate existing conditions such as topography, utilities, vegetation, and sensitive resources. Vegetation may be cleared to form temporary pathways and work areas. Equipment may include a truck- and/or track-mounted drill

rig, water truck, flat-bed support truck, low-boy trailer, and pickup trucks and/or sport utility vehicles. Equipment will be delivered to the site using the existing KPSTS access road.

The project will occur on portions of the Federal-leased Ka'ena Point Satellite Tracking Station (KPSTS) property and on State-owned (DOFAW) land located on Kuaokalā Ridge. Based on comments received from consulting parties, MDA redefined the Area of Potential Effect (APE)/project area. The project area was formerly defined as the entire approximate 160-acre Kuaokalā Ridge candidate site for the Homeland Defense Radar – Hawai'i (HDR-H) project. The revised APE/project area is defined as the specific area within the candidate site where geotechnical testing would occur: an approximate 89-acre area incorporating 67 acres of State land and 22 acres of KPSTS existing leased land.

Keala Pono Archaeological Consulting, LLC. conducted an Archaeological Inventory Survey on behalf of the MDA in support of the proposed phase 1 geotechnical testing project. The draft AIS report titled, *Revised Draft-Archaeological Survey for Geotechnical Testing at Kuaokalā Ridge, Ka'ena and Keawa'ula Ahupua'a, Wailalua and Wai'anae District, Island of O'ahu, Hawai'i portions of TMK: (1) 6-9-003:001; (1) 8-1-001:014* (McElroy and Duhaylonsod, December 2018) documents the results of background research and a pedestrian survey covering the entire 89-acre project area. In consultation with the Office of Hawaiian Affairs, SHPD requests revisions to the AIS report which are summarized in the Attachment A.

An archaeological monitoring plan (AMP) titled, *Revised Archaeological Monitoring Plan for Phase 1 Geotechnical Testing at Kuaokalā Ridge Ka'ena Ahupua'a, Wai'anae district, Island of O'ahu [TMK 6-9-003:001 and 8-1-001:014]* (Leclerc and Mueller, December 2018) was prepared by HDR Inc. on behalf of the MDA in support of the proposed phase 1 geotechnical testing project. Revisions to the AMP are requested in Attachment B.

Please note that while the AMP includes guidelines for cultural monitoring, the SHPD does not have rules and regulations governing this type of work, therefore, it must be clear that DOFAW, the MDA, and the contracted archaeologists are responsible for adhering to and following the AMP.

The SHPD requests revision of the AIS prior to SHPD's concurrence with the HRS 6E effect determination.

The SHPD looks forward to receiving a revised AIS for review and acceptance prior to concurrence with the HRS 6E site significance assessments, project effect determination, and proposed mitigation commitments. To aid in rapid review please provide a cover letter that specifies the changes made to the document with their page numbers in the revised report and highlight the changes in the text. Please submit the revised AIS with the cover letter to DLNR.Intake.SHPD@hawaii.gov.

Following acceptance of the AIS, SHPD shall review the revised AMP. To aid in rapid review please provide a cover letter that specifies the changes made to the document with their page numbers in the revised report and highlight the changes in the text. Please submit the revised AMP with the cover letter to DLNR.Intake.SHPD@hawaii.gov.

The DOFAW and MDA are the office of record for this project. Please maintain a copy of this letter with your environmental review record for this undertaking.

Please contact Regina Hilo, O'ahu Burial Sites Specialist, at Regina.Hilo@hawaii.gov or at (808) 692-8026 for matters regarding burials and traditional Hawaiian cultural resources. Please contact Stephanie Hacker, Historic Preservation Archaeologist IV, at Stephanie.Hacker@hawaii.gov or at (808) 692-8046 for matters regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Dr. Buff Crosby, MDA, Buff.crosby@mda.mil
 Ford Fuchigami, Governor's Office, Ford.n.fuchigami@hawaii.gov
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Attachment A. Comments and Concerns: *Revised Draft-Archaeological Survey for Geotechnical Testing at Kuaokalā Ridge, Ka'ena and Keawa'ula Ahupua'a, Wailalua and Wai'anae District, Island of O'ahu, Hawai'i portions of TMK: (1) 6-9-003:001; (1) 8-1-001:014* (McElroy and Duhaylonsod, December 2018)

Location	Comment
1	Note, written consent is required to publish the names of consulting parties, e.g. page 41.
2	Did Keala Pono conduct consultation regarding the eligibility of the two historic properties? Provide explicit documentation regarding who conducted consultation and when for 6E and 106.
3	Clearly indicate this AIS was conducted for the current proposed geotechnical testing project, but that consultation with SHPD is required prior to any future proposed projects to determine whether additional documentation may be required such as mitigation, a more comprehensive AIS, TCP study, etc.
4	Indicate that for this project the temporary interim protection measures includes a 30-m-wide boundary around each historic property, but that permanent site boundaries shall be determined in consultation with SHPD and the consulting parties. Indicate when MDA intends to install a new permanent protective barrier around the heiau-this <i>must</i> be done in consultation with SHPD and the consulting parties to determine appropriate materials and locational boundaries.
5	Please retain the discussion that informs the reader of the name, Pu'u O Pōhaku Hāpaina, and that it was derived from a consulting party, but refrain from referring to Site -8777 as Pu'u O Pōhaku Hāpaina throughout the AIS.
6	The recommendations and project effect determinations provided in the AIS should reflect what MDA is proposing and willing to commit to, future recommendations should be included in the AIS should MDA choose this site for future work. Provide a clear list of the recommendations proposed for this project and those proposed for future work. Table 4 should be revised to include all recommendations, current and future.
7	Revise discussions for preservation to say interim preservation measures are recommended during the proposed undertaking, should future plans occur here a preservation plan meeting the requirements of §13-277 is recommended.
8	Revise report throughout to reflect it is a 6E-8 document, not 6E-42.
9	Revise the Criteria A-E in Table 4 from uppercase to lowercase to reflect the 6E standards.
10	Clearly indicate that two historic properties, which are part of a greater cultural landscape identified in consultation, were identified during the current AIS related to geotechnical testing. And that other cultural resources and cultural practices identified during MDA's consultation efforts will need to be fully identified should this site be selected for the "project".

Attachment B. Comments and Concerns: *Revised Archaeological Monitoring Plan for Phase 1 Geotechnical Testing at Kuaokalā Ridge Ka'ena Ahupua'a, Wai'anae district, Island of O'ahu [TMK 6-9-003:001 and 8-1-001:014]* (Leclerc and Mueller, December 2018)

	Location	Comment
1	Throughout Document	Replace 6E-42 with 6E-8.
2	Throughout Document	With regards to tasks specified to the cultural monitor, following the AMP stipulations and state and federal regulations and guidelines is the responsibility of the agencies involved and the hired archaeologist.
3	Throughout Document	Insert that if a find is potentially significant, SHPD will be notified in writing immediately and be consulted to determine how to move forward with protection and/or documentation of the find.
4	Throughout	Anytime you use the word monitor, precede it with archaeological or cultural for clarity.
5	Abstract	Last sentence: Insert, the plan will meet the requirements of 13-279-5 and will be submitted to the SHPD for review and acceptance. Note that per 13-282-3, the permittee [archaeological principal investigator] shall

	Location	Comment
		submit within one month of the conclusion of any field work a brief report of the findings. SHPD asks that the complete draft report is submitted within 60 days of project work completion for our review and acceptance.
6	Page 3	When in the process is MDA proposing to replace the fence around the heiau? Note, SHPD needs to be consulted, and consulting parties' comments need to be considered, to determine the appropriate locational boundaries of the fence.
7	Page 5 and throughout document	First Sentence: The actions following the inadvertent discovery of human remains or burial goods are the responsibility of DOFAW, MDA, and the hired archaeological firm permitted to conduct field work in the state of Hawaii. Remove that it is the cultural monitor's responsibility.
8	Throughout Document	Remove use of name, Pu'u O Pohaku Hāpaina when referring to SIHP 50-80-03-8777.
9	Page 7 under 1.4 and throughout document	Insert text stating that if significant historic properties are encountered, the archaeological monitor will provide written notification to SHPD and no further work will occur until SHPD is consulted. SHPD will provide directives, if needed, for protection and/or documentation.
10	Page 7 under 1.4	Last Sentence: Complete sentence. Note that it is the responsibility of DOFAW, MDA, and the hired archaeologist, permitted to conduct field work in Hawaii to handle the inadvertent discovery of historic properties as stipulated in this plan.
11	Page 19 under 3.1	Revise last sentence. SHPD requests the archaeological monitor have a minimum of 1 consecutive year conducting field work in the state of Hawaii. Note, the archaeological monitoring report must be prepared by an archaeologist meeting the minimum requirements of 13-281.
12	Page 20 under 3.2 Par 3	Note these activities are to be conducted at the discretion of the <i>archaeological</i> monitors. Revise to say the required documentation will occur for all materials, collected or not and GPS points will be collected to record the location of the find. Also note, this documentation will occur only to historic properties that are <i>not</i> human skeletal remains or ceremonial and/or burial goods.
13	Page 20 under 3.2	Provide the type of GPS equipment that will be used and the level of accuracy.
14	Page 20 under 3.2	Note that <i>no</i> photographs shall be taken of human skeletal remains, burials, and/or associated grave goods.
15	3.3	Please split these into two separate sub-titles: 3.3 Cultural Monitoring 3.4 Inadvertent discovery of human skeletal remains
16	3.3	Note that SHPD has no rules regulating cultural monitoring and it is the responsibility of DOFAW, MDA, and the hired archaeologist permitted to conduct field work in Hawaii to adhere to state and federal rules and regulations and this AMP.
17	3.3	If any historic properties are encountered work shall cease in the immediate vicinity and the find shall be secured until SHPD is notified in writing; SHPD will provide directives for handling the discovery. If human remains and/or burial goods are encountered on state land the Oahu Burial Sites Specialist shall be notified in writing immediately, the find shall be protected and secured, and no work shall occur in the vicinity of the find. The Oahu Burial Sites Specialist is the authority to make decisions regarding the find.
18	Page 21, 3.3 Par. 4.	Last 2 sentences: Remove. No work shall occur in the vicinity of the find until the Oahu Burial Sites Specialist provides written directives and consent.
19	Page 21, 3.3 Last Par.	Replace highlighted sentence with: "If the discovery occurs on state land, the provisions of HRS 6E-43.6 shall be implemented. If the discovery occurs on federal land, the provisions of NAGPRA shall be implemented".
20	4.3	The monitoring report shall meet the requirements of 13-279-5, indicate a brief report will be submitted to SHPD within a month of conclusion of field work and prepared by a person or persons meeting the requirements of 281-3. SHPD asks that the complete draft report is submitted within 60 days of project work completion for our review and acceptance.
21	A-3, A.1, No. 3	Insert that no work will occur in the immediate vicinity of the find until SHPD has been notified in writing and consulted regarding the appropriate procedures and documentation.

	Location	Comment
22	A-3, A.2	<p>Please insert the following and eliminate the first sentence (highlighted text): "If an inadvertent discovery of human skeletal remains occurs on state land, the provisions of HRS 6E-43.6 shall be implemented. If an inadvertent discovery of human skeletal remains occurs on federal land, the provisions of NAGPRA shall be implemented".</p> <p>HRS 6E-43 and NAGPRA apply to different jurisdictions and have different processes.</p>
		<p>Please address the additional comments provided in the draft AMP to be accompanied with this letter.</p>