



DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
5700 18TH STREET
FORT BELVOIR, VIRGINIA 22060-5573

December 21, 2018

Dr. Alan Downer
Administrator
State Historic Preservation Division
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, HI 96707

Dear Dr. Downer:

As part of its responsibilities under 36 Code of Federal Regulations (CFR) Part 800 – Protection of Historic Properties, the National Historic Preservation Act (NHPA), the Missile Defense Agency (MDA) is writing to continue Section 106 consultation for the proposed Phase I geotechnical testing at Kuaokalā Ridge, O‘ahu. The MDA previously initiated consultation with the State Historic Preservation Division (SHPD) under Section 106 for this undertaking to conduct limited geotechnical testing on Kuaokalā Ridge, O‘ahu, to determine the constructability of possible future MDA projects. In order to conduct surveys and studies needed to determine site viability, 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 Kuaokalā Game Management Area. As such, the project is also subject to Chapter 6E-42 of the Hawaii Revised Statutes (HRS).

In August 2018, MDA submitted a draft Archaeological Inventory Survey (AIS) to your office that was completed by Keala Pono Archaeological Consulting, LLC (Keala Pono). Since that submittal, MDA staff met with SHPD staff on several occasions to discuss the AIS, the status of Native Hawaiian consultation completed by MDA, and general information regarding the geotechnical testing. We also conducted additional consultation with Native Hawaiians with meetings held in Wai‘anae and Wahiawā on October 9 and 11, 2018, and completed a site visit on October 10 with staff from your office and the Office of Hawaiian Affairs. During one of our recent meetings to discuss the project, SHPD provided feedback on the draft AIS. As a result, the AIS was revised to incorporate SHPD’s comments and those received from Native Hawaiians and consulting parties.

In compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR § 800, MDA has enclosed for your review the revised AIS completed in December 2018 by Keala Pono (Enclosure 1). Also please find enclosed an updated summary of the Native Hawaiian Organization (NHO) consultation completed to date (Enclosure 2), and a revised Archaeological Monitoring Plan (Enclosure 3) to be followed during the geotechnical testing.

Concurrent with this submittal to your office and under separate cover, MDA expects that DOFAW will provide your office with the required documents to complete consultation for the Phase I geotechnical testing under HRS Chapter 6E-42. MDA requests your concurrence with

our finding that the geotechnical testing would have no adverse effect on historic properties under Section 106 of the NHPA.

The remainder of this letter briefly describes the undertaking, our efforts to consult with NHOs and cultural descendants, the results of the revised AIS and identification of historic properties, MDA's assessment of effects, and commitments MDA has made either as part of the undertaking or developed through consultation. Among these is MDA's commitment to conduct archaeological monitoring during the geotechnical testing. This monitoring is proposed primarily as an identification strategy to assess the potential for subsurface archaeology in the Area of Potential Effect (APE) in order to inform possible future undertakings.

Description of the Undertaking and Area of Potential Effect

The project will occur on portions of Ka'ena Point Satellite Tracking Station (KPSTS) and on State land located on Kuaokalā Ridge. MDA has coordinated with the DOFAW to obtain a Special Use Permit for the geotechnical testing. The undertaking is defined as obtaining the permit and 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 locally 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.

Since our last submittal to your office, and based on comments received from consulting parties, MDA has refined the APE. The APE was formerly defined as the entire approximate 160-acre Kuaokalā Ridge candidate site for the HDR-H project. The APE has been revised to the specific area within this 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 as shown in the enclosed APE figures.

Native Hawaiian Consultation

MDA consulted with NHOs and individuals of Native Hawaiian descent on the Phase I geotechnical testing undertaking. The consultation was conducted in part to address the requirements of Section 106 of the NHPA and HRS Chapter 6E. MDA initiated the consultation on July 16, 2018. Over the course of the consultation, MDA reached out to a total of 145 parties

and sought input during two comment periods and four in-person consultation meetings held in August and October 2018. MDA received verbal and written input from a total of 67 parties. Comments and consultation covered a variety of topics and themes related to the undertaking, the APE, historic properties, possible effects from geotechnical testing, and archaeological monitoring. MDA also received comments from members of the public providing input on the effects of the undertaking on resources of importance to Native Hawaiians and the community at large. A summary of MDA's outreach and consultation effort is provided as Enclosure 2.

Archaeological Inventory Survey and Identification of Historic Properties

MDA contracted Keala Pono to conduct an AIS of the project area, which was completed in July 2018. Keala Pono conducted a pedestrian survey over a 160-acre area that included the entire 89-acre APE with transects spaced at 8-meter (m) intervals. The survey included detailed recording and mapping of two archaeological sites identified during the survey: the previously recorded Site 188, Moka'ena Heiau, and a new site, Site 8777, Pu'u O Pōhaku Hāpaina (formerly designated Temporary Site 1 [TS 1]).

Site 188, Moka'ena Heiau, was previously recorded by McAllister (1933) and in a 1980s inventory at KPSTS (Hammatt and Borthwick 1987). The heiau consists of four terraces, one of which incorporates a natural outcropping. The heiau is described in the KPSTS Integrated Cultural Resources Management Plan as eligible for listing in the National Register of Historic Places (NRHP) under Criterion D and is noted as possessing cultural significance meeting Criterion "e" defined under Chapter 6E. No record was found of any previous determination of eligibility. Keala Pono recommends Site 188 as eligible for listing in the NRHP under Criteria A and D, and as significant under Chapter 6E Criteria "a", "d", and "e".

Site 8777, Pu'u O Pōhaku Hāpaina, consists of a possible stone terrace and alignment. Archaeologically it is in poor condition and is not well defined. No information about Site 8777 was found during the literature review for the pedestrian survey. However, during MDA's consultation, Pu'u O Pōhaku Hāpaina was identified by a consulting party as a site where kāhuna-in-training were tested and had to demonstrate their ability to move a boulder with their spiritual power. According to a consulting party and his family's oral tradition, this ability was used to construct the Moka'ena Heiau, which is approximately 200 m east-southeast of Pu'u O Pōhaku Hāpaina. Keala Pono recommends the site is possibly eligible for NRHP listing under Criteria A and D, and that additional data is needed to complete the evaluation. Under Chapter 6E, Keala Pono recommends the site as significant under Criterion "e", with additional data needed to establish significance under Criteria "a" and "d".

There are no architectural resources in the APE. An architectural inventory at KPSTS was completed in 2012 during which all historic and Cold War-era buildings were documented and evaluated for NRHP eligibility. Two NRHP-eligible resources, Buildings 35 and 39006 are near but outside of the southwest corner of the APE. The SHPD concurred with the results of the architectural inventory in a letter dated March 21, 2012 (LOG: 2011.0711; DOC: 1203MG30).

MDA's Determination of Eligibility

MDA has taken into consideration Keala Pono's recommendations as well as the mo'olelo shared and comments provided by consulting parties regarding the identification of historic properties within the APE for the undertaking. MDA concurs with previous evaluations and Keala Pono's recommendation that Site 188, Moka'ena Heiau, is eligible for listing in the NRHP under Criteria A and D. MDA understands that under Chapter 6E-42, DOFAW is recommending Moka'ena Heiau significant under Criteria "a", "d", and "e".

MDA agrees with Keala Pono's assessment that further data is needed to make a determination of Site 8777's eligibility under the NRHP criteria, specifically Criteria A and D. More ethnographic work is needed to understand the site's historic context(s) and determine whether the site is significantly associated with an important historic event, pattern of events, or historic trend (Criterion A). MDA has contracted Keala Pono to conduct a Traditional Cultural Properties survey, which is currently in the planning stages and is expected to be completed in late spring 2019. Archaeological testing would be needed to evaluate the site's significance under Criterion D. However, MDA notes that archaeological investigation may be incompatible with the site's traditional significance under NRHP Criteria A and/or Chapter 6E Criterion "e." MDA currently has no plans to conduct archaeological testing at the site.

MDA understands that under Chapter 6E-42, DOFAW is recommending Pu'u O Pōhaku Hāpaina significant under Criterion "e" and is recommending further work to evaluate the site under Criterion "a" and "d".

MDA's Assessment of Effects

The APE contains one significant historic property, Site 188 (Moka'ena Heiau), and one resource that needs additional data to evaluate its NRHP eligibility, Site 8777 (Pu'u O Pōhaku Hāpaina). Although Site 8777 has not been fully evaluated, it is being treated as eligible for the purpose of assessing effects under Section 106 of the NHPA. MDA has applied the Criteria of Adverse Effect pursuant to 36 CFR 800.5(a) and finds the undertaking will have "no adverse effect" on historic properties. As part of the undertaking, MDA will avoid all archaeological sites during geotechnical testing by at least 30 m, and a 30 m buffer will be demarcated with orange construction fencing that will be installed prior to the beginning of testing activities. Therefore, no direct impacts will occur at either site.

Although one consulting party expressed the avoidance buffers would protect the sites from any impacts, MDA heard from some consulting parties that the geotechnical testing would have an indirect effect on Site 188 because it would disturb the mana associated with the heiau that permeates throughout the ridge. The AIS defines this mana as a contributing quality of Site 188 and as part of the property's setting. It is possible the mana is also an important quality of Site 8777 (Pu'u O Pōhaku Hāpaina), if determined eligible. MDA finds that the geotechnical testing's indirect impact on the mana at Site 188 (and possibly at Site 8777) does not meet the Criteria of Adverse Effect. Although the testing may disturb the mana, this impact would not alter the mana such that the overall integrity of setting at Site 188 would be diminished. The proposed geotechnical testing would not compromise the integrity of location, design, setting,

materials, workmanship, feeling, and association for either site. The extent of testing proposed in the undertaking would be extremely limited, with just 13 holes drilled across the 89-acre area, none of them greater than 12 inches in diameter, and none located within 30 m of either site. The undertaking would likely result in less than 25 square feet of ground disturbance within the APE and would not compromise the site's historic integrity or eligibility for NRHP listing.

MDA understands the legal definition of an adverse effect under Chapter 6E is less specific than those of Section 106 of the NHPA, and include "any alteration to the characteristics of a historic property" (HAR §13-284-2). We understand that DOFAW is recommending a finding of "Effect, with Agreed Upon Mitigation Commitments" in accordance with Chapter 6E-42 and HAR §13-284.

Protective Measures and Monitoring

MDA recognizes that beyond any historic significance recognized under Section 106 of the NHPA or HRS Chapter 6E, Site 188 and Site 8777 are sensitive resources that are important to the Native Hawaiian community. Several consulting parties expressed their view that the act of drilling into Kuaokalā Ridge would be sacrilegious and would desecrate the area, including Moka'ena Heiau. In addition to protective measures and monitoring that were already proposed, MDA developed several measures through consultation to minimize this impact in addition to the protective measures and monitoring already proposed. These measures are:

- Archaeological monitoring by a local archaeological firm familiar with the area and its resources
- Cultural monitoring, preferably by one or more persons with lineal ties to the area or, at a minimum, is/are familiar with the area.
- 30 m protective buffer around identified historic properties, marked with orange construction fencing
- Cultural sensitivity training for geotechnical testing personnel
- Invitation to Native Hawaiian cultural practitioners to perform appropriate protocols ahead of geotechnical testing
- Return of soil samples to excavations, to the extent practical

The purposes of the archaeological and cultural monitoring are threefold. First, monitors will ensure no disturbance will occur within the flagged/fenced buffers around Site 188 and Site 8777. Second, archaeological monitoring of the geotechnical testing provides an opportunity to collect data on the stratigraphy and potential for subsurface archaeological deposits in the APE to inform future possible undertakings, including the HDR-H project. Third, monitoring will ensure that in the event of an unanticipated discovery of historic properties or human remains, the discovery is protected and appropriate discovery procedures are implemented. Although such discoveries are not anticipated, the AIS did describe areas of low visibility where sites may be present. An archaeological monitoring plan addressing archaeological, historical, and cultural concerns has been prepared in accordance with HAR §13-279-4 and is attached (Enclosure 3) for SHPD review. MDA has contracted with two permitted, local Hawaiian cultural firms, Garcia and Associates and Keala Pona Archaeological Consulting, to perform the cultural and archaeological monitoring, respectively.

In addition, MDA is working with DLNR to replace and expand the fence at Moka'ena Heiau. The existing fence, meant to keep cattle from disturbing the site, is in disrepair and is not sized appropriately to the actual boundaries of the site. The above measures constitute MDA's "Agreed Upon Mitigation Commitments" with DOFAW in accordance with their recommended finding under Chapter 6E-42.

MDA requests your review of this undertaking, your concurrence with our determinations that Site 188, Moka'ena Heiau, is eligible for listing in the NRHP under Criteria A and D, that Site 8777, Pu'u O Pōhaku Hāpaina, needs further data to evaluate its eligibility for the NRHP and your concurrence with our finding of no adverse effect on historic properties under Section 106 of the NHPA. Please address your questions and comments to Dr. Buff Crosby, (256) 955-4032, email: buff.crosby@mda.mil.

Sincerely,



MICHAEL A. GUETLEIN
Brigadier General, USAF
Program Executive for
Programs and Integration

Figures

1. APE and Survey Area Location
2. APE for Proposed Geotechnical Testing, Site Locations, and Notional Boring Locations

Enclosures:

1. Revised Draft Archaeological Inventory Survey, December 2018
2. Updated NHO Consultation Summary
3. Revised Archaeological Monitoring Plan

cc:

Dr. Susan Lebo, Hawaii State Historic Preservation Division
Ms. Marigold S. Zoll, Hawaii DLNR, Division of Forestry and Wildlife
Lauren Morawski, Office of Hawaiian Affairs

Figure 1 APE and Survey Area Location

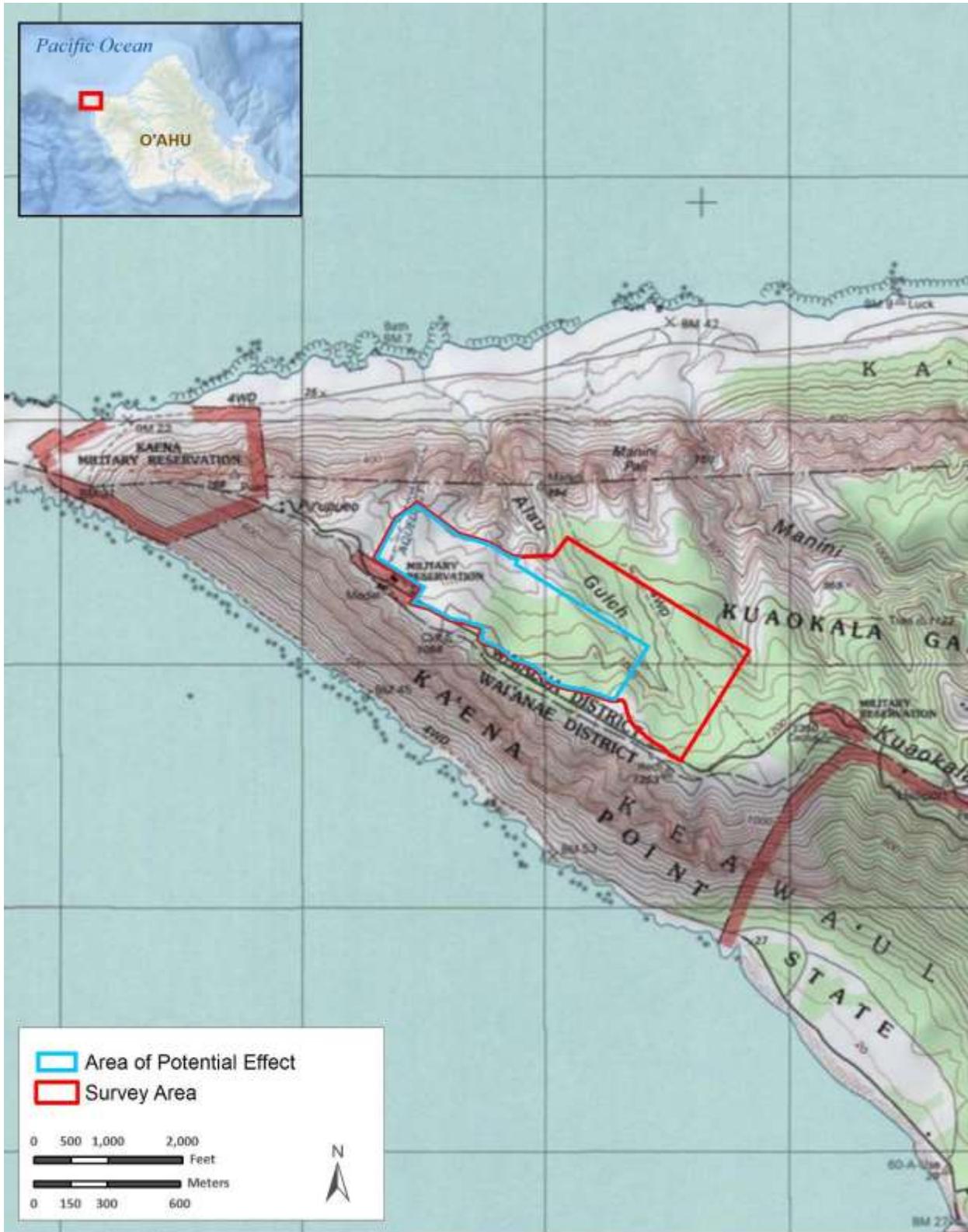


Figure 2 APE for Proposed Geotechnical Testing, Site Locations, and Notional Boring Locations

