



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

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Ms. Marigold S. Zoll
O'ahu Branch Manager
Hawaii Department of Land and Natural Resources
Division of Forestry and Wildlife
Honolulu, HI 96822

DEC 20 2018

Dear Ms. Zoll:

The Missile Defense Agency (MDA) is writing to provide you with updated materials that are required to complete consultation with the State Historic Preservation Division (SHPD) under Chapter 6E-42 of the Hawai'i Revised Statutes (HRS) for the proposed Phase I Geotechnical Testing at Kuaokalā Ridge, O'ahu. This consultation is required as a result of the Special Use (Right-of-Entry [ROE]) permit granted to MDA by your office. MDA previously coordinated with you to submit materials to SHPD on August 15, 2018. In a meeting following that submission, SHPD indicated that MDA needed to conduct additional consultation with Native Hawaiian Organizations (NHOs) before they would issue a determination regarding project effects. SHPD also provided verbal comments on the AIS in a meeting on November 16, 2018 and requested that MDA address their comments in a revised AIS.

In accordance with HRS Chapter 6E-42, MDA has enclosed for your review a Revised AIS completed in December 2018 by Keala Pono Archaeological Consulting, LLC (Keala Pono) (Enclosure 3). Also please find enclosed the HRS Chapter 6E Intake Form (Enclosure 1), additional Project Submittal documentation (Enclosure 2), an updated summary of the NHO consultation completed (Enclosure 4), and a revised Archaeological Monitoring Plan (Enclosure 5) to be followed during the geotechnical testing.

We respectfully request that you provide these documents to the SHPD as soon as possible and request a letter of determination regarding the project's effects on significant historic properties. MDA is conducting consultation under Section 106 of the National Historic Preservation Act (NHPA) concurrent with the Chapter 6E-42 review process and is requesting SHPD's concurrence with a finding of "no adverse effect" on historic properties. MDA understands the legal definition of an adverse effect under Chapter 6E-42 is less specific than those of Section 106 of the NHPA, and includes "any alteration to the characteristics of a historic property" (Hawaii Administrative Rules [HAR] §13-284-2). Therefore, we anticipate that DOFAW will likely recommend a finding of "Effect, with Agreed Upon Mitigation Commitments," consistent with the recommendation in the AIS.

Sincerely,

BUFF L. CROSBY, PhD
HDR-H Environmental
Lead

Enclosures:

1. HRS Chapter 6E Intake Form
2. Project Submittals
3. Revised Draft Archaeological Inventory Survey
4. Updated NHO Consultation Summary
5. Revised Archaeological Monitoring Plan

cc: Mr. Landin Johnson, Division of Forestry and Wildlife