

MEMORANDUM FOR RECORD

SUBJECT: Continued Section 106 Consultation with the State Historic Preservation Department for the Proposed Modernization Projects at Piiilaaau Army Recreation Center (PARC) Meeting Notes to Discuss the Resolution of Adverse Effects and the Development of an Agreement Document (CRS-18-103).

1. In accordance with Section 106 of the National Historic Preservation Act, the United States Army Garrison, Hawai'i (USAG-HI) hosted a second consultation meeting to continue discussing a resolution to adverse effects as a result of the undertaking at Piiilaaau Army Recreation Center (PARC); Modernization Project.
2. The meeting with the State Historic Preservation Division was held on Wednesday, September 30, 2020 from 2:00 p.m. to 3:00 p.m. Due to COVID 19 restriction measures this meeting was held via teleconference. Enclosure 1 provides a list of attendees.
3. The meeting agenda included reviewing the modernization project details and discussing previous archaeology and ways to resolve adverse effects. Enclosure 2 provides summary notes of the meeting discussions.
4. The point of contact is Ms. Jackie Pamerleau-Walden, (808) 655-9727, Archaeologist, USAG-HI Directorate of Public Works, Environmental Division (DPW-ENV).

Jacqueline Pamerleau-Walden
Archaeologist
USAG-HI DPW-ENV

2 Enclosures:

1. List of Attendees
2. Meeting Notes

IMHW-PWE

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Enclosure 1: List of Attendees

U.S. Army Garrison, Hawaii (USAG-HI)

Lynne Welsh - Chief, Conservation Branch, USAG-HI
Richard Davis - Cultural Resource Manager, USAG-HI
Laura Gilda - Archaeologist, USAG-HI
Jacqueline Pamerleau-Walden - Archaeologist, USAG-HI
Angus Raff-Tierney - Archaeologist, USAG-HI
Basannya Adepegba - Environmental Attorney - OSJA
Ciara Anderson - Cultural Resource Specialist, Contractor

State Historic Preservation Division (SHPD)

Susan Lebo - Archaeology Branch Chief
Stephanie Hacker - Archaeologist
Julia Flauaus - Architectural Historian
Garnet Clark - Archaeology Assistant
Ka'āhiki Solis - Cultural Historian
Alan Downer - Administrator

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Enclosure 2: Meeting Notes

Meeting opened with roll call. Due to COVID-19 restrictions, USAG-HI scheduled individual meetings with consulting parties. The email invite included meeting notes from August 11, 2020 and new maps of PARC for review.

Agenda Item 1: Review Meeting Notes

SHPD confirmed the meeting notes from August 11, 2020 had not yet been reviewed. **Ms. Walden** requested that SHPD forward on any comments after the notes are reviewed.

Agenda Item 2: Review Maps

Ms. Walden explained that new maps were created using data from previous archaeology (Riford 1984 / Hammatt 1985), the maps show archaeological features and areas of ground disturbance at PARC. The data from the 1984 report needs further verification but the new maps show a preliminary distribution.

Ms. Clark asked if there was more current data than the 1984/1985 reports. **Ms. Walden** replied that the 1984/1985 reports were the last monitoring project. In 2018-2019, data included only inadvertent discoveries. **Ms. Gilda** noted that while there were additional small repair projects the information reflected on the maps is the most significant and those that revealed *iwi*.

Ms. Hacker requested copies of the reports from previous archaeological investigations at PARC.

Mr. Davis agreed to send the reports to SHPD again and noted that after the discovery of the petroglyphs, a full site evaluation of PARC was submitted to SHPD, including previous archaeology reports. The evaluation compiled previous work at PARC into a good summary. **Ms. Walden** clarified that the petroglyph was not within the project area. Moving forward the GIS data will continue to be updated as more information is discovered.

Dr. Lebo noted that **Ms. Flauaus** from SHPD Architecture would be calling in shortly. She also wanted to clarify that the GIS data used on the maps included work from Mary Riford and Aki Sonoto. **Ms. Walden** stated that it does include work conducted by Riford in 1984. **Dr. Lebo** requested that the USAG-HI resend the Riford 1984 report to SHPD. **Ms. Gilda** noted that the Sonoto report did not sound familiar and was not part of the evaluation summary previously discussed. **Dr. Lebo** will double check the information in the Sinoto report. **Ms. Welsh** requested a copy of the Sinoto report from SHPD.

Ms. Hacker asked what an 'unknown' point on the maps represented. **Ms. Walden** reiterated that moving forward, she is working on further defining 'unknown' in the GIS data.

[Dr. Downer joined the call. Ms. Walden reviewed for Dr. Downer what had been discussed so far in the meeting]

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Ms. Walden stated that the priority was getting the areas of ground disturbance noted on the maps the next step is identifying what individual points represent. Inconsistency in the 1984 report has been observed, now sorting through the original field notes for information.

Ms. Hacker requested maps that show boundaries of features rather than points. **Ms. Walden** replied that the information from the 1984 and 1985 reports was not thorough enough to produce polygons. **Ms. Hacker** asked about GPS boundaries from the PARC Seawall project (CRS 16-126). **Ms. Walden** replied that the points taken at the Seawall were submeter accurate. **Ms. Gilda** stated that USAG-HI has received an end of field letter with preliminary GIS data that is reflected on the current maps. Features are shown in points because they measured less than a meter in size and would not be accurately reflected by polygons. If present, larger features may be able to be displayed as polygons. USAG-HI is waiting on final data.

[Ms. Flauaus joined the call]

Ms. Walden asked if there was any information SHPD would like to offer for the generation of future maps. **Dr. Lebo** suggested USAG-HI reach out Mike Wahl, SHPD GIS, to see if he has compiled more recent information for the area. **Mr. Davis** noted that the data from the petroglyph was shared with Mr. Wahl and that he assisted on the final documentation. **Dr. Lebo** stated that as Mr. Wahl has been working on old reports and digitizing data, it may be worthwhile to check in.

Agenda Item 3: Discuss Resolving Adverse Effects

Ms. Walden and **Mr. Davis** revisited the discussion from the last meeting (August 11, 2020) regarding an agreement document:

- During previous consultation for PARC modernization, the idea of a Programmatic Agreement was raised by a consulting party. This was endorsed by Christopher Oliveira (Marea Ha'akoa) in particular.
- Future projects are anticipated at PARC in support of modernization including a new perimeter fence and water lines.
- The perimeter fence was originally included in the current USAG-HI Directorate of Morale, Welfare, and Recreation (MWR) project plan but was removed due to land ownership questions.
- USAG-HI considers the modernization efforts at PARC to be high priority.
- Discussion continued comparing a Programmatic Agreement (PA) which may have a longer timeline or a Memorandum of Agreement (MOA) which would be less encompassing.
- Consulting parties previously expressed interest in a 10-year PA.
- An agreement document that encompasses the current and future undertakings would also create a framework for consulting parties and proponents.

Ms. Walden requested SHPD's thoughts on the issue.

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Mr. Davis clarified that USAG-HI is unable to give details on the fence or waterline projects at the moment, the advisory council is not interested in participating in the development of an MOA, and NHOs are in favor of a long standing agreement such as a PA.

Dr. Downer stated that the agreement type needs to make the most sense for the Army's development that will be undertaken at PARC. Specifically, the range and scope of undertaking. Suggested a PA over a MOA even though it was more time consuming. The choice is also dependent upon knowing what types of activities will be undertaken, the actions, and effects in the next 10 years. He suggested grouping tasks by type for better analysis. He suggested that after the initial implementation, PA's are easier over time.

Mr. Davis replied that PARC recreation center has several ongoing actions. Ground disturbance will always pose a risk of discovery everywhere except the area immediately near the seawall that was taken down to the bedrock and filled with clean soil. Even shallow disturbance poses a risk.

Ms. Walden referred to the 1985 Hammett photo included in the invitation email; the photo showed an overview of ground disturbance at the time. This photo demonstrated the high level of disturbance that has previously occurred at PARC. Any inadvertent discoveries may not be *in situ*.

Mr. Davis noted that Mr. Oliveira and Mr. Kila reviewed the photo as well and were quick to point out that even though there had been disturbance in the area, not everything was recovered. While the archaeological context may be scrambled, there is still a NAGPRA concern. **Dr. Lebo** agreed that not everything was recovered at the time of original disturbance. **Mr. Davis** noted that standards of practice have changed.

Ms. Walden stated that the maps are designed to show the most information for PARC and disturbed areas should not be treated as cleared zones. She then proposed that a PA would benefit everyone.

Dr. Lebo was not opposed to a PA. SHPD would support what USAG-HI is currently doing to pull together the best summary available of what has been previous undertaken at PARC and create a framework for future work.

Ms. Hacker brought up an issue raised at the previous meeting, the change of scope during the Seawall project. Section 106 was not reopened, SHPD was not notified, and burials were found. **Mr. Davis** agreed that there was a change in the method of construction undertaken by the U.S. Army Corps of Engineers (USACOE) that created a larger impact area. He asked about a previous onsite visit that SHPD had without USAG-HI.

Ms. Hacker described a recent meet-and-greet between SHPD and the USACOE at PARC. Ms. Hacker met with Mike Desilets, Kanalei Shun, and the regional commander about the Seawall project. The group did not discuss issues in the Seawall project. A PA requires a certain level of trust. Ms. Hacker suggested that a post-action analysis including why the scope of work was

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changed, why consulting parties and SHPD were not consulted, and ways to prevent such situation in future is warranted. In terms of a long-term agreement, SHPD first needs to determine where the Seawall project failure occurred and how to prevent it in future.

Mr. Davis agreed and stated that the USAG-HI would like to go through the exercise as well. The monitoring report for the project needs to be completed first.

Dr. Lebo stated that Ms. Hacker and herself met with the USACOE. The Seawall project issue was not addressed because Mr. Desilets and his Mr. Shun made it clear that they were contractors on the project and that any issues should be a discussion between SHPD and the USAG-HI. Any future PA should outline the different contingencies and a process in place to deal with changes in scope in an efficient manner so SHPD and the project are both taken into consideration. **Ms. Solis** stated that this was best practice to avoid previous mistakes.

Dr. Lebo reiterated the importance of communication between all parties. **Mr. Davis** agreed to the recommendations for a robust stipulation for post-review changes and discoveries. He also noted there were lessons to be learned.

Dr. Lebo asked about the next steps. **Ms. Walden** stated there was upcoming meeting October 1, 2020 with the Office of Hawaiian Affairs. There will also be a meeting with MWR to discuss options for mitigations to adverse effects. **Mr. Davis** stated that USAG-HI begin to draft a preliminary MOA which will undergo internal review for legal and technical proficient. Only then can it be shared for external review.

Dr. Lebo asked about the timeline moving forward and how long the agreement document would be in effect if approved. **Mr. Davis** stated that the MWR understands that the consultation process does not have a specific timeline set by regulation but the project is hoping to be contracted in FY2021. The duration of the agreement document is dependent on what the document will encompass. If it is a MOA and covers the current undertaking it will last as long as the project. If it is a MOA that includes the current undertaking and the fence and water line, it could last 5 years. Should the plan shift to the development of a PA, that agreement would be in effect for 10 years. **Ms. Walden** pointed out that the High Mast Lightning project at Fort DeRussy is covered by a 5-year MOA.

Dr. Lebo will leave it to Dr. Downer and USAG-HI to discuss the options of a MOA and a PA. SHPD will be able to assist as appropriate once a decision is made. SHPD will see what resources they have for the area of PARC to share with the Army.

Mr. Davis stated that previous consultation with SHPD discussed mitigating adverse effects through one of two ways – archaeological monitoring or an education component. Currently, there is discussion of an educational component that would present information on the families of Waianae who were impacted by the development of the military reservation and PARC. This could include cultural education for both visitors and the community. This has been discussed with Mr. Oliveira and Mr. Kila and while the details have not been determined, there is great enthusiasm. Does SHPD have additional suggestions for resolving findings of adverse effect.

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Dr. Lebo stated other ideas such as a training module for military members who use the space and their families, additionally, the *iwi* vaults. A long-term MOA or PA would need to address whether the vaults were adequate for future projects. **Ms. Gilda** clarified that there are currently two crypts at PARC. These may be filled by the Seawall project reburials. The area has been submitted and approved by the Office of Army Cemeteries which allows for a third crypt to be added as needed.

Mr. Davis stated the Office of Army Cemeteries has designated the area a private cemetery which, according to the army regulations, means that it is for use by non-military members. The Office of Army Cemeteries also involves NAGPRA compliance, there is currently a comprehensive agreement (CA) for PARC .

Ms. Walden stated that educational component would be all encompassing and include visitors at PARC. A visitor located the petroglyph so signs or placards that provide education would be beneficial to the site.

Ms. Solis stated that she did not understand the USAG-HI's relationship with Ko'a Mana. The Army had an agreement with them for the Seawall project. What was the status of Ko'a Mana? Additionally, an education program would have to be vetted and in partnership with educational establishments (i.e. University of Hawai'i) and the Wai'anae community.

Mr. Davis stated that the invitation to participate in consultation under NHPA broadly distributed to consulting parties with an interest in PARC, not just Ko'a Mana. **Ms. Walden** added that previous Section 106 letters have been sent to parties on the consultation list as well as the invitations to the two meetings that have been held. Nonresponsive consulting parties are still receiving information. Meeting notes are published on the USAG-HI's website for public viewing.

Ms. Gilda clarified that the comprehensive agreement with Ko'a Mana was stipulated under NAGPRA and covered human remains located at PARC. **Mr. Davis** added that of the responding parties, Ko'a Mana demonstrated the close ties to the *iwi* at PARC. **Dr. Lebo** stated that there may be other parties that come forward in the future wanting to enter into an agreement. **Mr. Davis** clarified that a comprehensive agreement is more comprehensive than a plan of action. There is another consultation after the plan of action. **Dr. Lebo** asked if other parties come forward would this be possible to enter into the comprehensive agreement. **Mr. Davis** replied that yes there was a NAGPRA process for responding to such requests. **Ms. Walden** added that there is an opportunity during public notice as well.

Ms. Hacker asked that SHPD be given time to present other mitigation measures. **Ms. Walden** asked that these be submitted prior to the next meeting (approximately 1-month time). **Ms. Hacker** agreed. **Mr. Davis** reiterated that all ideas are appreciated.

Ms. Walden asked if there were any questions or comments and stated that Mr. Wahl will be contacted, the maps will continue to be refined, the Riford and Hammatt reports will be sent to SHPD, and meeting notes will be shared with all consulting parties. There were no comments or questions, the meeting was adjourned.