




NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATION IN HAWAI'I



ALOHA! WE WILL BEGIN SHORTLY.

TODAY WE WILL BE USING THE CHAT FUNCTION TO RECEIVE YOUR INPUT. PLEASE ENTER YOUR NAME AND ORGANIZATION (IF ANY) TO CHECK IN.

Click on the Chat icon at the bottom of your screen to start using Chat.



NATIONAL HISTORIC
PRESERVATION ACT
SECTION 106
CONSULTATION
IN HAWAI'I

Presented by

NATIONAL PARK
SERVICE

DEPARTMENT OF THE
INTERIOR OFFICE OF
NATIVE HAWAIIAN
RELATIONS

HISTORIC HAWAI'I
FOUNDATION

OCTOBER 2020



HISTORIC HAWAII'I FOUNDATION

A statewide non-profit advocacy organization, **Historic Hawai'i Foundation** encourages the preservation of historic buildings, sites, structures, objects and districts relating to the history of Hawai'i.

We help people save Hawai'i's historic places.

www.HistoricHawaii.org



The **National Park Service** preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

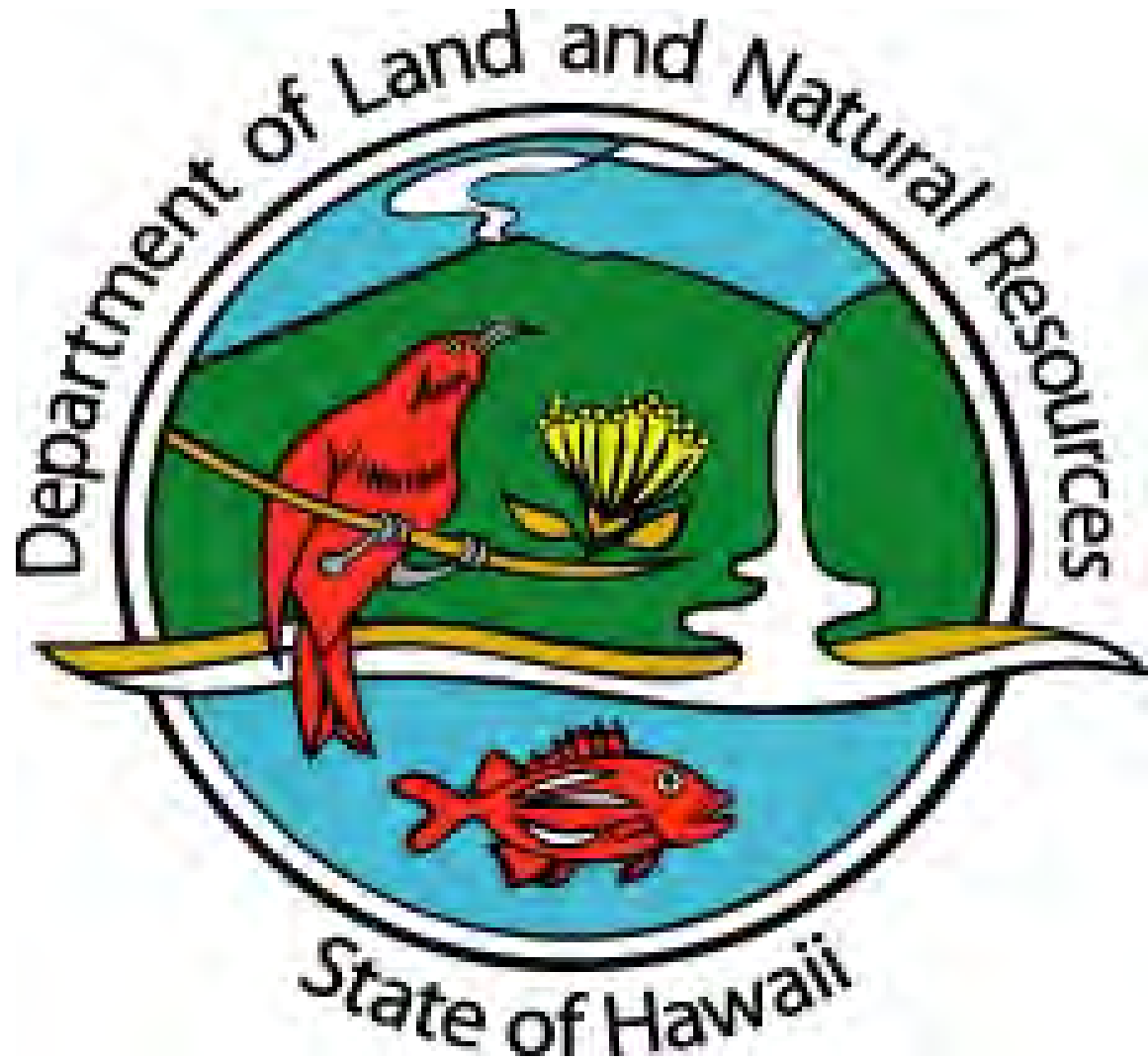


**OFFICE OF
NATIVE
HAWAIIAN
RELATIONS**



The **Office of Native Hawaiian Relations** was established by Congress in January 2004 to carry out the Secretary of the Interior's responsibilities for Native Hawaiians and the Hawaiian Home Lands Trust.

The Office serves as the liaison with the Native Hawaiian community and coordinates with the Department and its bureaus on actions that affect Native Hawaiian resources, rights, and lands.



The **State Historic Preservation Division (SHPD)** of the Department of Land and Natural Resources (DLNR) works to preserve and sustain reminders of earlier times which link the past to the present. SHPD's three branches, History and Culture, Archaeology, and Architecture, strive to accomplish this goal through a number of different activities.



The **Hawaii Department of Transportation** (HDOT) is responsible to plan, design, construct, operate, and maintain State facilities in all modes of transportation, including air, water, and land.

The mission of the Highways Division is to maximize available resources to provide a safe, efficient, accessible and sustainable State Highway System that ensures the mobility of people and goods, and supports economic vitality and livability.



HUI HO'OMALU I KA 'AINA

ADVOCATES FOR NATIVE KNOWLEDGE

Hui Ho'omalulu i Ka 'Aina is a "taro roots" community-based organization founded by cultural practitioners in 1983 to restore, protect and preserve Kaua'i's natural and cultural resources.

Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our ahupua'a. The organization is an active advocate for those native things and ways that are disappearing. We are not a nonprofit, we are an activist organization. We do not whine and wait, we act.



ABOUT THIS COURSE:

- Purpose and framework of the NHPA Section 106 review process
- Four step process to implement Section 106
- Consultation purpose, tips and best practices
- Lessons learned by experienced practitioners
- Advice for those involved in preservation activities



Interaction

Chat Box: use the chat box to ask a question at any time. We will address questions after the presentation is finished.

Interactive Polling: use your mouse to select your answer to multiple choice questions.



Knowledge Check 1

Question

Please indicate your personal level of experience with the NHPA Section 106 process.

- A. **Beginner**, no significant experience
- B. **Novice**, some experience
- C. **Intermediate**, several years experience
- D. **Expert**, with high level of experience



OVERVIEW OF SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT



Haleakalā National Park, Maui. Photo courtesy ONHR

NATIONAL HISTORIC PRESERVATION ACT SECTION 106

Requires Federal agencies to **take into account the effects of their undertakings** on any district, site, building, structure or object that is included or eligible for inclusion in the National Register; and to

Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.



ʻĀiʻōpio Fishtrap, Kaloko Honokōhau NHP. Photo by NPS.

NHPA Section 106 Process (36 CFR 800)

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1. INITIATE the process

- Determine undertaking
- Notify SHPO
- Identify NHOs and Other Consulting Parties
- Plan to involve the public

Undertaking with potential to cause effects?

YES

NO



Process complete

2. IDENTIFY historic properties

- Determine APE
- Identify historic properties
- Consult with SHPO, NHOs, and Other Consulting Parties
- Involve the public

Historic properties present & affected?

YES

NO



Process complete

3. ASSESS adverse effects

- Apply criteria of adverse effect
- Consult with SHPO, NHOs, and Other Consulting Parties
- Involve the public

Historic properties adversely affected?

YES

NO



Process complete

4. RESOLVE adverse effects

- Avoid, minimize, or mitigate adverse effects
- Notify ACHP
- Consult with SHPO, NHOs, and Other Consulting Parties
- Involve the public

Agreement (MOA/PA) or Program Comment



Process complete; Implement agreement

Step 1: Initiating the Section 106 Process



Kalaeloa Culture and Heritage Park, O'ahu. Photo courtesy HHF.

If the federal agency determines that a proposed action is an “**undertaking**,” it identifies who should participate in the review.

Consulting parties include:

- **State Historic Preservation Officer/Division**
- Native Hawaiian Organizations
- Applicant for Federal Assistance
- Historic Preservation Organizations and other with an interest in the preservation outcome
- Those with a legal or economic interest
- The public
- Advisory Council on Historic Preservation

The federal **agency initiates consultation** with the identified consulting parties.

Step 2: Identifying & documenting historic properties



Lyon Arboretum, Mānoa, O'ahu. Photo courtesy HHF.

The federal **agency identifies the historic properties** that could be affected by the proposed undertaking.

The agency **gathers information** to decide if any properties, including properties of religious and cultural significance to NHOs, in the area that may be affected by the project are listed, or are eligible for listing, on the National Register.

The agency **continues consultation** with the SHPO, NHOs and other consulting parties.

Step 3: Assessing Effects on Historic Properties



Site visit to cultural sites and features on O'ahu's North Shore. Photo courtesy HHF.

The federal agency determines **how historic properties might be affected by the project** and whether any of those effects would be considered adverse.

The agency does so in consultation with SHPD, NHOs and other participants in the review process. **Note that there are time frames at certain points in this step, so responding within those time frames is critical to ensure comments are considered.**

“Adverse effects” are those that diminish characteristics qualifying a property for inclusion on the National Register.

The outcome will either be a determination of **no adverse effect** or one of **adverse effect**.

Step 4: Resolving Adverse Effects



Consultation meeting involving FHWA, HDOT, ACHP, SHPD, OHA, NPS, Kona Hawaiian Civic Club, Makani Hou o Kaloko-Honokōhau, Historic Hawai'i Foundation. Photo courtesy HHF.

The federal agency, SHPO, NHOs and consulting parties work to **reach agreement on a resolution**.

- the agency explores measures to **avoid, minimize, or mitigate** adverse effects to historic properties; and
- reach agreement with the SHPO (and the ACHP if participating), NHOs and other consulting parties on measures to **resolve the adverse effects**.

Note that the regulations do not impose timeframes for this part of the process.

A Memorandum of Agreement (MOA) or Programmatic Agreement (PA), which records the stipulations and measures agreed upon to resolve adverse effects, is developed in consultation and executed prior to approval of the project.



Knowledge Check 2

Question

Federal agencies are not required to consult with others on projects that might affect historic properties.

True or False?

Knowledge Check 2

Answer

Federal agencies are not required to consult with others on projects that might affect historic properties.

FALSE

This statement is false.

Federal agencies are required by the regulations 36 CFR PART 800 "Protection of Historic Properties" to consult with the appropriate state and local officials, NHOs, applicants for federal assistance and consider their views and concerns about historic preservation issues when making final project decisions.



Knowledge Check 3

Question

Section 106 applies when . . .

- A. A federal agency determines there is no undertaking.
- B. A federal agency funds, licenses, or approves a project that may affect historic properties.
- C. An NHO determines there is a project.

Knowledge Check 3

Answer

Section 106 applies when . . .

- A. A federal agency determines there is no undertaking.
- B. A federal agency funds, licenses, or approves a project that may affect historic properties.**
- C. An NHO determines there is a project

STEP 1: INITIATING SECTION 106 CONSULTATION

Rendering of a transit station adjacent to the Pearl Harbor National Historic Landmark, which was the subject of Section 106 consultation by the Federal Transit Administration and its local partner the Honolulu Authority for Rapid Transportation. Image courtesy of HART.





36 CFR Part 800.3

When federal agencies consider actions, they are required to determine if that action would be considered an “undertaking.”

An undertaking is defined as a project, activity, or program:

- funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency;
- those carried out with federal financial assistance; and
- those requiring a federal permit, license or approval.

If a federal agency determines that its proposed action is an undertaking, it is required to determine if the proposed action is a type of activity that has the potential to cause effects on historic properties.

Undertakings

Defining the Area of Potential Effect

For undertakings with the potential to affect historic properties, federal agencies are required to identify the Area of Potential Effect (APE).

The APE is a defined delineated area in which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.



Area of Potential Effect for the Halewaiolu Senior Housing Development, Honolulu. Courtesy City & County of Honolulu Dept. of Land Management



Knowledge Check 4

Question

A _____ is required to determine if its action is an undertaking that might affect historic properties.

- A. Federal Agency
- B. Applicant for Federal Assistance
- C. Native Hawaiian Organization
- D. Contract archaeologist or historian

Knowledge Check 4

Answer

A _____ is required to determine if its action is an undertaking that might affect historic properties.

A. Federal Agency

B. Applicant for Federal Assistance

C. Native Hawaiian Organization

D. Contract archaeologist or historian

Federal agencies are required to determine if their actions are an undertaking that may affect historic properties.



Knowledge Check 5

Question

The _____ is the area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

- A. Project Area
- B. Historic District
- C. Traditional Cultural Property
- D. Area of Potential Effect

Knowledge Check 5

Answer

The _____ is the area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.

A. Project Area

B. Historic District

C. Traditional Cultural Property

D. Area of Potential Effect or APE

For undertakings with the potential to affect historic properties, federal agencies are required to delineate the Area of Potential Effect or “APE”.

This is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.



STEP 2: IDENTIFICATION OF HISTORIC PROPERTIES

Pu'ukoholā Heiau. Photo courtesy NPS



Requirements for federal agencies

36 CFR 800.4

Federal **agencies are required to identify historic properties**, including those of religious and cultural importance to Native Hawaiian Organizations, within the APE.

Federal agencies are required to make a **reasonable and good faith effort in identifying these properties** in consultation with the SHPO, NHOs, and other consulting parties.



Determining Eligibility

The ACHP's regulations require the **federal agency to apply the National Register eligibility criteria** in consultation with the SHPO and any NHO that attaches traditional religious and cultural significance to the property.

During such consultation, a federal agency may use in-house expertise or rely on information and recommendations provided by applicants or consultants/contractors.

The federal agency is legally responsible for decisions on National Register eligibility.

Most eligibility determinations made in the Section 106 process are called “consensus determinations” because agreement between the federal agency and the SHPO is all that is required; no formal nomination to or listing on the National Register is necessary.



What is a Historic Property?

National Register of Historic Places
Criteria
36 CFR Part 60

Definition of a Historic Property
Part 800.16

Properties,
including those which any Native
Hawaiian organization might attach
religious and cultural significance,
that meet the criteria
used in evaluating eligibility for
listing in the
National Register of Historic Places.

National Register of Historic Places



The National Register of Historic Places is the official list of districts, sites, buildings, structures, and objects that should be considered for protection from destruction and impairment.

The National Register is maintained and expanded by the National Park Service on behalf of the Secretary of the Interior.



1. Is it a Property?
Site, building, structure, object or district
2. Does it meet one of more criteria of Significance?
Criteria for Evaluation – A, B, C, D
3. Does it retain historic Integrity?
Seven Aspects of Integrity
4. Is the property old enough to be considered historic?
Age not limited, but usually 50 years, unless has exceptional significance

IS IT A HISTORIC PROPERTY?



Sites



Structures



Objects



Districts



Buildings

PROPERTY TYPES



A: Historical Events & Patterns

Lekeleke Burial Ground is significant for events associated with the battle of Kuamoʻo



B: Important Person

Washington Place is associated with Queen Liliʻuokalani.



C: Architecture & Engineering

Bishop Museum's Hawaiian Hall is significant as an example of late 19th-century museum design and construction



D: Information Potential

Pōkāneloa and the Loaʻa stone are significant for information about Native Hawaiian life and customs.



Setting MATERIALS

LOCATION

Workmanship design

Feeling Association

Integrity is the ability of a property to convey significance.

The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

To retain historic integrity a property will always possess several, and usually most, of the aspects.



Evaluation of historic significance

In consultation with the SHPO and NHOs, **federal agencies are required to evaluate the significance of historic properties, including those of religious and cultural significance to NHOs**, in accordance with the National Register criteria, to determine their eligibility.

The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the federal agency to **re-evaluate properties** previously determined eligible or ineligible.



Knowledge Check 6

Question

A federal agency proposes an undertaking that affects a property that was evaluated as “not eligible” for listing on the National Register of Historic Places 30 years ago.

The agency may rely on the previous determination and does not need to re-evaluate historic significance and eligibility.

True or False?

Knowledge Check 6

Answer

False

The statement is false.

The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the federal agency to reevaluate properties previously determined eligible or ineligible.



STEP 3: ASSESSING ADVERSE EFFECTS

Hanapēpē Bridge public meeting,
Hanapēpē, Kauaʻi. Photo courtesy
FHWA.



Requirements of Agencies

36 CFR Part 800.5

Federal agencies are required to continue consultation with the SHPO, NHOs, and other parties to determine if the undertaking will have an adverse effect on historic properties.

An adverse effect is defined as the **alteration, directly or indirectly, of any characteristics of a historic property that qualify the property for inclusion in the National Register** in a manner that would **diminish the integrity** of the property's location, design, setting, materials, workmanship, feeling, or association.



Adverse Effects

Federal agencies are required to **consider all qualifying characteristics** of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register.

Adverse effects may also include **reasonably foreseeable effects** caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

ADVERSE EFFECTS MAY INCLUDE:

Physical destruction of or damage to all or part of the property

36 CFR § 800(a)(2) (i) Physical destruction of or damage to all or part of the property

Since 1999, damage to sites includes archaeological data recovery.



Earthquake Damage at Pu'ukohalā Heiau, Hawai'i. Photo courtesy NPS.

ADVERSE EFFECTS MAY INCLUDE:

Alteration of a property

36 CFR § 800.5(a)(2) (ii)

Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines.



A remodeling project affecting the historic Chief Petty Officers residence in the Pearl Harbor National Monument removed original materials and added new features that did not match the old in design, color, texture or materials. Photo courtesy HHF.

ADVERSE EFFECTS MAY INCLUDE:

Removal of the property from its historic location

36 CFR § 800(a)(2)(iii) Removal of the property from its historic location

Moving is an adverse effect – but may be preferable to destruction or other damage



Red Hill, Navy home relocation. Photo courtesy Forest City.

ADVERSE EFFECTS MAY INCLUDE:

Change of the character of the property's use or of physical features

36 CFR § 800.2(a)(2) (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance.

New construction introduces changes to the setting, feeling, association and physical features



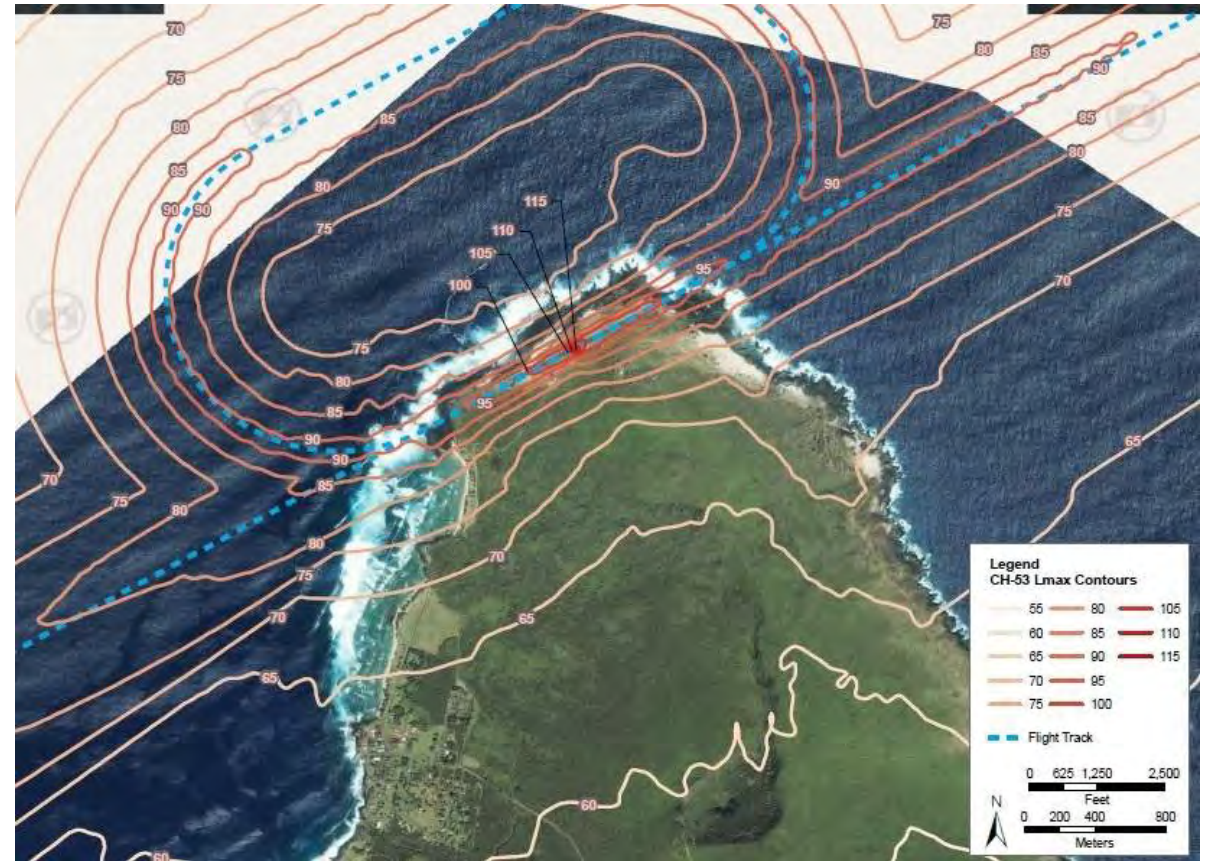
A segment of Honolulu's elevated transit project is adjacent to several sites, including the Sumida Watercross Farm. Photo courtesy HHF.

ADVERSE EFFECTS MAY INCLUDE:

Introduced visual, atmospheric or audible elements that diminish the property's integrity

36 CFR § 800.2(a)(2)(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features

Examples of “atmospheric” elements = particulate matter (dust, smog), noxious smells



Noise Map from proposed military training at Kalaupapa NHL. Photo courtesy MCBH.

ADVERSE EFFECTS MAY INCLUDE:

Neglect of a property which causes its deterioration

36 CFR § 800.5(a)(2) (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization.



'Ewa Plantation Villages Manager's House is vacant and neglected. Federal funding from Housing and Urban Development grants to the City & County of Honolulu. Photo courtesy MASON

ADVERSE EFFECTS MAY INCLUDE:

Transfer, lease, or sale of property out of federal ownership or control

36 CFR § 800.5(a)(2)(vii) Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.



Līhu'e Post Office, Kaua'i, USPS reversed its decision to transfer the historic post office after Sec 106 and other public input opposed the proposal. Photo courtesy HHF.



Knowledge Check 7

Question

Federal agencies are required to consider all qualifying characteristics of a historic property when determining effects.

True or False?

Knowledge Check 7

Answer

Federal agencies are required to consider all qualifying characteristics of a historic property when determining effects.

TRUE

This statement is true:

Federal agencies are required to consider all qualifying characteristics of a historic property in order to determine the adverse effects to the historic property or those eligible to the National Register.



STEP 4: RESOLVING ADVERSE EFFECTS TO HISTORIC PROPERTIES

Keahiakawelo, Lānaʻi. Photo courtesy Lānaʻi Culture & Heritage Center



Requirements of Agencies

36 CFR Part 800.6

When a federal **agency determines that an undertaking will adversely affect historic properties**, the agency continues consultation with the SHPO, NHOs, and other consulting parties to resolve the adverse effects.

The federal agency is also required to notify the ACHP of the adverse effect finding and invite the ACHP to participate in consultation. Note that the regulations do not impose time frames for this part of the process.

In addition to the consulting parties, the federal agency is also required to make documents regarding the undertaking available to the general public for review and comment.



CONSULTATION

36 CFR Part 800 16(f):

Consultation is the process of:

- seeking,
- discussing, and
- considering the views of other participants, and, where feasible,
- seeking agreement with them

on matters arising in the Section 106 process



Requirements of Agencies

36 CFR Part 800.6 (a)

The agency official shall consult with the SHPO and other consulting parties, including NHOs, to develop and evaluate alternatives or modifications to the undertaking that could:

Avoid,

Minimize, or

Mitigate

adverse effects on historic properties.

Avoid/Minimize Effects

The Section 106 process includes assessment of alternatives that could avoid the effect or make the effect less impactful.

For example, measures might include redesign of new buildings, modification of site plans, realignment of corridors or rights of way, or preservation-in-place of certain historic properties.



Building 155 in the Pearl Harbor National Historic Landmark avoided adverse effect through the redesign of the project so it complied with SOI Standards.
Photo courtesy of US NAVY, PHNSY & IMF

Mitigation

The term “mitigation” in Section 106 refers to **measures to resolve the adverse effects to identified historic properties when those effects cannot be avoided or minimized.**

In those circumstances, the federal agency seeks other ways to address those effects to historic properties.

For example, documentation or data recovery measures; interpretation for public education via signage, websites, StoryMaps, apps, videos or artwork, or preservation-in-place of certain historic properties; or programs for humanities, grants or educational measures.

Any treatment and mitigation measures developed through the Section 106 process are referenced and documented in an MOA or PA that is developed in consultation with consulting parties.



Interpretive signage for "Brewer's Pier" where sailors and marines from the USS Boston disembarked in support of the overthrow of the Kingdom of Hawai'i in 1893. Photo courtesy ONHR.



Agreement Documents

Agreements to resolve adverse effects

The federal agency, SHPO, and ACHP agreement on how the adverse effects will be resolved is memorialized in a legally-binding document that outlines agreed upon measures and evidences the federal agency's compliance with Section 106.

This document can take the form of a **Memorandum of Agreement (MOA)** or a **Programmatic Agreement (PA)** depending on the nature and complexity of the undertaking.

Signatories, Invited Signatories and Concurring Parties

The *Signatories* to the MOA or PA are:

- the Federal Agency,
- the State Historic Preservation Officer (SHPO), and
- the Advisory Council on Historic Preservation (ACHP), if participating.

The Agency may *invite* other signatories, including:

- The applicant for federal assistance
- Any other consulting party invited to sign by the agency, including NHOs

The signatories to the MOA or PA have sole authority to execute, amend, or terminate the agreement.

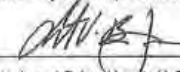
The agency may also invite other Consulting Parties to *concur* with the MOA or PA.

FINAL/ UNCLASSIFIED
26 September 2018

Execution of this PA by the USAG-Pōhakuōa, USAG-HI, the Hawai SHPO, and the ACHP, and implementation of its terms evidence that the Army has taken into account the effects of these undertakings on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. Army Garrison, Pōhakuōa Training Area

 Date: 26 SEP 18
Lieutenant Colonel Legato V. Borca, Jr. U.S. Army, Commanding

U.S. Army Garrison, Hawai

 Date: 26 SEP 18
Colonel Thomas J. Barrett, U.S. Army, Commanding

Hawai State Historic Preservation Officer

 Date: 26 Sep 2018
Ms. Suzanne D. Case, Chairperson, Department of Land and Natural Resources

Advisory Council on Historic Preservation

 Date: 9/27/18
John M. Fowler, Executive Director

PROGMOA Agreement Among the U.S. Army Garrison, Pōhakuōa Training Area, U.S. Army Garrison - Hawai, the Hawai State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai'i, Hawai'i
Page 27 of 27

PA signature page for U.S. Army Garrison, Pōhakuōa Training Area, Regarding Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai'i, Hawai'i, 25 September 2018

Knowledge Check 8

Question

Federal Agencies must consider alternatives to the proposed action that would avoid or reduce the effect on historic properties.

True or False?

Knowledge Check 8

Answer

Federal Agencies must consider alternatives to the proposed action that would avoid or reduce the effect on historic properties.

TRUE

This statement is true.

36 CFR Part 800.6 (a)

The agency official shall consult with the SHPO and other consulting parties, including NHOs, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.

Knowledge Check 9

Question

A Memorandum of Agreement or Programmatic Agreement memorializes the consultation and completes the Section 106 review. The agreement document is legally binding as part of the undertaking.

True or False?

Knowledge Check 9

Answer

A Memorandum of Agreement or Programmatic Agreement memorializes the consultation and completes the Section 106 review.

TRUE

This statement is true:

An MOA or PA is a legally binding document that outlines agreed upon measures and evidences the federal agency's compliance with Section 106.

CASE STUDY:
KAUA'I
EMERGENCY ROAD
REPAIRS 2018





April 15, 2018. Photo by U.S. Coast Guard

Step 1: Is the nature of work the type that could potentially affect historic properties?

Project included:

- debris removal,
- slope scaling,
- slope revetment,
- roadway and slope stabilization,
- pavement repairs,
- road reconstruction,
- repairs to stream crossings, and
- bridge work on Wai'oli, Waipā and Waikoko Bridges



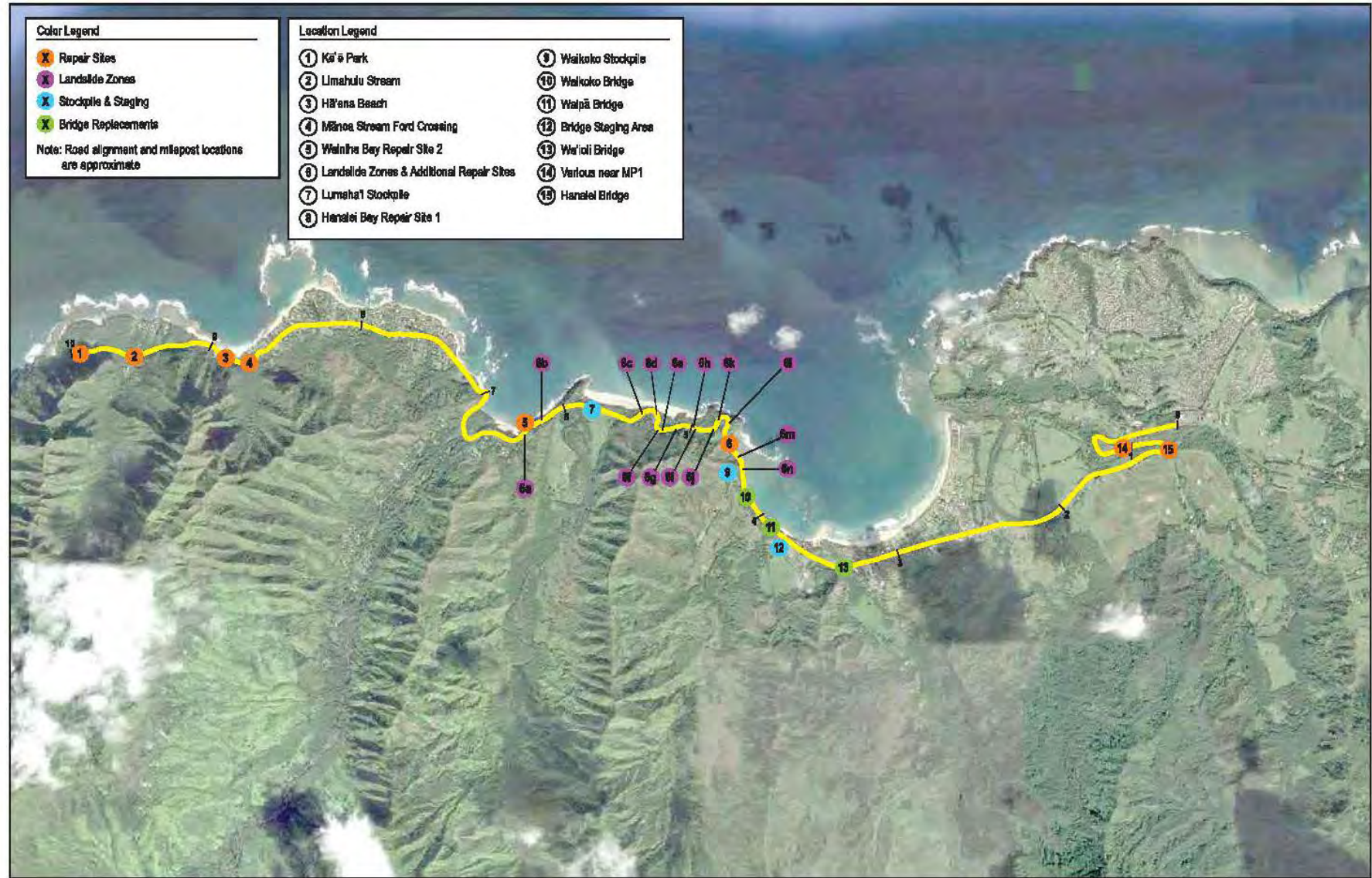
Repair Site #2. Courtesy HDOT.



Step 1: Identify consulting parties and plan to include the public

- State Historic Preservation Division
- Advisory Council on Historic Preservation
- Hawai'i Department of Transportation
- Hanalei Roads Committee
- Historic Hawai'i Foundation
- Hanalei Watershed Hui
- Waikoko 'Ohana
- Hui Ho'omalulu I Ka 'āina
- Konohiki Restoration Project
- Public meeting May 29, 2018
- Newspaper notice on May 11, 2018

Step 2: Area of Potential Effect



Kaua'i Road Repairs Project Location and APE Maps. Courtesy FHWA.

Figure 1: Locations of Sites: Ha'ena to Hanalei
Kauai Emergency Flood Repairs and Cleanup - Various Locations - April 2018

Step 2: Identification of Historic Properties



Wai'oli Bridge

- **Kaua'i Belt Road** is listed on the National Register of Historic Places under Criteria A (associated with historic events) and C (design and construction)
- **Wai'oli, Waipā and Waikoko Bridges** are individually eligible for listing on the National Register under Criteria A and C
- **Archaeology** review and site visit did not identify any features within the APE
- Hawaiian **burial** sites are known to be in the vicinity



Kaua'i Belt Road Historic District

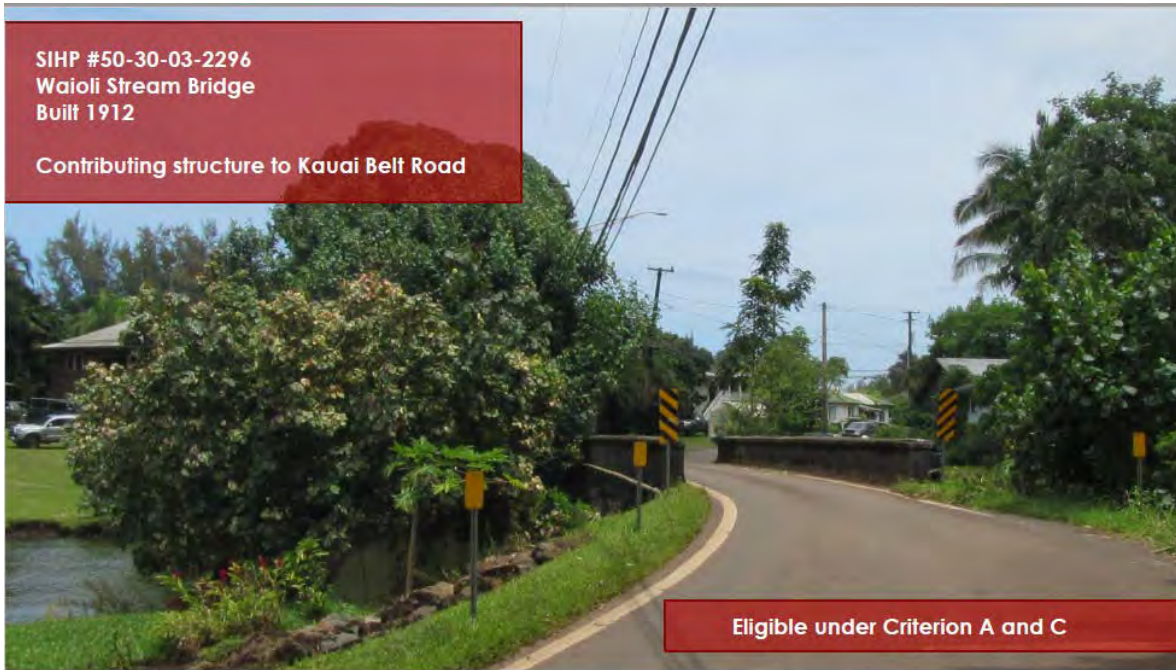
Step 3: Assess Adverse Effects



Kau'i Road Repairs. Courtesy HDOT.



Step 3: Assess Adverse Effects



Wai'oli Bridge before



Wai'oli Bridge proposed

Step 4: Resolve Adverse Effects

Construction Access Alternatives considered:

- Temporary across bridges
- Water landing for heavy equipment
- Helicopters for heavy equipment
- Modification of design to avoid heavy equipment needs

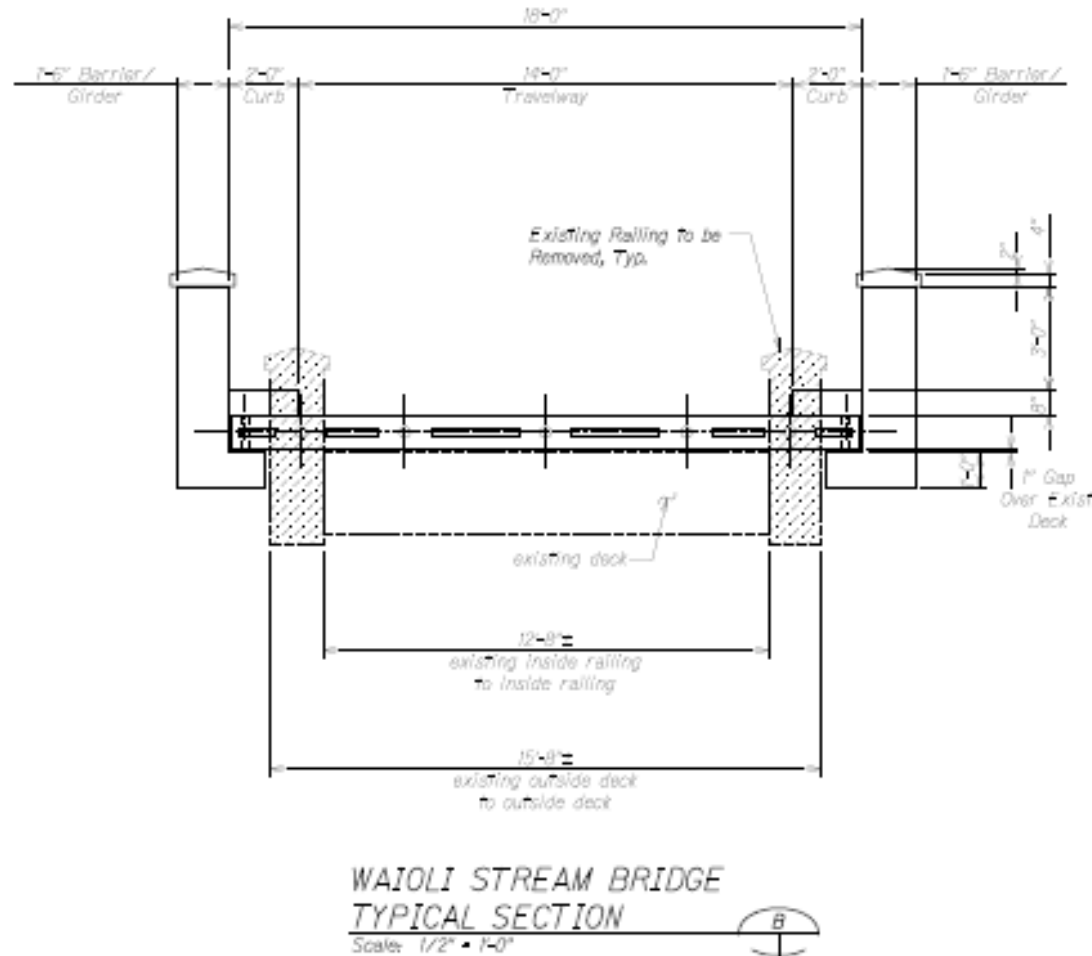


Construction access alternative proposed during consultation. Image courtesy Hanalei Roads Committee.

Step 4: Resolve Adverse Effects

Bridge Design Alternatives considered:

- Rehabilitation of existing bridges
- Retain character-defining features with some modifications
- Replace bridges with new design
- Reconstruct bridges following existing design



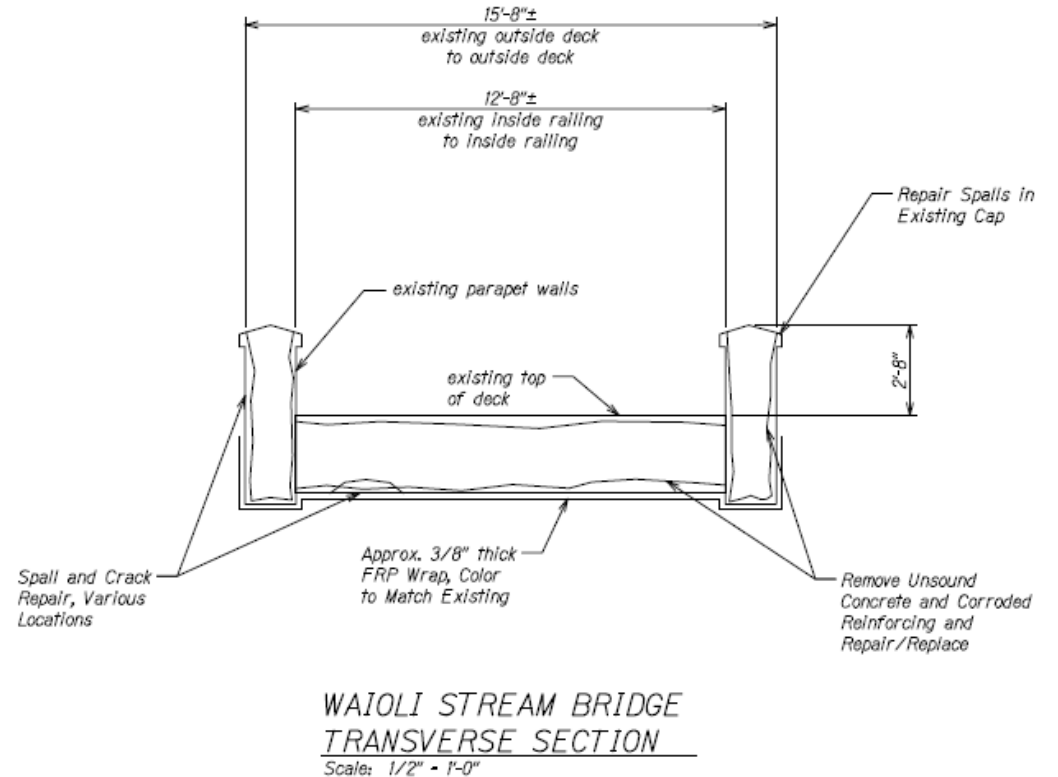
Proposed bridge treatment, May 2018. Courtesy HDOT.

Step 4: Resolve Adverse Effects

Memorandum of Agreement Executed October 2018

Stipulations related to bridges include:

1. **Preserve/Rehabilitate Wai'oli Bridge** with spall repair, structural reinforcement, maintain dimensions for deck and railings
2. Replace Waipā and Waikoko Bridges, following **design standards** and guidelines for road width, alignment, railings/parapets, girders and materials.
3. **Design review** of bridge designs to confirm compliance
4. **Historic American Engineering Record (HAER)** documentation
5. **Community gathering** with cultural protocols and public commemoration of historic resources that will be lost prior to construction beginning



Final bridge treatment, October 2018. Courtesy HDOT.

Step 4: Resolve Adverse Effects

Memorandum of Agreement Executed October 2018

Stipulations related to historic district and cumulative effects include:

1. Update the **National Register Nomination** Form for the Kaua'i Belt Road District
2. Develop a **programmatic approach** for the management and treatment of historic bridges on Kaua'i
3. Maintenance and repair work for **Hanalei Bridge**
4. **Traffic control** measures on Kūhiō Highway
5. **Parking restrictions** to preserve rural character



Hanalei Bridge. Photo by Joel Bradshaw.

Step 4: Resolve Adverse Effects

Memorandum of Agreement
Executed October 2018

Stipulations related to archaeological and cultural resources include:

1. **Archaeological** monitoring for ground disturbing activities
2. **Cultural** monitoring for ground disturbing activities
3. Standard **operating procedures** to follow in the event that any cultural resources or human remains are discovered.





Waikoko Bridge Repairs, April 27, 2019. Photo courtesy HDOT

QUESTIONS & DISCUSSION



Huilua Fishpond National Historic Landmark, Kahana, O'ahu. Photo by Kai Markell, courtesy of OHA



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LEARN MORE

**Section 106 in Hawai'i Part 2:
Consultation with Native Hawaiian Organizations
Friday, November 13, 10:00 a.m.
www.historichawaii.org**

Participants in the Section 106 review process may find the ACHP's classroom, webinar, and other e-Learning training courses helpful for more in-depth knowledge of the process, roles, and responsibilities.
<https://www.achp.gov/training>



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