

MEMORANDUM FOR RECORD

SUBJECT: 15 Aug 2016 Notes from the Consultation Meeting for the Programmatic Agreement Regarding Routine Military Training and Related Activities on the O'ahu.

1. The United States Army Garrison-Hawaii (USAG-HI) held a consultation meeting to continue development of a Programmatic Agreement (PA) regarding Routine Military Training and Relative Activities at Army training areas on O'ahu. The meeting was held on Monday, August 15 from 3:00 pm to 5:00 pm in the USAG-HI Natural Resources conference room (Building 1595) at 1480 Higgins Road in Wahiawā, Hawaii. A total of seventeen people attended the meeting. Enclosure 1 provides a full list of attendees.
2. Lieutenant Colonel (LTC) Britt London, USAG-HI Executive Officer, opened the meeting at 3:15 pm. He welcomed the group and expressed the importance of working together to develop a successful agreement. Mr. Thomas Shirai offered brief *pule* and participants then introduced themselves.
3. LTC London explained that the goals of this meeting were to review the concerns brought up during the previous meeting, receive feedback from consulting parties on the definitions of the training actions and related activities, and to begin discussing the effects of training on historic properties.
4. Mr. Crowley gave a brief review of the process for developing a PA and the proposed timeline. The process was initiated in March of 2015. The Army worked to define the undertakings and area of potential effect (APE), which were presented in the previous meeting. The next steps are to identify effects to historic properties, resolve to those effects, and formalize the agreement. Six to eight additional meetings are anticipated. A conclusion is expected to be reached in about one year.
5. The goals in the consultation process are to: ensure that Native Hawaiian Organizations and individuals have opportunities to provide input about effects from training actions, identify concerns about historic properties, and participate in the resolution of effects; and also to notify the public, inform them of the process and allow for opportunities to comment.
6. Mr. Crowley reviewed the concerns expressed by consulting parties during the previous meeting that the Army was working to address:

Concern: Input from Native Hawaiian Organizations and Individuals (NHOs) should be considered before and valued above input from the public.

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Army Response: The Army acknowledges this and is meeting with NHOs before soliciting input from the public. Public input is also an important part of the process and will be sought.

Concern: The Department of Defense (DoD) and Advisory Council on Historic Preservation (ACHP) policies on consultation with Native Hawaiians should be the guiding principles in the process.

Army Response: The Army is working through this process with those documents as the guiding principles. These documents are available in hard copy at this meeting and on the project USAG-HI cultural resources agreements website.

Concern: Be aware of possible indirect and cumulative effects on historic properties.

Army Response: The Army will take these types of effects into account, but we rely on consulting parties to inform us when these types of effects may be present.

Concern: Previous agreements need to be considered during the development of this agreement.

Army Response: The Army will continue working to fulfill the commitments of the existing agreement and will reference that as we move forward.

Concern: Access to historic properties on training areas is very important to fulfill kuleana and maintaining connections with the 'āina and kūpuna.

Army Response: The Army understands these concerns and is working to answer the questions about access to training areas. Safety protocols must be followed answering to the questions about access is complex process that we are working through.

7. Mr. Shirai pointed out that other agencies use Army training areas too. He stated that he would like these agencies to attend neighborhood meetings and field questions about training like the Army does. He also feels that other agencies should be held responsible if they cause damage on Army training areas.
 - A. LTC London stated that the Army is responsible for outreach to the community concerning the training areas it manages just as the other services are responsible for their training areas. In order for other services to train on Army lands, they must get approval from the Army and follow Army regulations. The Army will encourage other agencies to attend those meetings, but management of those lands is the Army's duty, regardless of who is training.
8. Dr. Susan Lebo, State Historic Preservation Division (SHPD), asked if this PA would only cover Army training actions, or if other branches would be included, whether should they be included in consultation, and if there would be appropriate language addressing this?

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- A. Mr. Crowley stated that training actions conducted by any organization on Army training areas would be included in the agreement and language explaining this scenario would certainly be included, probably as one of the "Whereas" clauses.
 - B. Mr. Richard Davis, USAG-HI Cultural Resource Manager, clarified that during the kick-off meeting the group discussed a number of different organizations that use the Army training areas (armed forces, police, fire departments, FBI, etc.). They would all come under the authority of the Army and adhere to the rules of the training area. The scope of the PA is intended to include these training actions.
 - C. Ms. Kerr agreed that the PA is intended to address all training activities on Army land, which is why the training descriptions are broad. There would be a process to review proposed training actions from other organizations to determine if they fall under the PA. Organizations training on Army land would have to adhere to the PA stipulations.
 - i. LTC London stated that no training occurs unless it is approved, based on the limitations and capabilities of each property. Whatever is authorized in the PA will outline what can and can't be done in specific areas, regardless of who is conducting the training.
 - ii. Mr. Davis added that if new training activities were proposed that were not addressed in this agreement, a new review would be conducted through the normal 106 process. This PA is meant to cover routine training and related activities only.
9. Mr. Crowley discussed concerns brought up in the previous meeting that the Army recognizes but that cannot be addressed by this process. Those concerns include: issues about sovereignty and the overthrow of the Hawaiian kingdom; issues related to international law and treaty rights; issues related to ownership and property rights; actions conducted by other branches of the military outside of Army training areas. The Army is aware of these concerns: however, they are outside of the scope of this PA.
10. USAG-HI has identified 10 types of routine training activities that will be addressed in the PA. These were described in a document presented at the last meeting and consulting parties were asked to identify concerns or clarifications they felt were necessary. This document will be a framework for future discussions about effects to ensure that everyone is working from a common understanding. The document is available in hard copy at this meeting and on the website. If there are no questions or concerns at this time, they can also be brought forward at a later time.
- A. Ms. Graham reiterated that this would be the last time we revisit these as a group, but as we move forward with discussions about specific effects, we can discuss each type of training activity individually.

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11. In addition to the 10 types of routine training, there are activities related to training that could affect historic properties, such as range maintenance, disposal of unexploded ordnance, and environmental management.
12. There are five training areas will be included in the PA: Schofield Barracks (comprising East Range, West Range, South Range and the Cantonment), Wheeler Army Airfield, Kahuku Training Area, Dillingham Military Reservation, and the O'ahu Roads and Trails System.
 - A. Mr. Shirai indicated that from the last meeting, he understands why Kawailoa will not be included in the PA. He has taken this information back to his community and they understand too.
 - B. Mr. Crowley clarified for the group that Kawailoa will not be included in the PA because of only a few landing zones used for training and those had been handled by other Section 106 reviews.
13. Mr. Crowley explained that the main reason for developing this agreement is because the Army acknowledges that training actions have the potential to affect historic properties. The purpose of the agreement is to recognize those effects and develop comprehensive ways to avoid, minimize or mitigate those effects.
 - A. It is important to keep in mind is that some types of training are more likely to affect historic properties than others. For example, aviation training is much less likely to affect historic properties than live-fire training.
 - B. The Army works to avoid and minimize effects as much as possible. Training actions are designed to avoid historic properties to the greatest extent. There is internal coordination to select areas where there are no historic properties or conduct surveys in advance of training.
 - C. The Army has a staff of cultural resource professionals who manage the effects of training and monitor historic properties.
14. There three general types of effects to historic properties: direct, indirect, and reasonably foreseeable effects.
 - A. Direct physical effects are those caused by training or other activities, such as bullets striking rock features.
 - B. Indirect effects are related to training or other activities but not caused by them, such as marking a site for protection purposes, which makes it more visible and thus more vulnerable to looting.
 - C. Reasonably foreseeable effects may be later in time, farther removed, or cumulative. These effects may be caused by long-term use of an area and

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come about gradually, such as erosion caused by continual use of an area which subsequently destabilizes historic properties.

15. Mr. Shirai provided examples of heavy vehicular traffic in repeated areas over time can diminish the efficacy of even a large buffer zone, also vibrations and weight from traffic over time could harm burials, could cause sinkholes, etc.
 - A. Mr. Crowley stressed that the Army relies on consulting parties to help identify these types of potential effects and other important issues.
16. LTC London provided a framework for this by discussing how the Army is taking a harder look at its actions and being better stewards of the land and resources.
 - A. Mr. Shirai stated that in the past, we never considered these kinds of effects. We need to change our mindset and scrutinize activities to understand effects.
17. Mr. Crowley explained that in future meetings discussion will focus on different types of effects from each type of training.
18. The Army is working to develop a framework for reviewing actions and effects within the PA. This framework will not follow the standard Section 106 process of reviewing each training event. Rather, the review process will involve reviewing each type of action and identifying the general measures can be employed to prevent direct effects for each type of action steps we can take to mitigate the effects that we cannot prevent.
19. The Army acknowledges that there will be adverse effects that cannot be prevented. The Army will continue to use the training ranges and fire ordnance into the impact areas. Some areas are simply too dangerous to identify historic properties and mitigate the effects. We have to accept a certain amount of effects to historic properties.
 - A. Mr. Shirai expressed that it is very important to come to the table "clean" and not to hide things. It is good that the Army is up front and is not hiding things. Even if it's wrong, we can face it and address it. Another very important part of this is respect. Even if consulting parties have extreme views, you include them in the meetings like this one to show respect. When we have respect for each other we can be rational and move forward.
20. Mr. Crowley identified two the most likely types of effects: direct effects training actions and cumulative effects from repeated use. Some direct effects may be avoided or minimized with appropriate techniques, but most cumulative effects and certain direct effects cannot be avoided or mitigated on a case-by-case basis. They must be minimized or mitigated through the agreement process.
21. Mr. Shirai expressed that, from personal experience, the best thing that consulting parties can do is acknowledge the mistakes or the damage from the past and instead of getting angry about them, channel that energy into moving forward.

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22. Mr. Crowley described how the Army envisions moving forward by developing categories of review for training actions instead of looking at each instance. Actions will be grouped into review categories based on their effects to historic properties and the associated efforts needed to avoid and minimize. The Army intends to present initial proposals at the next meeting. The preliminary concept includes three categories:
- A. Excluded from further review: Those types of actions that either have no effect on historic properties because of the nature or location of the activity, or those that have adverse effect that must be mitigated through the agreement.
 - B. Army review with reports to consulting parties: those types of actions that require review by Army cultural resources staff to ensure that they are properly avoiding historic properties. These will be reported on a regular basis.
 - C. Expedited External Review: those types of action that require protection measures to avoid impacts and where an expedited timeframe is appropriate.
23. Ms. Kerr thought it was important to clarify that those activities excluded from further review under the agreement would be reviewed by cultural resources staff first.
- A. Mr. Crowley clarified that the Army would develop a preliminary list of activities that will not be reviewed by cultural resources staff once they have been discussed in this consultation process such as routine aviation training.
 - B. Ms. Kerr followed-up and asked whether anyone at the Directorate of Public Works (DPW) reviews aviation activities?
 - i. Ms. Graham stated that aviation training is only reviewed when new types of training were proposed.
 - ii. Ms. Kerr said that is OK and she has a better understanding of the Category 1, but we need to clarify that there are day-to-day training operations that would not be reviewed at all after the agreement is created.
 - iii. Mr. Crowley stated that there will be a determination, at some level, whether training action fits into the PA. The important part will be identifying when that determination will be made and by whom so that we can ensure the PA is being applied appropriately and consistently.
24. Mr. Crowley continued with description of the concept of the Category 1 actions and explained that he envisions two groups: activities that would not affect historic properties because of the nature of the activity, and others that would not affect historic properties because of the location. The second group is more complicated because it requires the development and consistent use of reliable maps.

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- A. Combat engineer training, for example, use heavy equipment to move dirt, but that training action is only permitted in specific areas that have been surveyed and where there are no historic properties present. This is one type of training that will not be reviewed on a case-by-case basis unless something changes.
 - B. Ms. Graham explained that the categorization of types of actions and effects will be the critical focus of the next few meetings.
25. Mr. Crowley handed out a draft outline of the agreement that is based on the Advisory Council on Historic Preservation (ACHP) agreement template and the outline that was presented at the kick-off meetings. This will serve as a framework for the agreement as we develop the details.
26. Mr. Crowley explained the plan for the next meeting:
- A. We will begin to discuss effects from specific types of trainings and we ask consulting parties to look back of the definitions of training actions and start thinking about the effects they may cause. Consulting parties should bring ideas and may contact us with any questions or suggestions in the meantime.
 - B. We will begin to discuss how types of historic properties or specific properties may be affected by training action. We rely on consulting parties to identify issues that we need to be aware of and properties that are most vulnerable.
27. Mr. Shirai said that many of his and his communities concerns are routinely expressed to the Army during monthly neighborhood board meetings. Bad situations could often be diffused by good communication with the public.
- A. LTC London works closely with public affairs and that they were sure to address these issues. The process works best when everyone works together, so consulting parties should let the Army know whenever they have concerns.
28. LTC London asked that if there was anyone else who should be invited to these meetings, please forward the information to them or let the Army know so that we can invite them and develop a core group of people to participate in discussions.
- A. Mr. Shirai said that he is trying to bring young participants into the process so that they could better understand. The Army has a lot of support in his community because they are considered part of his community.
29. Another meeting will be held either in late September or early October. Mr. Crowley will work with others to find a good time. He asked whether others thought afternoon meetings were acceptable.
- A. Mr. Shirai thought some may have missed this meeting due to work, but these issues are very important and people should make time to attend.

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30. Mr. Crowley closed the meeting at 4:30 pm after thanking everyone for attending and participating.

The point of contact regarding this memorandum is David Crowley, USAG-HI Directorate of Public Works, Environmental Division at (808) 655-9707 or david.m.crowley22.civ@mail.mil.