



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD11/5686

May 3, 2011

Larry W. Camper, Director
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Consultation under Section 106 of the National Historic Preservation Act (U.S. Army IMCOM, Docket No.: 040-09083)

Dear Mr. Camper:

The Office of Hawaiian Affairs (OHA) is in receipt of your April 1, 2011 letter, with enclosures, requesting assistance in identifying properties with religious and cultural significance, pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its accompanying regulations. The U.S. Army has an application for a source material possession license pending before the Nuclear Regulatory Commission (NRC). As such, the NRC contacted OHA for information related to properties within Schofield Barracks and the Pōhakuloa Training Area (PTA) that would be affected by the source license, if approved. As per your agency's request, OHA hereby submits this reply letter within thirty days of receipt of our receipt of the above-referenced letter. We thank you for initiating the consultation process with our agency.

OHA is a state agency of the State of Hawai'i, established under the Hawai'i Constitution and governed by the laws of the State of Hawai'i. (Haw. Const. art. XII, § 5, Haw. Rev. Stat. Ch. 10) The statutory mandates for our agency include the following requirements: "[t]o advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians" (HRS § 10-6(a)(4)), and "[a]ssessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians." (HRS § 10-3(4))

According to the NRC's letter, the Army seeks a license that would allow only for the possession of depleted uranium (DU) on Schofield and PTA testing/firing ranges. The DU at these ranges is a remnant from spotting rounds for the Davy Crockett weapons system, used by the Army between 1962 and 1968. The pending license would require the Army to establish an environmental monitoring program to ensure that DU is not impacting the environment on or near the ranges. The license would not allow for decommissioning and unrestricted use of any area previously containing DU, nor would it allow the Army to fire high explosives or DU rounds into the affected ranges.

The areas of potential effect (APE) to be covered by the source material possession license contain properties with religious and cultural significance to our organization and to our Native Hawaiian beneficiaries. With respect to the areas identified in the NRC letter, OHA has been, and continues to be, involved in consultation with the Army for range modifications related to the Stryker Brigade Combat Team (SBCT) transformation project and the impacts of its facility transformations on properties eligible for the National Register of Historic Places.

Schofield and PTA ranges have been subject to numerous archeological surveys to identify historic and cultural properties. In 2004, the Army entered into the "Programmatic Agreement (PA) among the United States Army Garrison, Hawaii, the Hawai'i State Historic Preservation Office, and the Advisory Council on Historic Preservation for Section 106 Responsibilities for the Army Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team (SBCT)." OHA signed onto the PA as a concurring party, with reservations. As required under the PA, the Army undertook a series of surveys "to identify properties or potentially eligible properties within the APEs of all the SBCT Transformation project areas." The SBCT project areas include training ranges at Schofield and PTA: the Battle Area Complex (Schofield), the Multipurpose Qualification Complexes, QTR1 and QTR2 (Schofield), and the Battle Area Complex (PTA). Based on the contents of the NRC letter, however, it is not possible to determine the scope of the licensed areas within the larger Schofield and PTA ranges and the extent to which previous SBCT surveys would be relevant to Section 106 analysis by the NRC.

Despite the completion of the surveys under the PA, in 2006, OHA determined that the Army's surveys did not adequately identify the full range of properties affected by the SBCT range modifications. Accordingly, OHA filed a complaint against the Army in U.S. District Court for the District of Hawai'i, alleging violations by the Army of Section 106 of the NHPA. The parties settled in 2008 and under the terms of the resulting settlement agreement, the Army agreed to allow an OHA survey team, which included a neutral archeologist, to conduct field surveys over a fifty-day period. Despite limitations from unexploded ordnance hazards in the field and time constraints on the surveys, the OHA survey team formally examined forty-two cultural resources at Schofield and PTA ranges, including an additional nineteen properties that were overlooked by previous archeological surveys of the area.

The most complete database of known cultural sites on Schofield and PTA ranges is maintained by the U.S. Army Garrison-Hawaii, Directorate of Public Works, Environmental

Larry W. Camper, Director

Division of Waste Management and Environmental Protection

United States Nuclear Regulatory Commission

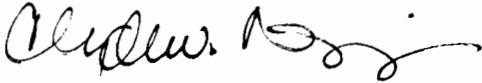
May 3, 2011

Page 3 of 3

Division, Cultural Resources Section, which it uses for range planning and avoidance. However, OHA is not satisfied that this database represents a comprehensive list of all sites with religious and cultural significance that are located on ranges at Schofield and PTA. For specific information on properties within these ranges, OHA recommends that the NRC: (1) obtain access to the U.S. Army Garrison-Hawaii, Cultural Resources Section database, and (2) consult the Phase I and II archeological surveys conducted by Army archeological contractors for the subject areas, as well as consult the report generated from the OHA settlement agreement surveys entitled, "Cultural Resource Evaluations of Stryker Transformation Areas in Hawai'i," prepared by SWCA Environmental Consultants in 2009.

Thank you once again for the opportunity to comment. Should you have any questions, please contact me or have your staff contact Everett Ohta at (808) 594-0231 or by email at everetto@oha.org.

Sincerely,



Clyde W. Nāmu'o

Chief Executive Officer, Office of Hawaiian Affairs

C: OHA Trustee Peter Apo
OHA Trustee Robert K. Lindsey, Jr.
OHA East and West Hawai'i Community Resources Coordinators

