

Bellows Air Force Station
Section 106 Programmatic Agreement
Thursday, 19 May 2022, 9:30 AM–10:30 AM HST
Teleconference; Call-in 630-556-7958, Passcode: 352 089 536#

Meeting Participants:

Name	Title
Department of the Air Force	
George Herbst	CR/EIP Program, AFIMSC Det 2/CEV Joint Base Pearl Harbor
Arleen Garcia-Herbst	Environmental Program Manager, Bellows Air Force Station (Det 2 18 FSS)
Savannah Pollard	Tanks & Air Program Manager, 718 CES/CEIE, Kadena AB, Japan
Hawaiian Civic Club of Waimānalo	
Kalani Kalima	President
Waimānalo Neighborhood Board	
Kimeona Kane	Chair
Nation of Hawai'i	
Dennis Keiki "Bumpy" Kanahele	Head of State
Advisory Council on Historic Preservation (ACHP)	
Katharine Kerr	Office of Federal Agency Programs, Program Analyst
Hawaii State Historic Preservation Department (SHPD)	
Susan Lebo	Archaeology Branch Chief
Stephanie Hacker	Archaeologist IV
Historic Hawaii Foundation (HHF)	
Virginia Murison	Consulting Preservation Architect
Contracting Support – Argonne National Laboratory (Argonne)	
Jennifer Abplanalp	Cultural Resource Specialist
Lisa Adkins	Argonne Associate
Conner Wiktorowicz	Cultural Resource Specialist

Contact information for those in attendance, as well as those that were invited but could not attend, is included at the end of these meeting notes.

Agenda:

- First consultation meeting. Discuss introduction and development of Bellows Air Force Station (AFS) Section 106 Program programmatic agreement (PA) with stakeholders.

Meeting Notes:

- Ms. Arleen Garcia-Herbst provided a presentation outlining the Bellows AFS cultural resources program and the main highlights of the PA.

- This presentation was attached as a pdf to the meeting invite.
- Bellows AFS suffered a power outage. Major Pelkowski, 18th Force Support Squadron (18 FSS) Commander, and some other Bellows AFS staff could not attend.
- Ms. Arleen Garcia-Herbst and Mr. George Herbst are taking positions with Bureau of Land Management (BLM) in California.
 - Both will be on island through the end of the summer and will continue to help move the PA forward and support Bellows AFS as needed.
 - Ms. Savannah Pollard and Mr. Craig Gorsuch will be providing cultural resources support to Bellows AFS in Ms. Arleen Garcia-Herbst's absence.
- Major Pelkowski will only be in her position for one more year.
- Bellows AFS would like to complete this agreement before her departure so that future leadership is bound to the agreement for the length of time decided upon by consulting parties, so that there will be a consistent treatment of cultural resources by future Bellows AFS leaders.
- Bellows AFS is also currently developing a NAGPRA comprehensive agreement that would describe the process followed for the disposition of human remains.
- Bellows AFS has a goal of completing consultation and executing the PA by end of 2022.
- Ms. Garcia-Herbst opened the floor to comments and questions.
 - Ms. Kate Kerr (ACHP) had the following comments:
 - Bellows AFS frequently mentioned the Marine Corps Base Hawaii (MCBH) PA. Bellows AFS should not rely too heavily on the MCBH PA as an example, primarily because of differences in management styles and installations.
 - Bellows AFS stated that goal of the PA is to "streamline the Section 106 process." PAs do not streamline the Section 106 process, but facilitate adaptation of Section 106 responsibilities to installation and stakeholder needs. Bellows AFS should come up with a better goal that meets everyone's needs. Section 106 is not a hindrance to meeting mission critical maintenance and repairs. The PA should integrate the installation mission with Section 106 requirements.
 - Mr. Herbst clarified that the use of the word "streamline" in the presentation does not imply the installation is trying to cut corners. Bellows AFS is looking to integrate planning and execution of projects with compliance with Section 106, as ACHP suggested, but in a more fluid way.
 - Ms. Kerr acknowledged this, and warned she is going to be "very harsh" on review with semantics and language because some words have specific legal meanings, and Bellows AFS needs be more intentional in diction.
 - The schedule for completion of the PA is ambitious.
 - Bellows AFS is asking for a shorter review time (15 days) for projects proposed for "no adverse effect" finding. Hawai'i SHPD will not likely change its regulatory review time frame, even for a program alternative. They are short staffed and need 30 days minimum.

- In response to the “exemption list”. ACHP prefers the word “exclusion” rather than “exemption” when it comes to a program alternative because there is a program alternative called an exemption, which has a different meaning. “Exclusion” recognizes that the activity is an undertaking that is subject to Section 106, but through consultation, it is determined that the scope and scale has little to no effect on historic properties, which is different than exempting an activity from Section 106. Serious discussions are needed about the content of the proposed list of exclusions.
- NAGPRA cannot be part of this agreement document. Bellows AFS cannot outline how it will meet its NAGPRA responsibilities. NAGPRA can only be referenced in an introductory sense, as in “Bellows AFS will follow NAGPRA.” PAs are solely for compliance with Section 106.
- It is better to break down PA topics and have focused conversations on each topic, then, based on discussion, write draft PA language. It is not ideal for an agency to provide a draft copy of a PA without first having those discussions.
- It is important to have a process that is transparent in how Bellows AFS is going to meet the substantive requirements of Section 106 not just the regulatory requirements. The PA should be process-focused: initiate, identify, assess, and resolve.
- Ms. Kerr is interested in if the surveys that have been conducted meet SHPD requirements and if SHPD still concurs with the methodology of those surveys. Ms. Kerr raised the question about whether the Data Gap Analysis evaluated the age and quality of previous survey data. She also mentioned how projects that are not excluded from review may have APEs that are thought to be within areas with a void of resources
- The process should work whether the project is funded under military construction (MilCon) or operation and maintenance (O&M).
- Mr. Dennis Keiki Kanahale provided the following comments:
 - Mr. Kanahale provided text of Section 1 of U.S. Public Law 103-150 (the Apology Resolution) in the chat box.
 - The text of this document can be found here: <https://www.congress.gov/bill/103rd-congress/senate-joint-resolution/19/text>
 - U.S. Public Law 103-150 is the strongest foundation for the Native Hawaiian community and prefers that the reconciliation language be used in the PA. Air Force personnel should familiarize themselves with this law. Reconciliation should be the foundation of this conversation and the Apology Resolution should supersede any laws previously discussed. Mr. Kanahale added remarks about his participation in the project that resulted in construction of the vault for human remains and referenced their efforts to work with military, federal, and state employees. Added that it “feels like we’re getting dragged along with your laws now in this process.”

- Ms. Garcia-Herbst indicated that language could be incorporated into the PA whereas clauses to acknowledge the Apology Resolution.
- In regard to the PA timeframe – the Air Force should consider that an independent Hawaiian government could be established in the future.
 - Ms. Garcia-Herbst noted that the PA would not have a time period of longer than ten years, at which point all of the consulting parties evaluate if they would like to continue with the terms or the PA or develop a new one. If an independent Hawaiian government were to be established before the end of the PA, it could be revisited at that time.
- It is difficult to keep up with the change of command and personnel at Bellows AFS.
- There is a breakdown in respect between the U.S. government and its relationship with the Native Hawaiian community. This PA discussion, and treatment in general, is U.S.-centric and turns a blind eye to the needs of Native Hawaiians.
 - Mr. Herbst thanked Mr. Kanahele and acknowledged that the PA can begin to incorporate some of Mr. Kanahele's needs but also that this is a Section 106 document and is somewhat restrictive to Section 106 topics, which is also what ACHP indicated.
 - Mr. Herbst reported that DoD is engaging with Native Hawaiian Organizations (NHOs) across all its departments. DoD leadership is trying to be a better partner to NHOs. It is not perfect and it will take time, but DoD in general is committed to improving its relationships with the Native Hawaiian community and appreciates Mr. Kanahele's comments as they are an important part of that discussion. Mr. Herbst also mentioned that it is part of his duties to work with host nations Government to Government and that AF experience in that area may influence Air Force - NHO relationships.
 - Mrs. Garcia-Herbst thanked Mr. Kanahele for his comment and for all he does for the Waimanalo community. Mrs. Garcia-Herbst also mentioned BAFS's recent meeting and site visit to MCTAB and BAFS in support of the Marines Corps' and Rep. Lisa Marten's dune restoration project at MCTab and Hunananiho SP as an example of collaborative planning to support community groups/efforts.
- State Historic Preservation Department (SHPD) had the following comments. Susan Lebo spoke as the representative from SHPD.
 - SHPD supports ACHP's comments. In particular that the PA should not meet just Bellows AFS needs but stakeholder needs.
 - SHPD hopes the PA will outline the process of who has the authority to make decisions, who will be reviewing, and who will be concurring.
 - SHPD echoed ACHPs concern with the PA schedule.

- SHPD has two staff who work on PAs in the entire state and they are currently developing at least 15 other PAs. The PA review schedule proposed in the presentation is probably not realistic.
- SHPD will not sign PAs longer than 7–10 years in duration.
- SHPD would like the opportunity to review and assess the Data Gap Analysis done by Argonne to see whether they concur with the findings before the consulting parties start to use this as a baseline for the PA.
 - Ms. Garcia-Herbst indicated that the Data Gap Analysis will be an appendix to the draft PA, and they can review it concurrently with the PA.
- SHPD has concern about the use of Memorandum of Decision vs. MOA, any document resulting in commitments from Air Force must include concurrent signatures and not be based on an Air Force notification.
- SHPD's focus will be entirely on process. Who is making what decision, what are their qualifications? Who has the ability to review, comment, concur? What is the actual outcome? What does evaluation mean? Are you going to evaluate historic properties internally or will it go for consulting party review. If there is a TCP, will there be a TCP nomination? Update the form? Is the plan to update the Bellows Archaeological Field Historic District nomination and resubmit the form to the NRHP? Or just document changes internally?
 - Ms. Garcia-Herbst indicated that Bellows AFS intends to consult with the consulting parties on any evaluations that are conducted.
 - Ms. Garcia-Herbst understands that the focus of the PA should be on "process."
- SHPD does not support reducing the review time on undertakings from 30 days to 15 days. They do not have the staff to meet that request.
- The meeting time period ended. All parties thanked each other for their time.

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