

**MEMORANDUM OF AGREEMENT (MOA)**  
AMONG THE  
**MARINE CORPS BASE HAWAII KANEOHE (MCB), HAWAII,**  
AND  
**THE HAWAII STATE HISTORIC PRESERVATION OFFICER (SHPO),**  
AND  
**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)**  
REGARDING  
**RELOCATION/CONSTRUCTION OF FACILITIES FOR**  
**SECOND MV-22 SQUADRON IN RESPONSE TO THE BASING OF**  
**MV-22 AND H-1 AIRCRAFT IN SUPPORT OF**  
**III MARINE EXPEDITIONARY FORCE ELEMENTS IN HAWAII,**  
**MARINE CORPS BASE HAWAII, KANEOHE**

WHEREAS, in July 2012, Marine Corps Base (MCB) Hawaii executed a Programmatic Agreement (PA) with the Hawaii State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR § 800.14(b) of the regulations implementing Section 106 of the National Historic Preservation Act for the basing and operation of MV-22 and H-1 squadrons in Hawaii; and

WHEREAS, a subset of the original Undertaking was the construction of a new hangar, wash rack, supporting utility buildings, replacement and upgrade of aircraft parking pads, and a personally owned vehicle (POV) parking lot for the second MV-22 squadron on MCB Hawaii Kaneohe Bay; and

WHEREAS, the planned siting for the facilities for the second squadron listed above was relocated from the northeast end of the runway, as proposed in 2012, to an existing aircraft parking apron at the southeast end of the runway, and

WHEREAS, the July 2012 PA does not explicitly state how to analyze effects to historic properties if the Undertaking changed, therefore, MCB Hawaii is developing this Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6 to identify historic properties and assess and resolve any adverse effects associated with the construction and operation of the facilities for the second MV-22 squadron at MCB Hawaii Kaneohe Bay; and

WHEREAS, the remaining portions of the original Undertaking, including construction of facilities and for the first MV-22 squadron and the H-1 squadron, and all H-1 and MV-22 squadron training operations, have not changed and continue to be addressed under the 2012 PA; and

WHEREAS, pursuant to 36 CFR §800.4(a)(1) and in consultation with the Hawaii State Historic Preservation Officer (SHPO) and Native Hawaiian Organizations (NHO), MCB Hawaii has determined the area of potential effect (APE) for the relocation of the facilities (including related infrastructure) for the second MV-22 squadron to be the area shown in Exhibit I; and

WHEREAS, MCB Hawaii has determined that the construction for the facilities for the second MV-22 squadron will have adverse effects on historic properties, including a direct effect on archaeological Site 5829, which is eligible for listing in the National Register of Historic Places (NRHP) under criterion D; and

WHEREAS, in addition to being evaluated as eligible for listing in the NRHP under criterion D, Native Hawaiian organizations (NHO) have assigned cultural significance to Site 5829, and consider the further investigation and preservation of this site to have relevance to a living people and will contribute to a living culture; and

WHEREAS, MCB Hawaii has redesigned the foundation for parking pad (stall) improvements, such that excavations will extend no further than the depth of the current foundation, in order to avoid impacts to another NRHP-eligible Site 4933; and

WHEREAS, MCB Hawaii will avoid visual impacts to the Historic Aviation District and National Historic Landmark (NHL) at MCB Hawaii Kaneohe Bay (Exhibit 2) by designing the new MV-22 hangar with architectural features sympathetic to the character defining features of the hangars within the District and NHL (Exhibit 3); and

WHEREAS, the MCB Hawaii began consulting with the parties to the July 2012 PA in March 2014 when it notified those parties regarding the proposal to relocate the facilities for the second MV-22 squadron and the potential of that change to affect historic properties; and

WHEREAS, pursuant to 36 CFR §800.6(a)(2), MCB Hawaii has consulted with NHO to resolve the adverse effects on historic properties and has invited the following NHO to sign this MOA as concurring parties: Office of Hawaiian Affairs, Diamond 'Ohana, Olds 'Ohana, Paoa/Kea/Lono 'Ohana, Keko'olani, 'Ohana, Paik 'Ohana, 'Ohana Keaweama'ahi, 'Ohana Naihe, 'Ohana Kapu, 'Ohana Huihui, 'Ohana Keli'inoi, and 'Ohana Kaleikini, 'Ohana Kawainui; and

WHEREAS, pursuant to 36 CFR §800.6(c)(2), the Marine Corps has consulted with and invited the National Trust for Historic Preservation (NTHP) and Historic Hawaii Foundation (HHF) to sign this MOA as concurring parties; and

WHEREAS, MCB Hawaii has consulted with the Hawaii SHPO to resolve the adverse effects on historic properties; and

WHEREAS, pursuant to 36 CFR §800.6(a)(1) MCB Hawaii has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding and the ACHP has agreed to participate; and

NOW, THEREFORE, MCB Hawaii, the SHPO, and the ACHP agree that, upon MCB Hawaii's decision to proceed with the relocation of the facilities for the second MV-22 squadron, MCB Hawaii shall ensure that the following stipulations are implemented in

order to resolve the adverse effects of the relocation on Site 4933, Site 5829, and the Historic Aviation District.

### **Stipulations**

MCB Hawaii shall ensure that the following stipulations are implemented as part of the Undertaking:

#### **I. MITIGATION MEASURES**

A. MCB Hawaii shall ensure that the following mitigation will be completed prior to construction related excavation within Site 5829.

1) Controlled Excavation and Data Recovery—Field and Laboratory

- i. Within three months of the relocation project execution, MCB Hawaii will commence controlled excavation and archaeological data recovery at the guard house footprint (relocated Building 6180 – Exhibit 4) and along planned utility corridors (Exhibit 5) (as described below in Stipulations I.A.1.ii. and I.A.1.iii.) prior to ground disturbance in the potential controlled excavation/data recovery area, dashed area noted in Exhibit 4. An archaeological monitoring and testing plan will be developed by the selected archaeological contractor detailing exact locations for data recovery, as well as the approach and steps to be taken. The plan will be submitted within 15 calendar days of the archaeological contract award. Government review and comment on the draft plan will be completed within 30 calendar days after contract award and the final work plan will be submitted within seven calendar days of receiving government comments on the draft. Archaeological testing and monitoring will be completed no later than four years after the execution of this MOA.
- ii. Controlled excavation at Site 5829 shall include removal of the overburden from the footprint of the guard house concrete foundation to the top surface of the cultural layer (where present) followed by manual skim (i.e. shallow) shoveling through the deposit to test for burials and/or human skeletal remains (see Stipulation II.A.2 below for procedures pertaining to the discovery of cultural items as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq., as appropriate). If significant artifacts and/or features are encountered they will be exposed, plotted, excavated, screened, and collected. Data recovery for identified features shall consist of photo documentation and limited excavation to expose the profile of the feature to its base to document the construction of the feature and any subsurface deposits.

- iii. Artifacts and site samples will be analyzed in the laboratory after field excavations and all collected material will be curated in the secured vault in the MCB Hawaii Environmental Department. Analysis will be completed within 60 calendar days of completing fieldwork. Curation will be completed within one year of completing fieldwork.

## 2) NHO Site Visit Requests

- i. MCB Hawaii shall consider requests for site visits by NHO during the controlled excavations in order to allow visitors to observe the work. All visitors shall be required to follow the construction contractor's safety instructions and Personal Protective Equipment shall be required. MCB Hawaii shall inform NHO of the start of archaeological data recovery and testing within 30 calendar days of the archaeological contract award.
- ii. Excavation is expected to take place between April 2015 and September 2016. Within 30 calendar days of receipt of the start of archaeological data recovery, NHO shall notify MCB Hawaii if they wish to make site visits during the fieldwork and/or if significant artifacts or features are encountered. This notification shall be sent to one of the MCB Hawaii Cultural Resources Managers at [june.cleghorn@usmc.mil](mailto:june.cleghorn@usmc.mil) or via phone at (808) 257-7126 or [coral.rasmussen@usmc.mil](mailto:coral.rasmussen@usmc.mil) or via phone at (808) 257-7134.
- iii. If significant artifacts or features are encountered, NHO (who have made notifications per subsection ii. above) will be notified within 48 hours of the discovery and given an opportunity for a site visit prior to recovery of the artifacts or features. Responses to notification must be made within 48 hours of notification, and site visits will be allowed within fifteen calendar days of notification.

## 3) Controlled Excavation and Data Recovery—Reporting

- i. The archaeological contractor shall summarize the results of the data recovery in an end of fieldwork letter report, and a draft and final report, for submittal to MCB Hawaii after which each shall be shared with the Signatories and concurring parties.
- ii. End of Field Report will be submitted within 15 calendar days of completing fieldwork.
- iii. Draft report will be submitted to MCB Hawaii within 60 calendar days of completing fieldwork. Comments from the Signatories and concurring parties regarding the draft report shall be provided to MCB Hawaii within 30 calendar days of the receipt of the report in order to be considered for the final report. MCB Hawaii will consider all timely comments in preparing the final report.
- iv. Final Report will be submitted within 15 calendar days upon receiving government comments.

- v. The data recovery contract and work plan will be developed to accommodate site visit requests explained in subsection ii.

B. Archaeological monitoring during construction

- 1) Per Stipulation V.D. of the July 2012 PA, MCB Hawaii shall ensure that archaeological monitoring of construction activities and all ground disturbance for the undertaking will be carried out by or under the direction of an Archaeologist who meets the professional qualifications for Archaeologist under the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Federal Register Vol. 62, No. 119, pp. 33712-33714, 1997).
- 2) Within 15 calendar-days prior to the start of any ground disturbing activities for the construction of facilities for the second MV-22 squadron, a cultural brief will be provided for the construction contractor. MCB Hawaii shall ensure that the construction contractor, including the construction crews, is briefed on the cultural significance of Site 4933 and Site 5829 as well as procedures for inadvertent discoveries of historic properties and NAGPRA cultural items.

C. Hangar Design. As noted above, as mitigation for potential visual effects to the Historic Aviation District and NHL, MCB Hawaii will design the new MV-22 hangar with architectural features sympathetic to the character defining features of the hangars within the District and NHL. Doors and fenestration shall be designed consistent with the design of the adjacent historic hangars such that these features would not detract from the visual quality of the historic hangars.

II. DISCOVERIES. If during the performance of the Undertaking, previously unidentified historic properties are discovered within the APE, or previously unanticipated effects occur to known historic properties within the APE, the provisions in the July 2012 PA, specifically Stipulation VIII of the PA, shall be followed.

In addition to the Stipulations of the PA, in the event that findings occur that would lead to significant impacts if the project were to continue, consultation with NHO and SHPO would be reinitiated to examine archaeological findings and consider mitigation possibilities.

III. RESOLVING OBJECTIONS. Should a Signatory or Concurring Party to this MOA object in writing to MCB Hawaii regarding the manner in which the terms of this MOA are carried out, the provisions in the July 2012 PA, specifically Stipulation XI of the PA (Dispute Resolution), shall be followed.

IV. AMENDMENTS AND TERMINATION. Only the Signatories (SHPO, MCB Hawaii, and ACHP) may propose to amend or terminate this MOA. Should any Signatory propose to amend or terminate this MOA, the provisions in the July 2012 PA,

specifically Stipulation XII of the PA (Amendments and Termination), shall be followed.

V. DURATION. This MOA shall expire five (5) years from the date of its execution, or when all the Mitigation Measures listed in Stipulation I are completed (whichever occurs first); or if terminated pursuant to Stipulation IV. MCB Hawaii will provide written updates to signatories and concurring parties every two years or until the MOA has expired or been terminated.

VI. ANTI-DEFICIENCY. MCB Hawaii's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act and will be followed pursuant to Stipulation XIII (Anti-Deficiency) in the July 2012 PA.

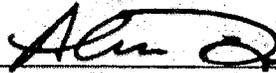
VII. EXECUTION. Execution of this MOA by MCB Hawaii, SHPO, and the ACHP and implementation of its terms evidence that MCB Hawaii has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

**MARINE CORPS BASE HAWAII, KANEOHE**

By: EW84 Date: 6 FEB 2015  
E. W. Schaefer  
Colonel, U. S. Marine Corps  
Commanding Officer

STATE HISTORIC PRESERVATION OFFICER

By:  Date: 3.12.15  
Dr. Alan S. Downer  
Deputy Hawaii State Historic Preservation Officer  
Department of Land and Natural Resources

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 03/27/15  
John M. Fowler  
Executive Director

**CONCURRING PARTIES:**

**HISTORIC HAWAII FOUNDATION**

By: *Kiersten Faulkner* Date: Mar. 6, 2015  
Kiersten Faulkner  
Executive Director

**NATIONAL TRUST FOR HISTORIC PRESERVATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Elizabeth Merritt  
Deputy General Counsel

**OFFICE OF HAWAIIAN AFFAIRS**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kamana'opono M. Crabbe  
Ka Pouhana, Chief Executive Officer

**DIAMOND 'OHANA**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ah Lan Diamond

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard Likeke Papa

**OLDS 'OHANA**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Nalani Olds

PAOA/KEA/LONO 'OHANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Donna Kamehaiku Camvel

KEKO'OLANI 'OHANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Terrilee Keko'olani Raymond

PAIK 'OHANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Linda Kaleo Paik

'OHANA KEAWEAMAHI

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ka'anohe Kaleikini

'OHANA NAIHE

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kekaimalino Kimball Ka'opio

'OHANA KAPU

By: \_\_\_\_\_ Date: \_\_\_\_\_  
JR Keonekapu Williams

‘OHANA HUIHUI

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Norman Caceres

‘OHANA KELI’INOI

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kalahikiola Keli’inoi

‘OHANA KALEIKINI

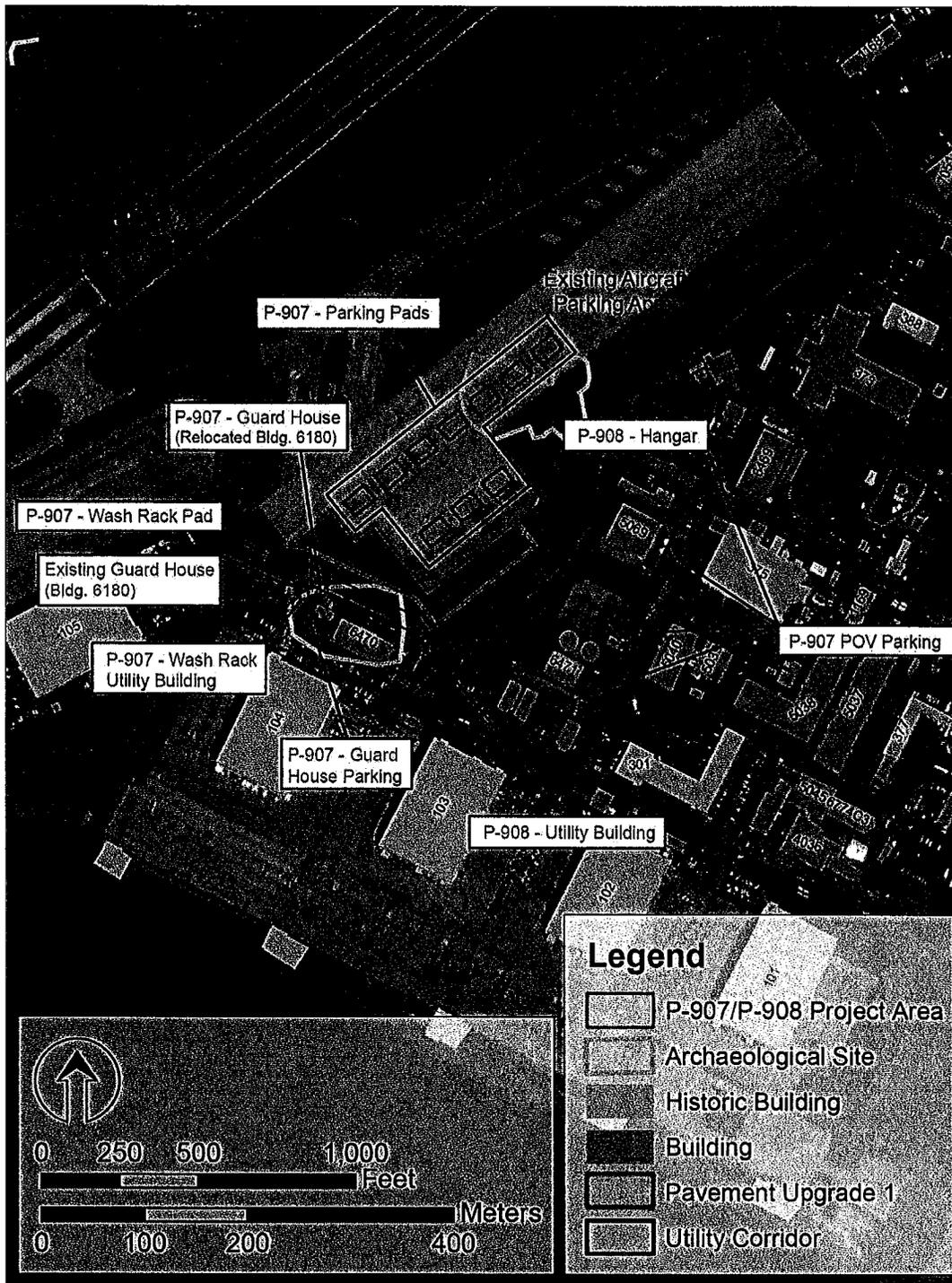
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kala Wa’ahila Kaleikini

‘OHANA KAWAINUI

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Aliikaua Keawenuiaumi Kawainui Kaleikini

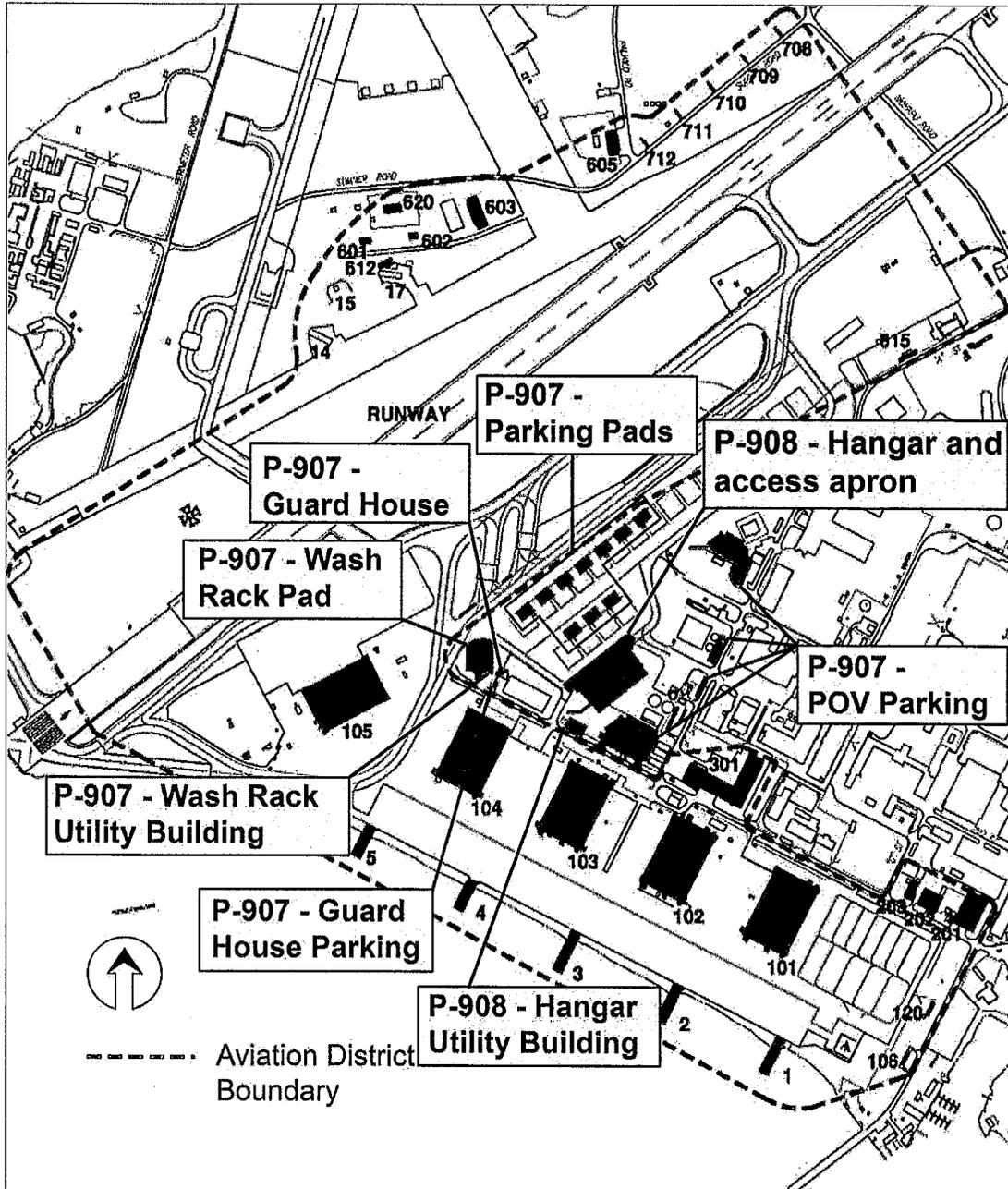
### Exhibit 1

Project footprints within Sites 4933 and 5829



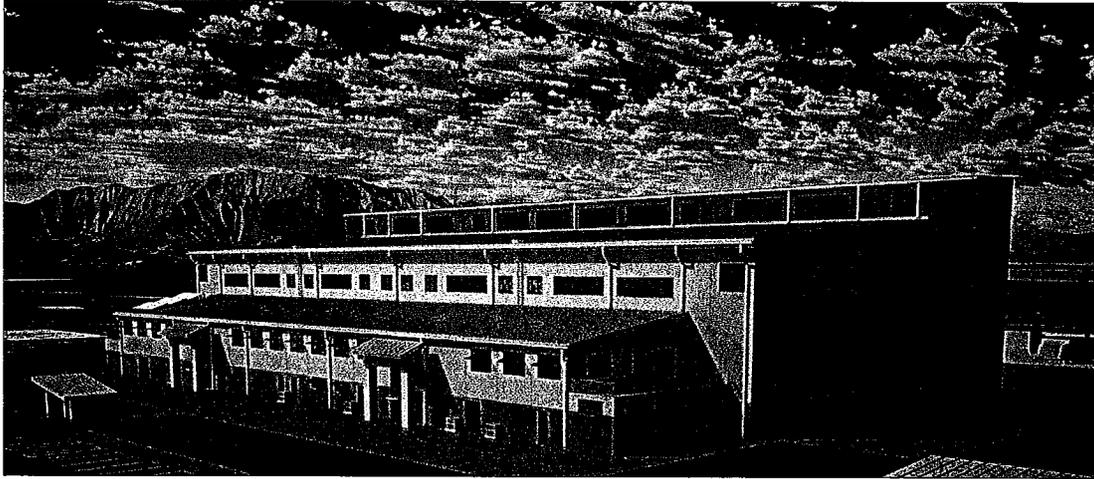
### Exhibit 2

Undertaking proximity to the Historic Aviation District



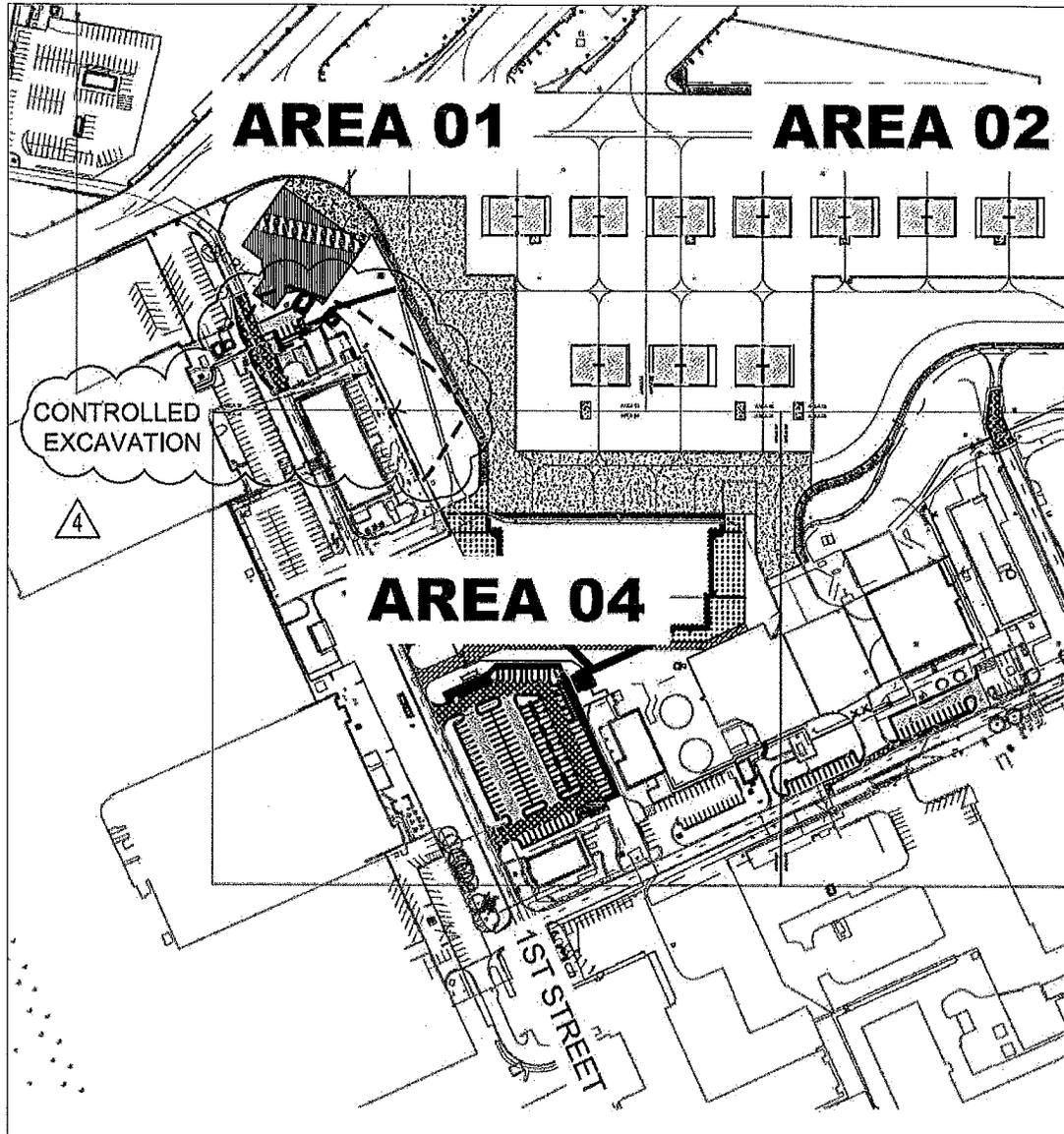
### Exhibit 3

Hangar redesign with straight roof lines



**Exhibit 4**

Potential controlled excavation/data recovery area for P-907-P-908 within Site 5829



### Exhibit 5

Planned utilities within Site 5829

