

Section 106 Summary for Hawaiian Islands Humpback Whale National Marine Sanctuary

As of 04/28/15

Introduction:

Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) requires that Federal agencies take into account the effects of their undertakings on historic properties eligible for or listed on the National Register of Historic Places, and afford the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Division an opportunity to comment on projects. Specifically, the agency is required to:

- Make a reasonable and good faith effort to identify historic properties;
- Determine whether identified properties are listed on or eligible for listing on the National Register of Historic Places;
- Assess the effects of the undertaking on any eligible or listed historic properties identified;
- Avoid or mitigate any adverse effects when possible.

Guidance for the Review:

Guidance for this process is provided by the Advisory Council on Historic Preservation documents, in particular:

Consultation with Native Hawaiian Organizations in the Section 106 Review Process: a handbook (2011);
<http://www.achp.gov/Native%20Hawaiian%20Consultation%20Handbook.pdf>

and

NEPA and NHPA, a Handbook for Integrating NEPA and Section 106 (2013).
http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

Guidance has also been provided to the Sanctuary by: State Historic Preservation Division (SHPD); Advisory Council on Historic Preservation (ACHP); NOAA Office of National Marine Sanctuaries; and National Register for Historic Places (NRHP).

Consultation and Public Input:

The Sanctuary initiated engagement with consulting parties beginning in September 2012. Initial consultations with parties were conducted in April, 2015. Access to the Draft Environmental Impact Statement/Draft Management Plan (DEIS/DMP), and a guidance document for facilitating the Section 106 review process, and a working list of

identified potential properties within the proposed sanctuary, was provided to all consulting parties.

Public input regarding historic properties and potential impacts is encouraged at each of the scheduled public hearings, as well as by written letters or online comments, (<http://hawaiihumpbackwhale.noaa.gov/>), or through email by contacting Sanctuary staff (hans.vantilburg@noaa.gov). Letters regarding historic properties and potential effects may be sent to:

Hans Van Tilburg HIHWNMS
1845 Wasp Blvd., bldg. 176
Honolulu HI 96818

Additional consultation with identified parties and additional public input is welcome through the DEIS/DMP comment period ending June 19.

Identifying Historic Properties:

Sanctuary staff, in coordination with consulting parties, have compiled a working list of potential historic properties from existing databases, research at local archives, SHPD library, etc. The current working list of potential historic properties includes:

- Defensive WWII shoreline structures
- Hawaiian fishpond sites
- Shoreline archaeological features and habitation sites
- Submerged shipwrecks and aircraft
- Wharves, piers, landing areas—harbors exempted
- Seawalls, jetties, groins
- State/national registry sites

Properties for consideration must be within the Area of Potential Effect or proposed boundaries of the federal undertaking. For Section 106 review purposes, this Area of Potential Effect is based on the most expansive proposed alternative, and not just the preferred alternative, as described in the Sanctuary's DEIS/DMP.

Assessing Potential Effects and Mitigation:

Possible impacts to historic properties, as well as potential mitigation measures, are currently under discussion with identified consulting parties. The preliminary determination for effects to historic properties is "no adverse effects." However, the consultation and review process is still underway. Compilation of comments and concerns regarding possible impacts to historic properties is ongoing throughout the public comment period ending June 19.

Notice to the State Historic Preservation Division and the Advisory Council on Historic Preservation:

Following the assessment of historic properties, assessment of effects, and assessment of possible mitigation measures, the Sanctuary will provide all consulting parties summary documentation, and the final determination will then be provided to the State Historic Preservation Division (SHPD) and to the Advisory Council on Historic Preservation (ACHP) for review. The final determination of effects to historic properties will then be included in the final DEIS/DMP.