

**From:** Katkow, Mark CIV 25ID L OSJA [mark.katkow@us.army.mil]  
**Sent:** Monday, July 24, 2006 12:08 PM  
**To:** Lance M. Foster  
**Cc:** vhauser@achp.gov; PeterYoung@hawaii.gov; Lucking, Laurie USAG USAG HI DPW; MacDonell, George H USAG HI DPW; smvl520@aol.com; Chris.M.Monahan@hawaii.gov; Killian, Howard J COL USAG HI CMD GRP; Robinette, James H LTC DIV L 25 SJA; Borne, Ronald CIV USAG HI TRANSFORMATION; Kai Markell; vhauser@achp.gov; Godfrey, Joel E CIV USAG HI DPW; Char, Alvin L CIV USAG HI DPW  
**Subject:** FW: Fwd: Breach of site buffer at Haleauau Heiau  
**Signed By:** mark.katkow@us.army.mil

Mr. Foster,

I am sending this note at the request of COL Killian.

We are currently looking into the issues raised below. COL Killian has directed that UXO clearance-related activities temporarily cease in the Schofield BAX area until he authorizes otherwise.

As you may or may not know, COL Killian and selected Army representatives are scheduled to meet tomorrow with Mr. Lenchanko and members of Kahunana and the cultural monitoring team to discuss these issues. It is my understanding that Mr. Markell of OHA has generally attended prior such meetings. We would welcome your attendance as well if you think it would be helpful to a better understanding of the issues. The meeting will be at 5 PM, Tuesday, 24 Jul, in the garrison Conference Room, Building 580, Schofield Barracks.

I have tried to cc most of the individuals on your original note below, but I don't have e-mail addresses for some of them.

Please feel free to contact me at either of the numbers below if you would like to discuss further.

Thank you.

V/R

Mark Katkow

*Mark J. Katkow*  
Mark J. Katkow  
Attorney Advisor  
25th ID & US Army, Hawaii  
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**From:** Killian, Howard J COL USAG HI CMD GRP  
**Sent:** Monday, July 24, 2006 9:11 AM  
**To:** Katkow, Mark CIV 25ID L OSJA  
**Subject:** FW: Fwd: Breach of site buffer at Haleauau Heiau

Mark,

7/25/2006

FYI.

V/R

H. Killian  
COL, AV  
Commanding  
USAG-HI

---

**From:** Lance M. Foster [mailto:lancef@oha.org]  
**Sent:** Monday, July 24, 2006 9:09 AM  
**To:** Leimaile Quitevis; Killian, Howard J COL USAG HI CMD GRP  
**Cc:** vhauser@achp.gov; PeterYoung@hawaii.gov; Lucking, Laurie USAG USAG HI DPW; MacDonell, George H USAG HI DPW; Chris.M.Monahan@hawaii.gov; Kai Markell; Jesse Yorck; kaiini\_kaloi@ios.doi.gov; smvl520@aol.com; Kamoia Quitevis; Mona Bernardino; Clyde Namuo  
**Subject:** RE: Fwd: Breach of site buffer at Haleauau Heiau

I think we need to look at litigation at this point, and I would recommend such. Indeed, it is too bad it has come to this, despite all our best efforts. Perhaps not all of the military's management levels are aware of the situation, but this has been going on for some time, with violation after violation of the law, in spirit and in substance. The NHHPC meeting is today, and hopefully they will come up with the same recommendation. Apparently, "making nice" is not worth much more than a pot of beans, even when it comes to following agreements.

Lance M. Foster  
Director of Native Rights, Land, and Culture  
Office of Hawaiian Affairs (OHA)  
711 Kapi`olani Blvd., Suite 500  
Honolulu, HI 96813  
Phone: (808) 594-1888; Fax: (808) 594-1865  
Email: lancef@oha.org

-----Original Message-----

**From:** Leimaile Quitevis [mailto:leimaile2@yahoo.com]  
**Sent:** Monday, July 24, 2006 5:00 AM  
**To:** howard.killian@us.army.mil  
**Cc:** vhauser@achp.gov; PeterYoung@hawaii.gov; Laurie.lucking@us.army.mil; george.macdonell@us.army.mil; Chris.M.Monahan@hawaii.gov; Kai Markell; Jesse Yorck; Lance M. Foster; kaiini\_kaloi@ios.doi.gov; smvl520@aol.com; Kamoia Quitevis  
**Subject:** Re: Fwd: Breach of site buffer at Haleauau Heiau

Aloha Col. Killian,

On Saturday July 22 ZAPATA Engineering Bull Dozed through protective measures we set up with DPW through Haleauau. I am Begging you to please contact ZAPATA and STOP WORK on the BAX ASAP, until we meet with you because they are not following the Historic Preservation Plan. Please call their office today. I cannot provide you with a field number at this time however Kamoia will be on the BAX project at 5 am this morning and will be able to assist you with that information and or any other information you may need. You can reach him at 227-6635.

FYI I contacted ACHP early this morning via phone. They are very concerned will be

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investigating this matter.

We also would like to know where SHPO and OHA stands on this matter and what kind of action we can take to stop the blatant disregard of the Historic Preservation Plan.

Evidence in the form of photo's will be following this email.

Mahalo Nui Loa,  
Leimaile Quitevis  
Cel: 222-5586

*Kamoa Quitevis <kamoa\_q@yahoo.com>* wrote:

*Kamoa Quitevis <kamoa\_q@yahoo.com>* wrote:

Date: Sat, 22 Jul 2006 21:35:58 -0700 (PDT)

From: Kamoa Quitevis <kamoa\_q@yahoo.com>

Subject: Breach of site buffer at Haleauau Heiau

To: howard.killian@us.army.mil, vhauser@achp.gov, PeterYoung@hawaii.gov,  
chambrelladj@schofield.army.mil,

Cassidy <cdebaker@garciaandassociates.com>,

"Shaw, Christi A POH" <Christi.A.Shaw@poh01.usace.army.mil>,

'Laurie Lucking' <laurie.lucking@us.army.mil>,

"MacDonell, George H USAG HIDPW" <george.macdonell@us.army.mil>,

'David Byerly' <triple\_archaeo\_b@yahoo.com>, Chris.M.Monahan@hawaii.gov

CC: alvin.char@us.army.mil, joel.godfrey1@us.army.mil,

'Mike Desilets' <mdesilets@garciaandassociates.com>,

'John Peterson' <jpeterson@garciaandassociates.com>

Aloha Kakou,

This email is regarding continued violations on the SBCT BAX Construction project. The new schedule that was implemented today July 22, 2006 has already caused unnecessary impacts to our Traditional Cultural Properties. The allows us only three opportunities to inspect the work of the entire 12 hour work day, I do not consider this monitoring. The three access periods are dictated by ZAPATA Engineering, and are as follows, once in the morning, once at lunch and once at the end of the day when UXO teams are no longer intrusive. Today at 12pm we were allowed 23 minutes to inspect the work that had taken place in the previous six hours. At this time we discovered that UXO Team #2 had bulldozed across a site buffer that was put in place as a site protective measure for site 200 and 215 (Haleauau Heiau). Numerous boulders and cobbles were pushed over the fence knocking it down in several places. The debris was pushed only a few meters away from the slope where the highly sensitive Haleauau Heiau is located. The site buffer that was implemented by DPW only encompassed known surface features. The probability of unrecognizable surface features and buried subsurface features is extremely high given the close proximity to the Heiau. Because of the dictated schedule that was forced upon us there was no Kia'i (Cultural monitor) present when this violation took place, therefore it is unclear if any surface or subsurface Cultural Properties were impacted. If site protective measures are so easily breached by contractors, than they can not provide protection and are not sufficient. If Kia'i (cultural monitors) were allowed to monitor all earth disturbing activities on the SBCT BAX Construction Project as it is required by the SBCT Programmatic Agreement, than this

incident would have been avoided. The lack of monitoring on this project makes it impossible to identify any concerns until after impacts have already occurred. There are several violations that have occur on this project that continue to jeopardize our cultural properties and warrant the immediate halt of any further work until such time that these violations have been corrected.

- Construction commenced June 24, 2006 before a Site Protection Plan was completed. To my knowledge only a draft plan exists at this time.
- Construction also started with out any site protective measures in place and the protective measures outlined in the draft Site Protection Plan have still not been completely implemented.
- There was no consultation with Kahunana, Aha Kukaniloko/Koa mana or OHA regarding Proposed Site Protection Plan. This incident emphasizes the fact that the proposed protective measures are inadequate.
- Intrusive activities for this project have occurred outside of the proposed construction footprint. The site protection plan is created to protect sites within the vicinity of the construction footprint. If earth disturbance happens outside of the construction footprint, then negative impacts to TCP's are inevitable.
- Cultural monitors have not been allowed adequate access to monitor the earth disturbing activities for this construction project. This is in direct conflict with the SBCT Programmatic Agreement.

The disregard of the SBCT Programmatic Agreement has already disturbed Traditional Cultural Properties and threatens all other TCP's that are located within the vicinity of all proposed SBCT Transformation Projects. It is our gravest concern that these destructive activities will continue to negatively impact our TCP's and we ask for your immediate assistance in protecting them.

Mahalo,  
Kamoa Quitevis  
Alakai ame Kia'i oKahunana

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## Documentation of Activities Regarding Fuel Break Road

### **April 20-21 2006:**

- DPW Environmental Cultural Resources Section which included George MacDonell, Laura Gilda and Christophe Descantes initiated the Fuel Break Road Survey. This survey was coordinated with Schofield Barracks Range Control and Parson's and occurred between 0800-1500 both days.
- Kia'i (Cultural Monitors) were not included in survey again.

### **May 26, 2006**

- Army EOD did UXO Demo of 7 items found on proposed Fuel Break Rd.

### **May 29<sup>th</sup> 2006, Monday**

- Range Maintenance started clearing proposed Fuel Break Road, ZAPATA refused to monitor as they were clearing because it was too overgrown. At that point Range Maintenance ceased earth disturbing activities.

### **May 30<sup>th</sup> 2006, Tuesday**

- Range Maintenance resumed earth disturbing activities with DEI UXO Tech support.
- Kamo'a Quitevis went to proposed Fuel Break Road and found that earth disturbing activities had commenced, at this point he called George MacDonell of DPW and Cassidy DeBaker of GANDA and informed them that he would be monitoring earth disturbing activities on Fuel Break Rd.

### **June 2<sup>nd</sup> 2006, Friday**

- Kamo'a Quitevis noticed that Dozer was heading into areas that were undisturbed and not flagged with survey tape and informed Range Maintenance that they had to follow the flagging that marked the existing road because that area had been previously surveyed for UXO and Archeological Resources.
- Consultation letter Dated & signed

### **June 6<sup>th</sup> 2006, Tuesday:**

- Range Maintenance continued to clear proposed Fuel Break Road until they ran out of flagging which determined the boundaries and path of proposed road.
- DPW was called for guidance and direction
- George MacDonell of DPW arrived and informed us (Range, DEI and myself) that they had only surveyed up until this point.
- My first question was how could construction for this road start when the survey wasn't complete?
- George and DEI went to survey and find a route
- I called Laurie and informed her of the situation and let her know that a quick walk in the country does not constitute a survey.
- More than 2,300 Meters of proposed road had been cleared
- Received Consultation letter via mail

### **Concerns regarding consultation letter:**

- Signed and sent out after clearance began and near possible completion with no regard for meaningful consultation. Road Clearance commenced without completed rd. survey, clear designated route and most importantly consultation.

- By the time that Consultation letter was received Range Control had already cleared over 7,000 ft. of the proposed Fuel Break rd.

**June 7, 2006 Wednesday**

- George, Christoff and Dave Cox of DPW arrived at approximately 8:00am, at this time Kamoia and expressed our concerns regarding the time line of activities regarding Fuel Break Road Consultation process.
- Recommended that all intrusive activities until meaningful consultation and survey are completed.
- Kamoia, DPW and DEI went in search of pre-existing roads per consultation letter.
- All intrusive activities ceased per Col. Killian

## **Daily Monitoring Schedule SB BAX Construction (UXO clearance)**

Contact No. DACA-83-03-D0017, Task Order No. 0014

The following schedule has been set in an attempt to provide archaeological and cultural monitors the opportunity to conduct regular monitoring inspections during UXO clearance activities at Schofield Barracks Battle Area Complex. The below schedule was formulated during the July 18<sup>th</sup> 2006 coordination meeting between Zapata Engineers, USAG-HI, Environmental Division (DPW), US Army Corps of Engineers, and Garcia and Associates.

### **Saturday and Sunday's (5am to 5pm):**

- 5:00 am Zapata safety brief followed by cultural monitor opening pule.
- Following the pule (around 5:30 am), archaeological and cultural monitors will have approximately 45 minutes of range access for monitoring. Monitors may stage at the 650 ft exclusion boundary until the break of daylight when Zapata will notify (via radio) and permit entrance onto the range. During this time Zapata technicians will be setting up equipment and preparing for UXO clearance activities.
- Following the first monitoring inspection, archaeological and cultural monitors will not be granted range access until 12:00 am, unless coordinated in advance with Zapata. Monitors must remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.
- At 12:00 am archaeological and cultural monitors will have 30 minutes of range access for monitoring. Zapata technicians will have a 30 minute lunch break (12:00-12:30 pm) in which no UXO clearance activities will be conducted.
- Following the second monitoring inspection, archaeological and cultural monitors will not be granted range access until Zapata teams are called in from the range for the day (around 4:15 pm) or coordination is made with Zapata in advance. Monitors will remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.
- At this time (around 4:15 pm) when Zapata clears the range, monitors will have access to the range for monitoring until 5pm when the GANDA work day is over.

### **Monday's (5am to 1pm):**

- 5:00 am Zapata safety brief followed by cultural monitor opening pule.
- Following the pule (around 5:30 am), archaeological and cultural monitors will have approximately 45 minutes of range access for monitoring. Monitors may stage at the 650 ft exclusion boundary until the break of daylight when Zapata will notify (via radio) and permit entrance onto the range. During this time Zapata technicians will be setting up equipment and preparing for UXO clearance activities.
- Following the first monitoring inspection, archaeological and cultural monitors will not be granted range access until the lunch break, unless coordinated in advance with Zapata. Monitors must remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.
- At lunch time (currently undecided) archeological and cultural monitors will have 30 minutes of range access for monitoring. Zapata technicians will have a 30 minute lunch break in which no UXO clearance activities will be conducted.
- Following the second monitoring inspection, archaeological and cultural monitors will not be granted range access until Zapata teams are called in from the range for the day (around 12:15 pm) or coordination is made with Zapata in advance. Monitors must remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.

- At around 12:15 pm when Zapata clears the range, monitors will have access to the range, but must be clear before 1pm at which time the range will be used for live fire training activities.

**Tuesday's (5am to 1pm):**

- 5:00 am Zapata safety brief followed by cultural monitor opening pule.
- Following the pule (around 5:30 am), archaeological and cultural monitors will have approximately 45 minutes of range access for monitoring. Monitors may stage at the 650 ft exclusion boundary until the break of daylight when Zapata will notify (via radio) and permit entrance onto the range. During this time Zapata technicians will be setting up equipment and preparing for UXO clearance activities.
- Following the first monitoring inspection, archaeological and cultural monitors will not be granted range access until the lunch break, unless coordinated in advance with Zapata. Monitors must remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.
- At lunch time (currently undecided) archeological and cultural monitors will have 30 minutes of range access for monitoring. Zapata technicians will have a 30 minute lunch break in which no UXO clearance activities will be conducted.
- Following the second monitoring inspection, archaeological and cultural monitors will not be granted range access until Zapata teams are called in from the range for the day (around 11:15 pm) or coordination is made with Zapata in advance. Monitors must remain at one of two locations: (1) the CP or (2) the 650 ft exclusion boundary.
- At around 11:15 pm when Zapata clears the range to begin demolition activities, monitors will not have access to the range until the following workday. Beginning at 1pm the range will be used for live fire training activities.



**From:** Leimaile Quitevis [leimaile2@yahoo.com]  
**Sent:** Friday, June 30, 2006 6:55 PM  
**To:** howard.kilian@us.army.mil; kaiini\_kaloi@ios.doi.gov; vhauser@achp.gov; PeterYoung@hawaii.gov; Haunani Apoliona; Kai Markell  
**Cc:** Lenchanko, Tom; kamoq@yahoo.com; leimaile2@yahoo.com; kalimapau@hotmail.com; KEONAHLEIWA@aol.com; laiekupuna@yahoo.com; koolaupokohcc@hotmail.com; popskamakakehaukcelc@msn.com; smvi520@aol.com; kaimi@lava.net; laurie.lucking@us.army.mil; George H USAG HI DPW MacDonell; Glen Kila; alikane808@aol.com; ke\_ala\_nei@yahoo.com; makinuproud@aol.com; daniel\_au@notes.k12.hi.us; Veronica Kaleiupu; starfirewon@aol.com  
**Subject:** SBCT BAX Construction

Aloha Col. Killian,

Aloha and mahalo nui loa for giving the directive which ultimately resulted in a very important meeting to discuss and gain support for monitoring initiatives. The meeting objective as we understood was to coordinate scheduling and support of monitoring & site protection initiatives. We are truly thankful for the opportunity to address very important monitoring matters such as access to the project area, confirmation of a UXO escort, a higher frequency of monitoring and initiating site protection measures ahead of construction. However, we still need to address these following *critical issues* such as the initiation of construction without the following; 1) Site Protection Plan 2) Site Protection measures in place and; 3) Substantive Consultation.

At the beginning of the meeting we stated very clearly that we were in attendance per our role as Cultural Monitors/Liaisons to the Native Hawaiian Community, as defined in the SBCT Programmatic Agreement. In this capacity we expressed the concerns of community members who recommended that all intrusive activities on the SBCT BAX Construction cease until such time that the Site Protection Plan/Site Protection measures are in place and substantive consultation is implemented. While the agenda of today's meeting is a welcomed step in the right direction, we need to stage the platform for which the *critical issues* mentioned above are appropriately addressed with the responsible participants necessary to ensure that Section 106 is implemented in accordance with SBCT Programmatic Agreement.

The consultation process is essential to compliance of the SBCT PA and the intent of Section 106. This process is in place to preserve and protect our historical sites and National Treasures, when we deviate from the process we cannot expect preservation and protection to occur.

Again, we express our sincere and heartfelt appreciation of your *DIRECTIVE and the support of the following persons:*

Anna Mallon - Environmental Specialist Transformation Division  
 William Rogers - Environmental Specialist Transformation Division  
 Larry Kawasaki - Core of Engineers Program Manager for Transformation  
 Frank Raby - Head of Operations for Range Control  
 Victor Gora - Head of Range Control  
 Ken Torre - Range Control  
 Laurie Lucking - Cultural Resource Manager DPW Environmental  
 George McDonnell - Archaeologist DPW Environmental

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Steve Lai - DPTM Range Div.  
Mark Katkow - Staff Judge Advocate for Transformation office  
Mike Winningham – ZAPATA Engineering Project Manager

We respectfully request that a meeting with Col. Killian be convened to address the *critical issues* as mentioned in this correspondence. And, it is imperative that there be adequate representation from Aha Kukanihoko/Koa Mana, Office of Hawaiian Affairs, and Kahunana (families of the land).

Should you require additional information and or clarification regarding these matters the point of contact is Leimaile Quitevis (808)222-5586 ([Leimaile2@yahoo.com](mailto:Leimaile2@yahoo.com) or Kamoia Quitevis (808)227-6635 ([kamoia\\_q@yahoo.com](mailto:kamoia_q@yahoo.com)).

Mahalo,

Kamoia & Leimaile Quitevis  
Na Alaka'i ame Kia'i o Kahunana

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Do you Yahoo!?  
Next-gen email? Have it all with the all-new Yahoo! Mail Beta.

**From:** Leimaile Quitevis [leimaile2@yahoo.com]  
**Sent:** Wednesday, June 28, 2006 6:49 PM  
**To:** Lenchanko, Tom; howard.kilian@us.army.mil; vhauser@achp.gov; PeterYoung@hawaii.gov; Haunani Apoliona; kaiini\_kaloi@ios.doi.gov; Kai Markell  
**Cc:** kamo\_a\_q@yahoo.com; leimaile2@yahoo.com; kalimapau@hotmail.com; KEONAHALEIWA@aol.com; laiekupuna@yahoo.com; koolaupokohcc@hotmail.com; popskamakakehaukcelc@msn.com; smv1520@aol.com  
**Subject:** Serious Concerns Regarding Violations of SBCT BAX Construction

Aloha Kakou,

Subject: Serious concerns regarding violations of historic and sacred sites, resulting from the lack of Site Protection Plan, physical site protection measures and monitoring during intrusive activities on the SBCT Construction for the Battle Area Complex(BAX).

It has become evident to us that compliance of the SBCT Programmatic Agreement and guidelines set forth in Section 106, as well as the required Scope of Work/Task Orders and Cultural Monitoring Plans have no real standing or value in the SBCT Transformation. As this letter is being written intrusive activities are taking place on the BAX with out any site protection measures or monitoring.

The following activities and violations as well as supporting documentation that apply to them have confirmed the aforementioned statement:

- Unfortunately, monies for UXO Escort which Cultural/Archaeological monitors are required to have if they are to gain access to Range have been disallocated. Monitors are not allowed onto the Range without an escort. Therefore, lack of an escort for monitoring initiatives is a failure to honor and comply with various sections of the SBCT Programmatic Agreement, BAX Construction SOW, Cultural Monitoring Plan and other documentation that apply.
- Having no site protection plan in place prior to construction and no monitoring on a project that has identified over **165 artifacts** and at least **65 documented** cultural sites which meet the criteria of the National Register of Historic Places (NHRP) is a disgrace to Historic Preservation Process and is clearly in BREACH of the SBCT Programmatic Agreement.
- BAX Construction project has commenced with intrusive activities prior to the submittal of the 1<sup>st</sup> Draft of SBCT BAX Construction Site Protection Plan(SPP). When the 1<sup>st</sup> draft is submitted to the USAG-HI DPW Environmental Office it will go through an approval process, upon the completion of approval process it will then be subject to a 30 day consultation process. At the end of 30 day consultation process DPW representatives will consider recommendations made by consulting parties which may alter the content of Final Site Protection Plan. This process will take over a month to complete. How meaningful is consultation when the project is already moving full speed ahead? How much damage and desecration will occur by the time the BAX Construction Site Protection Plan is completed and in place? And how do we preserve and protect sites in this highly significant and sensitive area when the laws and guidelines for Historic Preservation are being ignored.
- The high risk of desecration to sacred and historical sites compels us to recommend all intrusive and earth disturbing activities on the SBCT BAX Construction Project cease until the Site Protection Plan for this project is completed and full compliance of the SBCT Programmatic Agreement is met.

Timeline of Activities & Communications regarding SBCT BAX Construction

- On June 16th we were informed by a ZAPATA Representative that there was no money in the BAX Budget for a UXO Escort to support monitoring initiative. At that point DPW representatives George MacDonell & Laurie Lucking were informed, their reply was that they were not aware of this and that they would get on this right away and confirmed that they would get an escort before project started either from D.E.I. or ZAPATA. Needless to say project started without an UXO escort and therefore without cultural/archaeological monitoring.

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- On Tuesday June 13<sup>th</sup> Garcia & Associates(GANDA) project director notified Cultural Field Director via email which has been pasted below: BAX  
schedule According to Mike Winningham (Zapata Project Manager) the schedule for UXO field work will be:

June 25<sup>th</sup>-September 28<sup>th</sup> 2006

Sat-Sun 5:30-4:30 (11 hr days)

Mon-Tues 5:30-3:00 (9.5 hr days) Friday June 23 will be an in-field meeting from 8-12 am. Saturday June 24<sup>th</sup> Survey team will be staking grids-no arch or cult-no intrusive work.

Sunday June 25<sup>th</sup> Start of UXO Clearance (David Byerly-arch) Any Zapata work activity prior to June 25<sup>th</sup> is for setting up the work site with equipment and trailers.

- On Friday June 23<sup>rd</sup> Cultural and Archaeological Field Directors attended a meeting for BAX Construction/UXO Clearance, where they were ensured that no intrusive work would take place until Monday June 26<sup>th</sup> by Mike Winningham.
- In reality, intrusive activities which includes grading, grubbing and UXO Clearance for roads and target emplacements for BAX Construction/UXO Clearance started on June 24<sup>th</sup> with out monitoring or a Site Protection Plan or Protective Measures in place.
- On Sunday June 25<sup>th</sup> Kia'i (Cultural Monitor) arrived at project area to receive Safety Briefing, he was informed that they were cutting grass, he requested access to project in an effort to monitor and assess intrusive activities. Contractor refused his request because he didn't have an UXO escort.
- Monday June 26<sup>th</sup> Kia'i (Cultural Monitor) and Archaeological Monitor requested to review work completed over the weekend. They were afforded a 15 minute drive through area of impact. At which point they discovered that bull dozing had taken place in several areas both inside and outside of construction foot print. Intensive intrusive work had occurred moving substantial amounts of earth. Some of the area's that were cleared are located within close proximity of documented sites. At this time we cannot be certain something hasn't already been impacted. Monitors informed ZAPATA Project Manager and Senior UXO officer that they were awaiting the next available opportunity to monitor completed or ongoing intrusive work. They were not allowed back on the range for remainder of the day. At this point it's important to note that it is not ZAPATA's responsibility nor is it in their scope of work to provide an escort for monitoring initiative.
- Tuesday June 27<sup>th</sup> Kia'i(Cultural Monitor) and Archaeological Monitor requested access to monitor intrusive activities numerous times through out the day. In the eight hour work day they were only allowed two 15 minute periods to observe intrusive work.
- There is no guiding document in place which clearly establishes the minimum requirements for monitoring construction activities where Unexploded Ordinance is present. The minimum exclusion zone while working around UXO makes 100% monitoring impossible. Therefore we need to establish the frequency and duration monitoring will take place during this process.

Supporting Documentation:

**Scope of Work for Contract No. DACA83-03-D-0011, Task Order No. 0009 (Garcia and Associates, Inc) INTENSIVE SURVEY TO DETERMINE SIGNIFICANCE OF CULTURAL RESOURCES IN THE PROPOSED QUALIFICATION TRAINING RANGE-1 AND BATTLE AREA COMPLEX FOR THE STRYKER BRIGADE COMBAT TEAM (SBCT) AT SCHOFIELD BARRACKS MILITARY RESERVATION (SBMR) ISLAND OF O'AHU, HAWAI'I**

Section 5.2.3 The site protection plan during construction shall offer protection strategies (monitor during construction, establish physical barriers, etc.) for sites to be impacted by construction; at gulch crossings, during target placement, during grading and trenching, and during road construction.

- 2) **Have the plan(site protection plan) approved by the USAG-HI DPW Environmental Office prior to construction.**

**MEMORANDUM To Director, Ordnance and Explosives Directorate, (CEHNC-OE-DC) from Col. Killian** Re: Schofield Barracks Personnel Within the Exclusion Zone, QTR and BAX Clearance Project. This memo was included in Appendix A. or Site Protection Plan for UXO Clearing Activities in the QTR and BAX dated June 2005.

*"3. Pursuant to a Programmatic Agreement, signed by the Garrison Commander and executed on 30 January 2004, the Army agreed to complete the following cultural resources management actions: conduct archaeological survey to identify and evaluate historic properties prior to implementation of SBCT undertakings, conduct cultural monitoring, monitor all excavations associated with construction activities. Department of Army Civilians and government contractors will conduct these compliance actions."*

**Section III. E of the PA states:**

*The Installation, to show and understanding of the significance and respect properties of traditional religious and cultural importance, including burials and landscapes, play in the lives of Native Hawaiians, will work with a Cultural Monitor.*

- The challenges that we have faced in an effort to fulfill our role as Kia'i (Cultural Monitor) has lead us to believe that the installation never intended to fully comply with the guidelines set forth in the SBCT PA. (You will receive more on this matter at a later date)

**Section III. E.3 of the PA states:**

*During construction activities that are likely to impact properties of religious and cultural importance, the Cultural Monitor will be utilized to provide additional assurances to Native Hawaiians that properties of traditional religious and cultural importance are being properly treated. The Cultural Monitor will work closely with archaeologists to provide a liaison with Native Hawaiians when properties of traditional religious and cultural importance are discovered or inadvertently impacted, and assist in the identification and treatment of such sites.*

- At this time we are unable to assure the Native Hawaiian Community that properties of traditional religious and cultural importance are being treated properly because we are not afforded sufficient access or time to establish and implement Site protection measures for sites that may be effected by construction, nor are we afforded the opportunity truly assess the impact of daily intrusive activities, as outlined in

**Section V. (1) of the SBCT PA states:**

*The Installation will insure that all excavations conducted as part of construction projects associated with the conversion of the 2<sup>nd</sup> Brigade of the 25<sup>th</sup> ID (L), especially those in areas of high archaeological sensitivity, are monitored by an archaeologist and a Cultural Monitor in accordance with Stipulation III.D*

**SCOPE OF WORK For Contract No. DACA-83-03-D0011 Task Order 0014 (Garcia and Associates, Inc)  
CULTURAL RESOURCES MONITORING OF CONSTRUCTION OF THE SCHOFIELD BATTLE AREA  
COMPLEX FOR THE STRYKER BRIGADE COMBAT TEAM (SBCT) AT SCHOFIELD BARRACKS MILITARY  
RESERVATION (SBMR) ISLAND OF O'AHU, HAWAI'I**

Section 8.4 Rights of Entry. The Government shall be responsible for obtaining all rights-of-entry in the study areas. The Contractor however, shall consult and coordinate with the appropriate officers and offices, including Military Police and Range Control personnel and provide any documentation needed to facilitate the rights-of-entry (ROEs)

Once again we recommend that all activities on the SBCT BAX Construction Project cease until the Site Protection Plan for this project is completed and full compliance of the SBCT Programmatic Agreement is met. It is of the utmost importance that we get some kind of reply from all the agencies that this email is addressed to. In the spirit of Kukulukumuhana (the pulling of strengths) we must work collaboratively towards fulfilling our collective responsibilities and ensure that the guidelines set forth in the SBCT PA, Section 106, NHPA and all other Federal Preservation initiatives are implemented in a meaningful and substantive manner.

We look forward to your comments and your cooperation in this process. We offer our continual assistance in these and all other matters pertaining to Substantive Consultation as it relates to SBCT under the terms of the Programmatic Agreement. Should you require additional information regarding this matter the point of contact is Leimaile Quitevis, at (808)222-5586 ([Leimaile2@yahoo.com](mailto:Leimaile2@yahoo.com)) or Kamoia Quitevis, at (808)227-6635 ([kamoia\\_q@yahoo.com](mailto:kamoia_q@yahoo.com))

Mahalo,

7/25/2006