



National Science Foundation

December 11, 2023

Greetings,

The National Science Foundation (NSF) invites you to participate as a consulting party during Section 106 of the National Historic Preservation Act consultation regarding a potential future NSF investment in the construction and operation of the Thirty Meter Telescope (TMT). NSF initiated Section 106 consultation for this potential undertaking with the Hawai'i State Historic Preservation Division (SHPD) and concurrently published a *Notice of Intent to Prepare an Environmental Impact Statement and Initiate Section 106 Consultation* in the Federal Register (87 FR 43062) in compliance with the National Environmental Policy Act of (NEPA) and the National Historic Preservation Act of 1966, as amended (NHPA) on July 19, 2022. Two potential locations are under review for the TMT— Maunakea, Hawai'i Island, Hawai'i, and Roque de los Muchachos, La Palma, in the Canary Islands.

NSF appreciates the immense community input provided during public scoping and learning about potential cultural and natural impacts on Maunakea. This invaluable input from the public has underscored the need for refinements in the Section 106 consultation process. Given the substantial public interest in the proposed undertaking and the sensitive nature of cultural resources at Maunakea, a period of thoughtful reflection has been deemed essential after last year's public scoping meetings. This allows consideration of an appropriate approach to consultation that is both meaningful and respectful.

Based on the comments that we heard, NSF is committed to conducting Section 106 meetings across the state of Hawai'i to facilitate Section 106 consultation and collaboration with consulting parties throughout the Hawaiian Islands. Further, we acknowledge the importance of comments on the need for respectful practices, consideration of key principles from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and adherence to best practices identified in the Advisory Council on Historic Preservation's (ACHP's) [*Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook*](#) (ACHP, 2011).

Serving as a consulting party in the Section 106 process requires a significant commitment of time and effort. The chart below describes who qualifies to serve as a consulting party and the effort that will be needed for effective participation. Please note that the four steps of the Section 106 process referred to in the chart are: 1) defining the area of potential effects (APE), which is the geographic area that could be impacted by the proposed activity; 2) identifying whether National Register listed or eligible historic properties are within the APE; 3) determining whether the proposed undertaking is likely to have adverse effects on historic properties within the APE; and 4) consulting with the

SHPD, the ACHP, and other consulting parties on ways to avoid, minimize, and/or mitigate any adverse effects on historic properties. Additional information on the four-step Section 106 process may be found at <https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106>.

To confirm the consulting parties list for the upcoming Section 106 meeting invitations, we are posing the questions in the following chart to all who NSF believes may be eligible to serve as consulting parties. After reviewing this letter and the chart below, please respond to NSF by emailing ConsultingParty.TMT@nsf.gov to either confirm your interest in serving as a consulting party or to notify NSF that you are not interested in serving as a consulting party in the Section 106 process. We respectfully request that you respond within 30 days of receiving this letter so that we can have sufficient time to plan for the meetings.

1. Do you fit into one or more of the following descriptions of a party with a consultative role according to 36 CFR §800.2(c)?

A Native Hawaiian Organization (NHO) that attaches religious or cultural significance to historic properties that could be affected by the construction and operation of TMT

An individual or organization with a demonstrated interest in the construction and operation of TMT due to the nature of your legal or economic relation to the undertaking or affected properties, or your concern with the undertaking's effects on historic properties

A representative of local government with jurisdiction over the area that may be affected by the construction and operation of TMT

An applicant for federal funding related to the proposed construction and operation of TMT

2. Are you able and willing to participate in the four-step Section 106 process as a consulting party and to engage in effective consultation as described by the [ACHP's Protecting Historic Properties: A Citizen's Guide to Section 106 Review](#) (ACHP, 2011)?

- Share your views and state your interests clearly
- Identify shared goals
- Receive and review pertinent information
- Keep an open mind
- Consider a wide range of options
- Consider possible solutions together with the federal agency and other consulting parties

If you answer yes to the above questions and plan to serve as a consulting party, please let us know of your intent by emailing us at ConsultingParty.TMT@nsf.gov.

If you are not interested in serving as a consulting party, you may still provide input through the NEPA process (for instance, by providing comments on draft study plans in 2024 and the draft Environmental Impact Statement). For any NHO or individual that is unsure of whether to serve as a consulting party or who does not respond to this letter, we will follow-up by email and/or telephone in the near term to discuss your interest in participating in this Section 106 consultation.

As specified in 36 Code of Federal Regulations (C.F.R.) Part 800 Appendix A, (c)(1) and (4), the ACHP may choose to join a Section 106 case when there is potential for adverse effects on important historic properties or issues of concern to NHOs. As this undertaking involves both criteria, NSF has invited the ACHP to participate in this consultation.

NSF is planning to hold Section 106 meetings with consulting parties in the first half of calendar year 2024. For the initial series of meetings, NSF hopes to work together with NHOs and other consulting parties to provide the space for everyone to get to know each other and for NSF to learn how the consulting parties would like NSF to engage with them during this process. This sharing of experiences and expectations will inform the early steps of the Section 106 process. We will be in touch with all confirmed consulting parties in early 2024 with meeting details.

If you have any questions, please do not hesitate to contact me by phone at 703-292-4592 or by email at cblanco@nsf.gov. I look forward to confirming your interest in participating in this Section 106 consultation process and to consulting together on this proposed undertaking.

Regards,



Caroline M. Blanco
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Federal Preservation Officer
Assistant General Counsel
Office of the General Counsel

References:

Advisory Council on Historic Preservation (ACHP), "Protecting Historic Properties: A Citizen's Guide to Section 106 Review," 2011.

Advisory Council on Historic Preservation (ACHP), "Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook," 2011.

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