CASE STUDY 4:
Devil's Island Lighthouse

The Devil's Island Lighthouse case illustrates the potential of interagency coordination and community participation in preserving federally managed historic structures and begins to suggest the major issues surrounding lighthouse preservation. It also underscores the ability of Section 106 to assist in planning and coordinating such endeavors. For the retention of the historic integrity of Devil's Island Lighthouse was not always assured. It took the best efforts of the local community, the Wisconsin SHPO, the National Park Service (NPS), the U.S. Coast Guard (USCG), the National Trust for Historic Preservation, and the Advisory Council to preserve the important light tower—and its third-order Fresnel lens—for future generations.

Sited on the Apostle Islands National Lakeshore off the southwestern tip of Lake Superior near Bayfield, Wisconsin, Devil's Island Lighthouse and its several outbuildings are maintained and administered by the U.S. Coast Guard; this is in contrast to Devil's Island itself, which is managed and interpreted by NPS under its statutory mandate. The last established and largest of the five historic lighthouse reservations in the national lakeshore, the Devil's Light complex consists of the light tower proper, which looms 100 feet over Lake Superior, two keepers houses, a radio tower, generator building, garage and storage shed, coal house, dock and boathouse, scattered over 16 acres. Four of these structures—the light tower, both keepers dwellings, and the coal house—are considered historically significant for their role in the development of regional commerce and transportation.

Devil's Island Lighthouse is rich in history. The first tower, a temporary wooden structure, was authorized by Congress in 1888 and lighted three years later; it remained in use for the next ten years while the current brick and steel structure was completed. In 1901 a state-of-the-art third-order Fresnel lens was installed in the new tower, making the Devil's Island Light the most powerful in the Apostles. For most of the year, the tower sent out a flashing red light, created by placing panes of red glass over the lantern; in the winter, the red panes were removed and the light flashed white.
The light was manned until 1978, and a working navigational aid until 1989.

OVER THE CENTURY, Devil's Island Light has helped guide countless cargoes across Lake Superior. Manned until 1978 when it was automated by the Coast Guard, the tower remained a working navigational aid until 1989. That year, the Coast Guard initiated solarization of the light, which involved replacing its existing diesel generators with solar-powered batteries to be charged by solar collector panels located at the tower's base. Because these batteries would be incapable of powering the historic Fresnel lens, the Coast Guard proposed to exchange it for a small, modern beacon. Distressed by this turn of events, citizens from nearby Bayfield and Ashland notified both the Wisconsin SHPO and the Council. They, in turn, reminded the Coast Guard of its obligation to comply with Federal historic preservation law, including Section 106, before undertaking any action affecting a historic property. NPS, as administrators of the Apostle Islands National Lakeshore and interpreters of its historic lighthouses, also protested strongly. The Coast Guard responded by formally notifying the SHPO of its plans and requesting concurrence in a finding of no adverse effect based on the fact that, since removal of the Fresnel lens was reversible, it did not affect the light tower's historic integrity. Although the SHPO argued to the contrary--removal of the lens, for example, would alter the light tower's visual appearance and physical integrity--the Coast Guard moved forward with the project.

Local citizens felt that removing the historic lens would alter the light's appearance and physical integrity.

ANGRY RESIDENTS SOUGHT a preliminary injunction forbidding further Coast Guard action, to no avail; the injunction was denied in light of the Coast Guard's assertion that the lens removal was not irreversible. Community members, however, remained unconvinced. Continuing to press their case, they turned to the National Trust for Historic Preservation for litigation support and, in July 1990, won a judgment against the Coast Guard. Over a year since the plans for Devil's Island Light were made known, the District Court found the Coast Guard in violation of Federal Shortly thereafter, the agency entered into consultation with the

When it was installed in 1901, this state-of-the-art Fresnel lens made the Devil’s Island Light the most powerful in the Apostle Islands complex.
The largest of five lighthouse reservations in the lakeshore, the Devil's Island complex covers some 16 acres.

Opposite, the light tower has established itself as an integral part of the Apostle Islands historic landscape over the past century.

The consultation subsequently focused on the need to repair and replace the Fresnel lens in addition to providing a working navigational signal on the island. In November 1990, the consulting parties met at the SHPO office to decide how to proceed. At this meeting, the Coast Guard reversed its earlier position and conceded that the lens could be returned to the light tower and the modern beacon mounted on the exterior railing. Although the historic lens would remain inoperable, it would be restored to its historic setting, thus protecting the visual integrity of Devil's Island Light. With this concession from the Coast Guard, NPS agreed to help fund the effort.

The Coast Guard agreed to return the lens to the light tower, and mount the modern functional beacon on the outside railing.

The memorandum of agreement that resulted reinforced the concept of cooperation between the Coast Guard and the National Park Service with regard to the historic lighthouse; costs and responsibilities will be shared over the next 18
months. Although the Fresnel lens will no longer be operational, its return to Devil's Island will restore the historic appearance of the tower and permit visitor interpretation of the lens in its original context. The MOA was signed by the Executive Director on April 12, 1991.

In view of the widespread dissatisfaction of the local community with the Coast Guard's decision, the successful resolution of the conflict through the Section 106 consultation process underscores the need for community participation in the planning of any Federal undertaking. To the Coast Guard, Devil's Island Light was obsolete; it followed, therefore, that the valuable Fresnel lens should be removed and replaced by a modern fixture. Community residents recognized the historical significance of the lens in its original context, and were prepared to go to court to defend that critical relationship. The case demonstrates how strong public sentiment can compel the Federal Government to respect the wishes of the local community, and how Federal historic preservation law can be used as a positive force to shape the local environment.

The case reinforces the need for public participation in Federal program planning.

That Section 106 review could reconcile both positions relatively easily through suggesting an alternative in which the historic and modern navigational aids could coexist, exemplifies its potential for creative problem solving. Whether this goal could have been realized at an earlier stage, thus preventing damage to the lens, remains open to question; under its regulations the Council cannot intercede unless the compliance process has been initiated by the responsible Federal agency. Under these circumstances, the point is moot; the important issue is that the Coast Guard and NPS have gained an opportunity to exemplify a positive Federal presence at Devil's Island Light through coordination of their stewardship responsibilities. Thanks to this cooperative effort, Devil's Island Lighthouse will maintain its historical role as guardian of Lake Superior, and the Apostle Islands National Lakeshore and its surrounding community will be all the richer as a direct result of the preservation effort.
The Easton main post office building located on the edge of National Register-listed Easton Historic District in Easton, Pennsylvania, illuminates a variety of issues which the Council typically encounters in reviewing projects involving the United States Postal Service. Built at the turn of the 20th century, the Main Post Office has provided mail delivery and other services to the community for nearly 100 years. A distinguished Federal building in its own right, the Easton Post Office is a contributing element in an unusually fine residential historic district; only 20 of the district's 425 significant or contributing properties are considered infill. Representative of small-town Federal architecture at its best, the post office's somewhat severe exterior is modified by a long portico lined by marble columns. Inside, wood paneling and a variety of metal fittings and architectural details recall a time when the postal facility was one of the grandest and most important buildings in town, serving a growing population in one of the Nation's most vital industrial regions.

But Easton, like so many towns across the Nation, has not continued to grow rapidly. Plagued by long-term recession, residents have sought sources of employment outside town boundaries. The population growth which has occurred is in nearby townships, thereby eclipsing historic Easton, which had served as an important commercial center since the colonial period. With regard to historic preservation, this population shift was of inestimable value. With construction taking place outside the town's historic core, its built environment remained relatively safe. With regard to provision of traditional services such as mail delivery, however, this shift has had serious consequences. In view of the area's current and projected demographics, in 1988 the Postal Service decided to build a new full-service facility outside of Easton and either close down the Easton Main Post Office completely or operate it as a substation with

**Easton Post Office, Easton, Pennsylvania**

How can postal needs be reconciled with local preservation issues?

Lead agency: United States Postal Service
Consultation initiated: Winter 1988
Property management issue: Rehabilitation of historic facility
Resolution: Memorandum of Agreement
greatly reduced services. Easton townspeople were divided over the merits of this proposal. One faction, representing the Chamber of Commerce and other advocates of active economic development, backed the Postal Service’s proposal to run the historic facility as a substation. This would keep the post office in town, they reasoned, and provide a critical downtown anchor. Another group, however, representing historic Easton, condemned both suggestions and recommended that the Postal Service retain the Main Post Office operating as a full-service facility to maintain the community’s quality of life and economic viability.

OF PARTICULAR CONCERN was the Postal Service’s claim that the current building did not provide adequate parking space, handicapped access, or accommodations for postal vehicles and mail-sorting equipment. One proposal the Postal Service brought forward involved gaining additional space by demolishing five existing structures adjacent to the Easton facility which, although under Postal Service ownership, were also contributing elements to the National Register Historic District. The buildings in question, which were purchased by the Postal Service prior to designa-

Easton’s unusually fine residential historic district, listed on the National Register, contains 425 significant or contributing properties.
tion of the historic district, were in a deplorable state of repair. Nonetheless, Historic Easton, Inc., a local preservation group, took exception to the proposed demolition and requested the Council's active Section 106 involvement. In addition, Historic Easton requested that it become an interested party in the subsequent consultation process.

Public meetings, petitions, congressional intervention, and media coverage clarified participants' intentions.

Over the next three years, the Council, the United States Postal Service, the Pennsylvania SHPO, Historic Easton, Inc., the city, and the Chamber of Commerce explored a variety of alternatives. Public information meetings, petition drives, congressional intervention, and extensive regional media coverage clarified the grounds of disagreement and highlighted participants' intentions. In 1990 a compromise solution was reached. The Postal Service agreed to sell three of the five buildings in the historic district to the city and to demolish the remaining two located at the rear of the facility to expand the loading dock. The additional parking space required by the Postal Service would be provided by designating spaces near the facility as "Postal Service only" parking areas.

As preservation issues were being resolved regarding the parking expansion project, the Postal Service appropriated funds for the rehabilitation of the Main Post Office. The resulting MOA, therefore, addresses both plans for the facility's proposed rehabilitation and site improvements. In addition, the agreement provides for the Postal Service to record the five historic buildings, salvage their significant architectural elements; renovate the main building in accordance with the Secretary of the Interior's Standards for Rehabilitation; and submit final plans to the SHPO for review and approval. The MOA also formalizes the arrangement between the Postal Service and the city regarding short-term parking around the post office. The Postal Service will transfer title to the city of a vacant parcel near the main building which it acquired for construction of a satellite office, along with the three historic buildings with appropriate preservation covenants. Finally, the city will stabilize the three buildings following their conveyance by the Postal Service to prevent further deterioration. The Executive Director signed the MOA on February 7, 1991.

The case reveals the importance local citizens place on their main post office buildings and the lengths they will go to in order to protect what is viewed as a community anchor. It also illustrates the hard decisions confronting the United States Postal Service when planning to upgrade service in a given area. Given America's ever-shifting population and the Postal Service's growing reliance on technology to fulfill its traditional mission, choices must be made. Moreover, not every historic post office will be able to accommodate population growth and technological advancement without considering new construction and disposal of existing resources.

The case points up the importance local citizens place on their main post office building and the lengths to which they will go to protect a community anchor.

More important, the Easton case demonstrates that even when mutually acceptable compromises are reached, there remains much apprehension about the outcome.
From the Postal Service's viewpoint, significant amounts of time and money were spent taking into account the impact of necessary expansion on five dilapidated structures; the most expedient—although one could argue less responsible from a historic property management perspective—way to increase the efficiency of Postal Services would be to relocate. From the viewpoint of Historic Easton, Inc., this option was less than ideal, so it encouraged the Council to consider the significance of the five contributing buildings and the post office in balancing project needs with preservation values. Through Section 106 review, the Postal Service's property management needs were reconciled with historic preservation and the demands of the local community. A rehabilitated Easton Main Post Office building will remain open for business and continue to anchor the historic district.

Even when mutually acceptable compromises are reached, apprehension about the outcome can remain.
CASE STUDY 6:
Crow Canyon Archeological Center and
Bighorn Medicine Wheel

CROW CANYON Archeological Center in Cortez, Colorado, and Bighorn Medicine Wheel, Bighorn National Forest, Wyoming, illustrate another compelling dimension of Federal property management and historic preservation in the local community: the need to balance obvious economic need against the traditional cultural values of Native American populations. In both of these cases—one completed, one just beginning—the Council gained an opportunity to observe how the Federal Government integrates Native American concerns into its cultural resource management plans. In this particular sort of case which occurs with frequency in the West, the question is not so much how to apply existing standards to a given site or structure; it is, rather, how this guidance can be interpreted to include an appreciation of and respect for concerns that transcend the temporal sphere.

The difficulties of conceiving, much less implementing, this type of approach to resource management are obvious. In the first place, who should define the spiritual significance and consequent interpretation of a given resource? At Crow

Crow Canyon Archeological Center, Cortez, Colorado
AND
Bighorn Medicine Wheel, Bighorn National Forest, Wyoming

How can Native American concerns be integrated into property-management plans?

Lead agency: Bureau of Land Management; United States Forest Service
Consultation initiated: Spring 1990; summer 1991
Property management issue for both cases: Management of archeological sites and structures
Resolution: No adverse effect
Located on BLM land, Crow Canyon research now centers on Sand Canyon Pueblo, an Anasazi archaeological site dating to 1075 A.D.
IN CONTRAST, BIGHORN

Medicine Wheel, a site on National Forest Service property heavily trafficked by tourists, has advocates from several Native American groups. How should these resources be used? Should they help educate tourists about the Nation's Native American heritage or, alternatively, have restricted visitation? Finally, what degree of flexibility should management plans for such resources include? As scholarship yields new information about Native American history, can these findings be integrated into an existing plan? These questions, among others, galvanize Council consultation about traditional cultural resources and emphasize the need for constructive dialogue between the Federal agency and the local community.

Crow Canyon Archeological Center in the southwestern corner of Colorado exemplifies how Federal agencies can incorporate Native American concerns into their ongoing mission through creative problem solving. Founded in 1983, the permanent not-for-profit institution is dedicated to expanding public awareness of archeology as a vehicle to explore the Nation's past. Located on land managed by BLM, Crow Canyon's state-of-the-art research facilities and lively public programs draw over 3,000 visitors a year. Nearly 80 percent of the center's annual budget is generated by tuition, earned income, and public donations; grants from the National Science Foundation, the National Geographic Society, and the National Endowment for the Humanities have also been awarded.

Although BLM's management role is limited--BLM permits the research on Federal lands through a cooperative agreement--it is, nevertheless, vitally important. Crow Canyon's research assists BLM in discharging its cultural resource management responsibilities. Further, because of this long-term agreement to share ideas and expertise, Crow Canyon has been able to plan its archeological and educational programs well in advance and bridge the gap between archeological sites on Federal property and the com-
aggregate into such large pueblos during this period? Why was the region abandoned circa 1300? The Crow Canyon Center approach to these clearly articulated questions is to first define the nature of the prehistoric community that inhabited the area. In summer 1991, excavations were scheduled at Castle Rock Pueblo, a smaller habitation site at the mouth of Sand Canyon that is of lesser scale than Sand Canyon Pueblo, and four isolated ceramic kiln sites. The Council concurred in a finding of no adverse effect for this latest research project on April 9.

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**Although Crow Canyon attracts about 3,000 visitors a year, Anasazi descendants--the Pueblo--have not expressed concern over the archeological work there.**

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**CROW CANYON'S INTEREST in the Anasazi past does not preclude its ability to play an active role within the local community. Most of the center's annual budget of approximately $3 million stays in the immediate area. It employs a significant number of local residents and utilizes a variety of community businesses. Further, the large number of visitors the center attracts daily rely on local purveyors of food and lodging. On an intellectual level, the center's outreach programs involve local residents from elementary school students to senior citizens in a "hands on" learning process. Many participants return year after year to work in the same area and watch "their" project's progress.**

At a time when many Federal agencies and Native American groups are philosophically divided by outlook and tradition, Crow Canyon provides common ground for cooperation and mutual respect. Native Americans design and lead Crow Canyon programs that examine contemporary pueblo life and traditional heritage. Workshops in weaving, pottery, basket-making, and music are taught by respected Native American artists and craftsmen. The center also works with children from Native American communities to provide them with a scientific perspective on their heritage. In 1991, 200 Navajo sixth graders attended classes to learn about the ongoing investigation of the Anasazi past.

**IN VIVID CONTRAST to Crow Canyon's ties to BLM and the local community of scholars. Since 1985, for example, center research has concentrated on the highly significant Sand Canyon Pueblo archaeological site, one of the largest community and ceremonial centers in south-western Colorado associated with the Great Pueblo period, 1075-1300 A.D. Crow Canyon's current work builds on research questions over a century old: Why did the Anasazi...**
lies in an isolated clearing in a growing tourist center. More important in these cases, however, is the presence—or lack—of organized groups claiming cultural affinity with the resources in question. As far as Crow Canyon goes, the Pueblo, recognized as the descendants of the Anasazi, have not expressed concern over the archeological center’s work. Conversely, Bighorn Medicine Wheel is linked with at least eight Native American groups across the Rocky Mountain region who vigorously object to Forest Service plans. Under these circumstances, the Forest Service—in contrast to BLM—must play an active role in determining the appropriate treatment for what many recognize as a sacred site.

community is the Forest Service’s relationship with two competing communities at Bighorn Medicine Wheel in the midst of Bighorn National Forest near Lovell, Wyoming. Where Crow Canyon has flourished under BLM’s flexible management style, Bighorn Medicine Wheel, which has not yet been stabilized, has suffered significant damage from weather and vandals, among other forces. To a certain extent, such differences can be attributed to the differences between the resources themselves: Crow Canyon embraces a series of archeological sites and prehistoric structures in a comparatively controlled environment whereas Bighorn Medicine Wheel

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**Lovell residents seek to use the medicine wheel as a major tourist destination. At least eight Native American groups object to Forest Service plans; the site is considered sacred by many.**

The Forest Service’s decision-making process is complicated by demands for economic development on the part of the neighboring city of
Lovell. Exhausted by years of economic decline, Lovell residents seek to use the medicine wheel and its periodic ceremonial use by Native Americans to gain status as a national tourist destination; traditional cultural values associated with the exotic site play little role in their scenario. Anxious to use Federal resources to benefit the local community, in 1988 the Forest Service entered into discussion with the Lovell Chamber of Commerce and ultimately drew up plans to accommodate greater tourist trade; these included construction of an access road to and parking by the wheel, in addition to adding paved trails, a high mesh fence, a viewing platform, and a visitors center. Ironically, although the plan was designed to capitalize on the ceremonial use of the site for tourist purposes, it worked against itself. As initially conceived by the chamber of commerce and the Forest Service, the plan would call for Native Americans to apply at least two weeks in advance for permits to use the sacred site. Native Americans could use the wheel for up to 12 days a year as long as they did not interfere with scientific study.

As initially conceived, Native Americans could only use the sacred sites by applying for permits two weeks in advance.

TENSION HAS GROWN within the immediate and the broader community as development plans have proceeded. Native Americans have publicly condemned the proposed action, and the issue of Native American rights has become a political issue. Although the Council did not officially enter into consultation with the Forest Service until August 1991, it has consistently expressed its concerns about the proposal, emphasizing the need to take into account spiritual values. In a letter written shortly before formal consultation began, the Council recommended that the Forest Service consider withdrawing the wheel from unrestricted visitor access and that the 2.5 miles around its circumference be set aside to remain undeveloped. Other suggestions included implementing guided visitation and a surveillance program to discourage vandalism. Since the Forest Service has initiated Section 106 review, the Medicine Wheel stands to benefit from this and other advice, particularly through the public participation component of the review process.

Crow Canyon and Bighorn Medicine Wheel represent an important portion of America's past. Owned or administered by the Federal Government, they provide dramatic means through which to convey the richness and diversity of the American heritage. Serving as the centerpiece of educational programs or, in the case of the medicine wheel, as a spiritual "power point," such resources provide Federal agencies with an opportunity to show a special dimension of positive preservation leadership which ultimately can enrich not only the local but also the national community. The Federal Government's ability to respond to its diverse population, its sensitivity to a variety of cultural issues can be best manifested through its stewardship of resources associated with Native Americans. When administered responsibly, these kinds of resources directly link the past and the present and pave the way for a less divisive future.

At least eight Native American groups claim cultural affinity with the Bighorn Medicine Wheel near Lovell, Wyoming. The current Forest Service development plan would regulate ceremonial use of the wheel by permits.

Report to the President and Congress 1991
KALAUPAPA National Historic Park and Landmark established in 1980 on the Kalaupapa Peninsula at Molokai Island, Hawaii, highlights a variety of unique Federal property management and historic preservation issues with broad applications. Although it is unlikely that other agencies will simultaneously confront the challenges the National Park Service faces here consistently—accommodating the health and safety needs of an aging, chronically ill population in an environment characterized by extreme isolation, harsh climatic conditions, inadequate water supply and fragile historic and prehistoric resources—these kinds of problems and the decision-making process they engender can be instructive. At Kalaupapa, it is the symbiotic relationship between the delicate human and natural environment that ultimately determines the viability of Federal historic preservation initiatives. In practical terms, this means that historic preservation does not take precedence here, that a less than optimal solution to an undertaking's adverse effect can be the Council's only choice.

Its breathtaking views, haunting sunsets, and lush tropical foliage are accessible to tourists on a carefully controlled basis; its wealth of archeological resources remains virtually untouched. Located at the base of 2,000-foot volcanic cliffs, or "pali," National Historic Landmarks themselves for geological significance, Kalaupapa Peninsula, in contrast to Molokai Island, is relatively unknown outside the State. For all its mystery, however, Kalaupapa is an important chapter in Hawaiian history. Here, since decreed by King Kamehameha V in

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**Kalaupapa National Historic Park and Landmark**

Molokai Island, Hawaii

**What happens when historic preservation concerns must take lesser priority?**

Lead agency: National Park Service

Consultation initiated: Fall 1990

Property management issue: Retrofitting historic facilities for modern health and safety needs

Resolution: Memorandum of Agreement completed
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1866, Hawaiian men and women suffering from Hansen's Disease, commonly known as leprosy, have lived in seclusion, apart from their friends and families. Early on, food and supplies were shipped to the island irregularly; the exiles enjoyed a precarious existence. Today, in contrast, a small airport provides regular transportation to Kalaupapa, although heavy supplies, such as machinery, are shipped by barge only twice a year.

Located at the base of 2,000-foot volcanic cliffs, Kalaupapa is home to 400 adult Hansen's Disease patients.

Opposite, residents' needs take priority in this sheltered environment. All sites and structures are handicapped accessible.

IN VIEW OF the peninsula's historic and contemporary community, it is hardly surprising that the national park embraces no significant NPS holdings. Unlike many parks or preserves where the majority of land and resources is NPS-controlled, at Kalaupapa NPS owns no property outright except for a historic lighthouse complex, recently transferred from the United States Coast Guard. Kalaupapa is owned, instead, by such disparate organizations as the Hawaiian Home Lands Commission, the State Department of Health, and the Roman Catholic Church. Under cooperative agreements with the State and the Federal Government, NPS administers the park's approximately 11,000 acres, including the ruins of an earlier settlement, historic medical buildings, residences, beach houses and perhaps the most important preserve of archeological sites in Hawaii.

PRESERVING and protecting this array of historic resources in itself
would be a daunting task. The climate, which resembles a tropical rain forest, causes buildings to crumble before their time and redefines the notion of preventive maintenance. And, in spite of the island setting, water remains a precious commodity. But this is not the primary issue for Federal property managers; it is, rather, how this can be accomplished while maintaining and enhancing the welfare of Kalaupapa community. While the population is now stable—the disease no longer requires lifetime quarantine and, by tradition, no children are permitted on the peninsula—approximately 400 adult patients remain in residence. Given that the State has promised these men and women lifetime care, Kalaupapa's primary function for the foreseeable future is assured. More conventional NPS concerns such as site interpretation and tourist visitation, must be weighed against the broader Kalaupapa mission.

To ensure that community and NPS needs are compatible, the NPS general management plan provides for review of projected NPS actions by community representatives. Once this hurdle is cleared, as it regularly is thanks to the extraordinary sensitivity of local Park officials, the undertaking is then submitted for Section 106 review to the Hawaii SHPO; because Kalaupapa is a
With the exception of this lighthouse complex, the National Park Service owns no land outright at Kalaupapa.

NHL, regulations require Council participation in the consultation.

**Water line replacement was the most recent activity involving the Council at Kalaupapa. The MOA specifies ways that NPS should handle the inevitable archeological discoveries.**

**DURING THE COUNCIL'S** most recent involvement at the park, this task was particularly challenging. In late fall 1990, NPS informed the Council of its plan to install and replace Kalaupapa's 80 year-old water lines, in addition to replacing faucet fixtures, grading an access road, remodelling the aging airport terminal for handicapped use, and installing water storage tanks to help alleviate the constant water shortage. Although NPS, the SHPO, and the Council concurred that the proposed undertaking would adversely affect the NHL-concerns were raised with regard to the probable disturbance of burial sites, particularly in the construction schedule at the airport and around residential cottages—the NPS obligation to accommodate the special needs of the Kalaupapa community ultimately overrode investigation of alternative measures. Council participation in the consultation, solicited from NPS and the SHPO in drafting a Memorandum of Agreement for the project, focused on identifying ways to protect the nationally significant cultural resource given the constraints of the lead agency and its unique property management responsibilities.

In light of these circumstances, the MOA specifies ways in which NPS should handle the discovery situations that will inevitably arise from this project. Instead of shaping the project to the cultural environment as is usually the case, this document attempts to support the
pose of the issue once and for all. NPS needed to ferry heavy construction materials on the July barge shipment to the island or it would have to wait for the next barge scheduled for January of the following year.

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**Water lines laid around the residential cottages --areas most likely to contain human remains-- will not be buried more than six inches below the surface. If remains are found, excavation must cease until proper actions can be taken.**

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Accepted by the Executive Director on June 17, 1991, the Kalaupapa MOA requires NPS, in consultation with the SHPO, to complete an archeological survey of the airport area before ground-disturbing activities. Construction activities are to be monitored by an archeologist, and if indications of resources are uncovered, all activity will cease immediately. Water lines laid around the residential cottages, the area most likely to contain human remains, will not be buried more than six inches below the surface. Should burials be encountered, activity must cease until the SHPO approves its continuance. The MOA also requires consultation with the SHPO in the event of discovery and provides that disagreement over subsequent procedures can be referred to the Council.

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**At Kalaupapa, flexibility of Federal property managers dovetails with the inherent flexibility in the Section 106 process.**

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**In this case,** the necessary flexibility of the Federal property managers dovetailed with the flexibility inherent in the Section 106 process. Serving as a source of strength, rather than weakness, flexibility on the part of the agency and the Council permits the relationship between NPS and its local community to flourish. By respecting the needs of its local constituency, NPS can administer its management obligations to mutually benefit Kalaupapa's cultural resources and historical population. Through this sort of interaction, Federal agencies justify the leadership role which Section 110 of the National Historic Preservation Act mandates.