



Preservation
Seminar:
Protection of
Native Hawaiian
Burials

May 26, 2021

HISTORIC HAWAII FOUNDATION

A statewide non-profit advocacy organization, **Historic Hawai'i Foundation** encourages the preservation of historic buildings, sites, structures, objects and districts relating to the history of Hawai'i.

We help people save Hawai'i's historic places.

www.HistoricHawaii.org



The **Office of Native Hawaiian Relations** was established by Congress in January 2004 to carry out the Secretary of the Interior's responsibilities for Native Hawaiians and the Hawaiian Home Lands Trust.

The Office serves as the liaison with the Native Hawaiian community and coordinates with the Department and its bureaus on actions that affect Native Hawaiian resources, rights, and lands.



The **National Park Service** preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.





American Planning Association
Hawaii Chapter

Creating Great Communities for All

The American Institute of Certified Planners (AICP) is the APA's professional institute providing recognized leadership nationwide in the certification of professional planners, ethics, professional development, planning education, and the standards of planning practice.

Presenters

Kamana‘o Mills, Senior Supervising Program Manager at Kamehameha Schools

Clifford Nae‘ole, Hawaiian Cultural Advisor for The Ritz-Carlton, Kapalua, Maui

Regina Ke‘alapuaonālaniwikimekeānuenuē Hilo, Burial Sites Specialist in the History and Culture Branch, Hawai‘i State Historic Preservation Division

Lisa Oshiro Suganuma, Policy Analyst in the U.S. Department of the Interior’s Office of Native Hawaiian Relations

Stanton Enomoto, Senior Program Director for the Office of Native Hawaiian Relations

ABOUT THIS COURSE

Cultural Context for Hawaiian Burials and Treatment of Iwi Kūpuna

Historic Context for Burial Protection Laws and Systems

Hawai'i Statutes for Native Hawaiian Burial Protection

Native American Graves Protection and Repatriation Act

Tips and Best Practices for Avoiding Sensitive Sites & Consultation

Cultural Context

KAMANA'O MILLS

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Introduction

CULTURAL CONTEXT

WHY?

Acknowledgements

O'ahu Island Burial Council

DLNR-SHPD

Halealoha Ayau

Kai Markell

Kana'i Kapeliela

Don Hibbard

Nathan Napoka

Pikake Pelekai



Papa and Wakea

Papa (Earth Mother)

Wakea (Sky Father)

- Birthed the islands
- Ho'ohokukalani
- Haloa I
- Haloa II



‘Āina Ho‘opulapula - Homestead

Pulapula

- Sprout /Seedling

Hawaiian familial
relationship with the ‘āina

Similarities with our
Kaikua‘ana Haloa I.

‘āina – land

kaikua‘ana – older sibling of the same sex



Mana resides in the iwi

Mana

- Supernatural/Divine power

‘Uhane

- Spirit/Soul

‘Uhane goes to the Ao ‘Aumakua

Mana returns to Papa



Papatuanuku and Ranginui

Ao ‘Aumakua – Realm of ancestors who have passed on



Kanu

Kanu

- To plant or bury

Hiamoe

- To rest

‘Uhane goes to the Ao ‘Aumakua

- May wander (Kaupe‘a, O‘ahu)
- Leilono, Moanalua
- Leina-a-ka-‘uhane, Ka‘ena Point

Mana returns to Papa (Over Time)

- The kino degenerated over time, becomes part of the soil/honua

Kino -- body





Kanu iwi kupuna

Burials are protected/guarded or hidden away

- To allow the time for the mana in the iwi to return to Papa.

kanu – plant/bury

iwi – bones of our ancestors

kūpuna - ancestor

‘Ohana visit to Lua Kupapa‘u Nohili Crypt, Pacific Missile Range Facility, Kaua‘i. Photo by Pat Griffin.

Interrupting the connection to Papa (Intentional)



'Uhane can be trapped

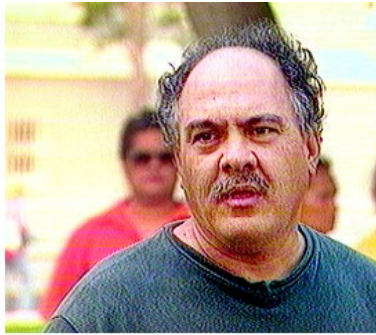
- 'Unihipili
- Po'i 'Uhane

Mana can be taken

- Spittoon
- Kahili handles

Harm to iwi can create harm to living descendants

- Ka'ana'ana



Interrupting the connection to Papa (Unintentional)

Construction

Disrespect

Why apply NAGPRA and State Burial Laws?

Cultural
sensitivity

Also....



Respect

NAGPRA and State Burial Laws allow for the proper treatment of iwi kupuna.

It allows you to feel your humanity, your respect, your love, your priority for the iwi kūpuna...and for yourself, and for your family, and everyone you love.

Respect

- The iwi you have discovered was someone's mother, daughter, wife, baby
 - Treat the iwi as if it were your mother, daughter, wife or baby.
 - Tears were shed for this individual, hearts were broken.
 - Cover, and protect the iwi. No photography.
 - Allow them to sleep and pass their mana into Papa.
 - Allow them to enter eternity.

Closing

Sir William Ewart Gladstone

Served as prime Minister of Great Britain four times starting in December of 1868 during the reign of Queen Victoria.

Gladstone quotes-

“Nothing that is morally wrong can be politically right.”

“Justice delayed is justice denied”

“We look forward to the time when the power to love will replace the love of power. Then will our world know the blessings of peace.”

“You cannot fight against the future. Time is on our side.”

“Be happy with what you have and are, be generous with both, and you won’t have to hunt for happiness.”

“Show me the manner in which a nation cares for its dead and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land, and their loyalty to high ideals.”

Closing

How we treat the iwi kūpuna is a reflection of us, our priorities, our humanity.

Historical Context

CLIFFORD NAE'OLE

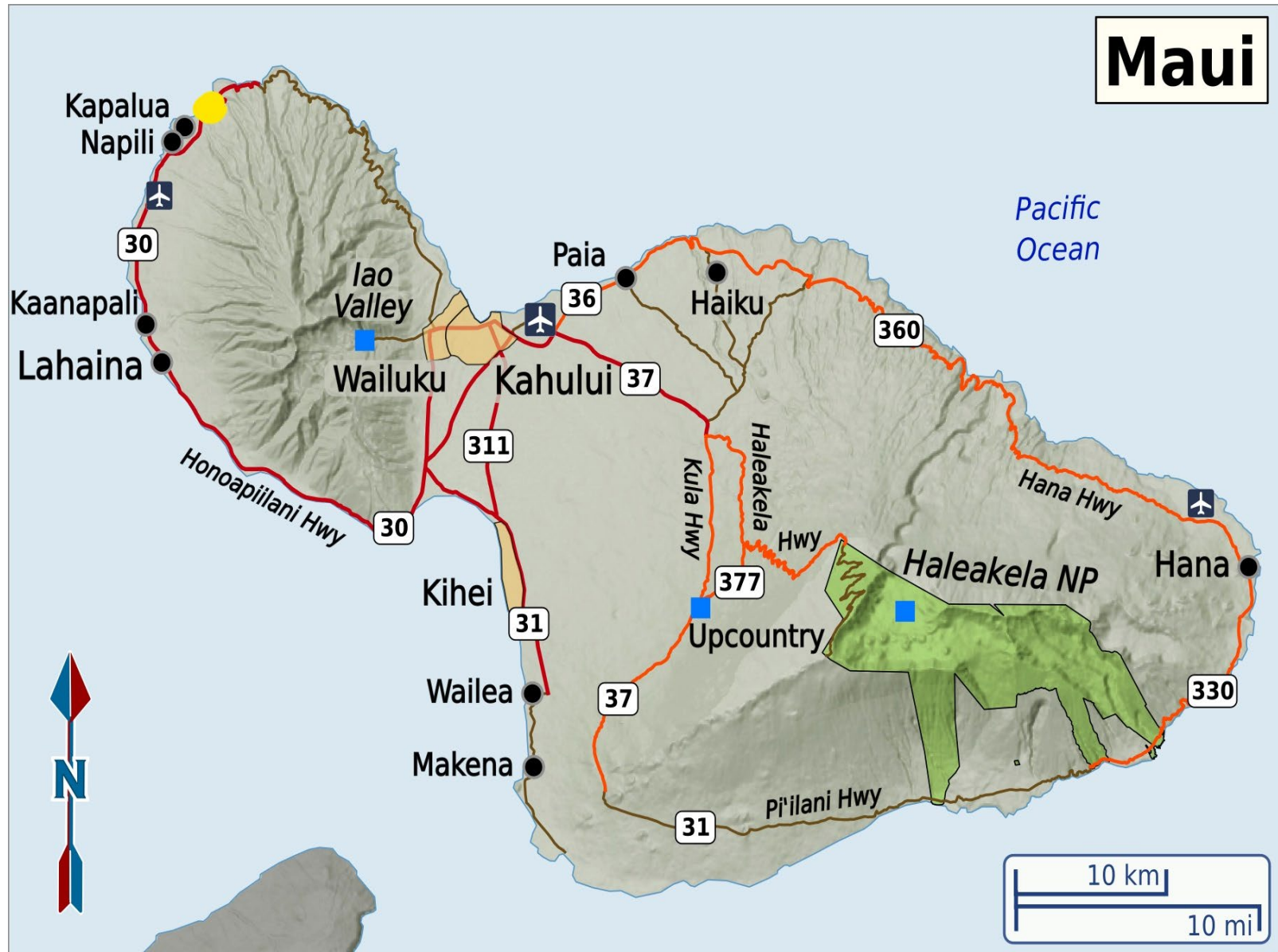
HONOKAHUA BURIAL SITE

Registered as a State Historic Place

Deeded to the State of Hawaii

Public Entry is Prohibited

Please Kokua



Where – Why – When Did it begin?

HONOKAHUA

“Honoapi‘ilani ...The Bays of the Benevolent Chief Pi‘ilani ”

Land owners Maui Land & Pineapple Company and Kapalua Land Co. Ltd.

1974 – October – 325 acres of land rezoned for Kapalua’s first 18 hole golf course “The Bay Course.”

Sand Mining begins and the Alaloa Trail is dismantled.

Further excavation of sand reveals ancient skeletal remains and artifacts

Protestors multiply and gather at the site to prevent desecration and removal of the iwi kūpuna due to the sale of land to The Ritz-Carlton Hotel Company dba The Ritz-Carlton, Kapalua.

Approximately 1200 plus skeletal remains were removed.

Carbon dated as early as 850AD to the late 1800’s

Local cultural voices band together and gain support of others throughout the State.



“Ground Zero is Established”

“...we are not going to allow this to happen anymore”

Davianna McGregor –

“Once and for all - our way - we take care - nobody else.”

“Uncle Les” Kuloloio

Na wai e ho’ōla I na iwi – Na Maka O Ka ‘Aina

Community groups become very vocal and visual

“Uncle Charley” Maxwell – Dana Naone Hall – “Uncle Les” Kuloloio

The Reverend Kawika Ka’alakea – Sol Niheu
Kumu Pua Kanaka’ole – Palikapu Dedman – Ipo Nihipali
– Ed Kanahela and many more

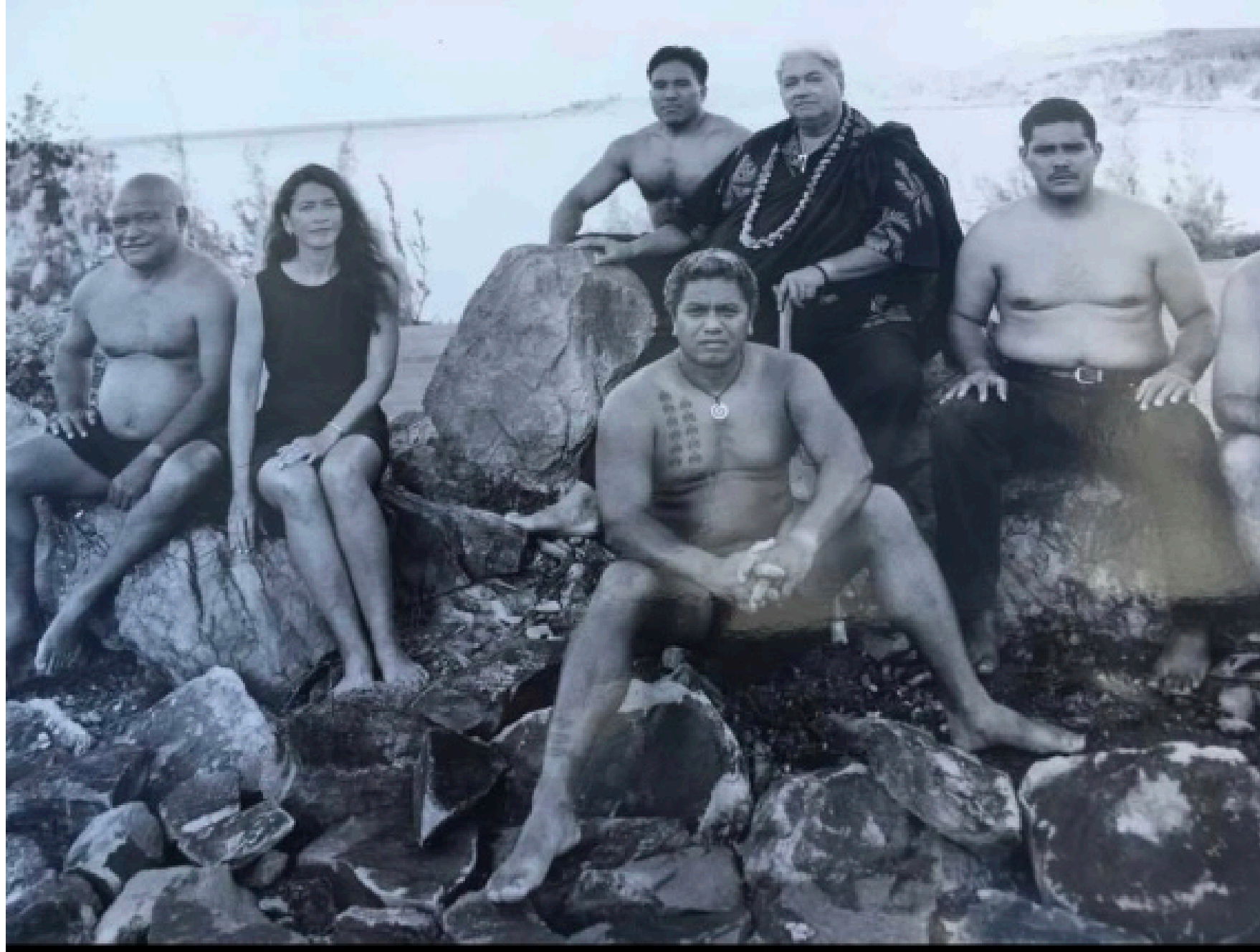
Construction is stopped.

1989

Land owners, The Office of Hawaiian Affairs, The State of Hawai’i and

Hui Alanui O Makena agree to relocate the hotel from the beach and further up

On the bluff to preserve the site..in PERPETUITY.



Back, left to right: Les Kuloloio, Dana Naone Hall, Kawika Tengan, Charley Maxwell, Manny Kuloloio. Front: Clifford Nae'ole. Photo courtesy Clifford Nae'ole



“Since Then...”

All remains that were once removed are now returned.

A well established boundary has been set to delineate the preservations site.

Signage exists to deter intrusion

Native Hawaiians conducting ceremony and protocol are welcome 24-7-365

The Maui Island Burial Council was formed and thus the birth of all Island Councils

The Ritz-Carlton, Kapalua maintains the dignity and sanctity of Honokahua

With the intent to keep setting precedents in a positive way and examples

A Cultural Advisor was/is employed to oversee anything regarding Honokahua

Precedents in Positive Ways

New Employees & Managers undergo a mandatory 3 hour Sense of Place class regarding the history of the site

Friday (public & visitors) Sense of Place film (“Then There Were None”) and walk-n-talk history of Honokahua

The award winning Celebration of the Arts event was founded to pay tribute to all things Hawaiian

Constant communication, cooperation and advice sought from practitioners

A small ahu has been established outside of the boundary for public prayer offerings and makana

A full time Cultural Advisor shall always be present with Executive Powers for input and decisions

Not only regarding the site...but with all things Hawaiian dealing with the hotel and processes.

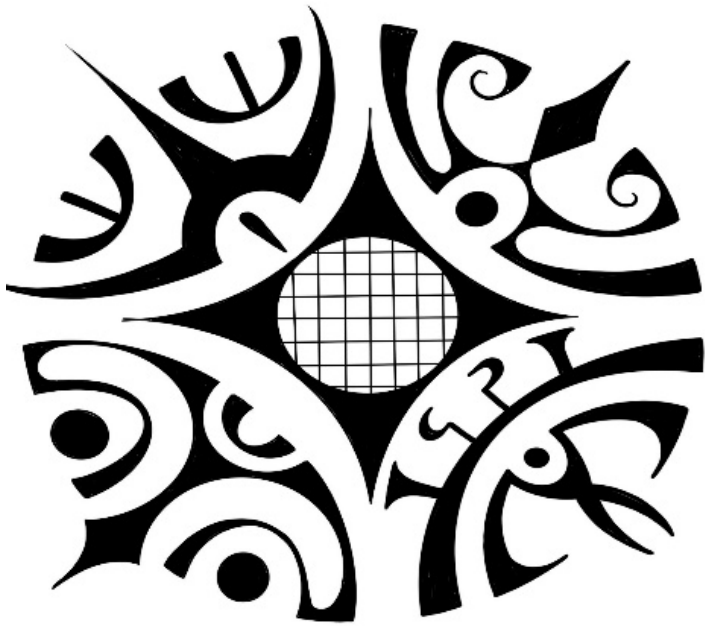


Photo courtesy Clifford Nae'ole

“Awareness Is A Key”

The Ritz-Carlton, Kapalua has initiated a training program:

- All construction vendors mandatory SOP Awareness classes
- Video to expose the RCKAP beginnings and desecration
- Emotional testimony by community/cultural spokespersons
- All workers to attend whether or not they are working outdoors
- Certificate of attendance and verification given to each attendee
- Sticker/decal (Shown on left) presented to each attendee
- Sticker represents
 - the ‘Io (Hawk) of the Wao Akua
 - The Pueo (Owl) of the Wao Kele
 - The ‘Iwa (Frigate Bird) of the Wao Kanaka
 - The Kōlea (Golden Plover)...the newcomer & “return guest”
 - The center represents Punana ‘Ike, the nest of knowledge
 - The pointed quadrants symbolize the 4 directions of the wind
- Sticker to be placed on their hard hat or ID to signify awareness
- If the sticker is not visible or attained...no entry onto the premises
- All workers are encouraged to question their managers and if outdoors...contact the Archaeologist on duty with any concerns.



“Looking to the Future”

Added cultural education opportunities

Practitioner in Residence

Artisan/Crafter in Residence

Stronger verbiage on signage

Stronger awareness of boundaries and public areas

Initiation of The Mauka-Makai Partnership (Pu‘u Kukui Watershed & Hui Wa‘a Kaulua)

Proposal for a Native Hawaiian(s) Archaeological entry level program & schooling

- Future developers to contribute money to a tier system of development scale
- Money would go towards work supplies – scholarships - pay
- Native Hawaiians would be selected to the extent permitted by law
- Recipients would come from a roster of students who want to learn the cultural/technical/spiritual trade
- Students/Workers that successfully pass the labor and attendance probation periods made eligible or scholarships

Hawai'i Revised Statutes

(HRS 6E-43, 43.5, 43.6)

REGINA KE'ALAPUAONĀLANI WIKIMEKEĀNUENUE HILO

Acronyms and glossary

- SHPD – State Historic Preservation Division
- IBC – Island Burial Council, 5 in total
 - HIBC – Hawaii Island Burial Council
 - KNIBC – Kauai and Niihau Island Burial Council
 - OIBC – Oahu Island Burial Council
 - MLIBC – Maui and Lanai Island Burial Council
 - MIBC – Molokai Island Burial Council
- Ahupua‘a – a type of land division, inclusive of all resources from mountain (mauka) to ocean (makai)
- OHA – Office of Hawaiian Affairs

HRS 6E-43, 43.5, 43.6

Applicable to skeletal remains 50 years or older found on public lands, state-owned lands, and private property

- (not applicable to federally-leased state lands or federal lands in HI)

Prehistoric and historic burial sites

- (a) Any site other than a known, maintained, actively used cemetery where skeletal remains are discovered or are known to be buried and appear to be over 50 years old
 - Remains and associated burial goods shall not be moved without the department's approval
- (b) All burial sites are significant and shall be preserved in place until compliance with 6E-43 (except as provided in 6E-43.6)

HRS 6E- 43, 43.5, 43.6

ISLAND BURIAL COUNCILS

Treatment of previously identified, Native Hawaiian remains

Recognition of descendants as lineal or cultural

Authority to deem records sensitive

Assist SHPD with inventory of Native Hawaiian burial sites

SHPD – History and Culture

Treatment of previously identified, non-Native Hawaiian remains

Descendancy recognition recommendation to the IBCs

Administrative support for the IBCs

Treatment of inadvertent discoveries

Maintain an inventory (documentation) of burial sites

HRS 6E-43, 43.5, 43.6

PRESERVATION IN PLACE

In situ preservation

Temporary and/or permanent protective measures

RELOCATION

Disinterment and curation

Reburial to another area, on the same parcel

Temporary and/or permanent protective measure

HRS 6E – 43, 43.5, 43.6

PREVIOUSLY IDENTIFIED

Archaeological Inventory Survey (AIS)

- Native Hawaiian
 - Treatment determined by appropriate Island Burial Council
- Not Native Hawaiian
 - Treatment determined by State Historic Preservation Division
 - Consultation with appropriate ethnic group/organization

INADVERTENT DISCOVERY

Active construction

- Includes projects with archaeological monitoring

Erosion

- Shoreline exposure, flood, high surf, etc.

SHPD determines treatment

- Notification to OHA, IBC members, others

HRS 6E – 43, 43.5, 43.6

LINEAL DESCENDANT

Direct or collateral genealogical connection to a specific set of skeletal remains

If Native Hawaiian, IBC makes determination following SHPD recommendation

If not Native Hawaiian, SHPD makes determination

CULTURAL DESCENDANT

Genealogical ties to an individual/(s) who lived, died, is buried, or both, in the same ahupua'a or district as a discovery of skeletal remains

Additional resources

State Historic Preservation Division website

- <https://dlnr.hawaii.gov/shpd>
- <https://dlnr.hawaii.gov/shpd/about/branches/ibc/>
 - Island Burial Council meeting schedule, agendas, minutes, information

Submitting documents to SHPD

- <https://dlnr.hawaii.gov/shpd/submitting-to-shpd/>
- Via HICRIS: <https://dlnr.hawaii.gov/shpd/hawai%ca%bbi-cultural-resource-information-system/>

SUMMARY of law

- <https://dlnr.hawaii.gov/shpd/files/2016/09/SUMMARY-OF-LAW-FORMATTED-white-pages.pdf>

Additional resources (continued)

HAR 13-300

- <https://dlnr.hawaii.gov/shpd/rules/>
- <https://files.hawaii.gov/dlnr/shpd/rules/300.pdf>

Questions?

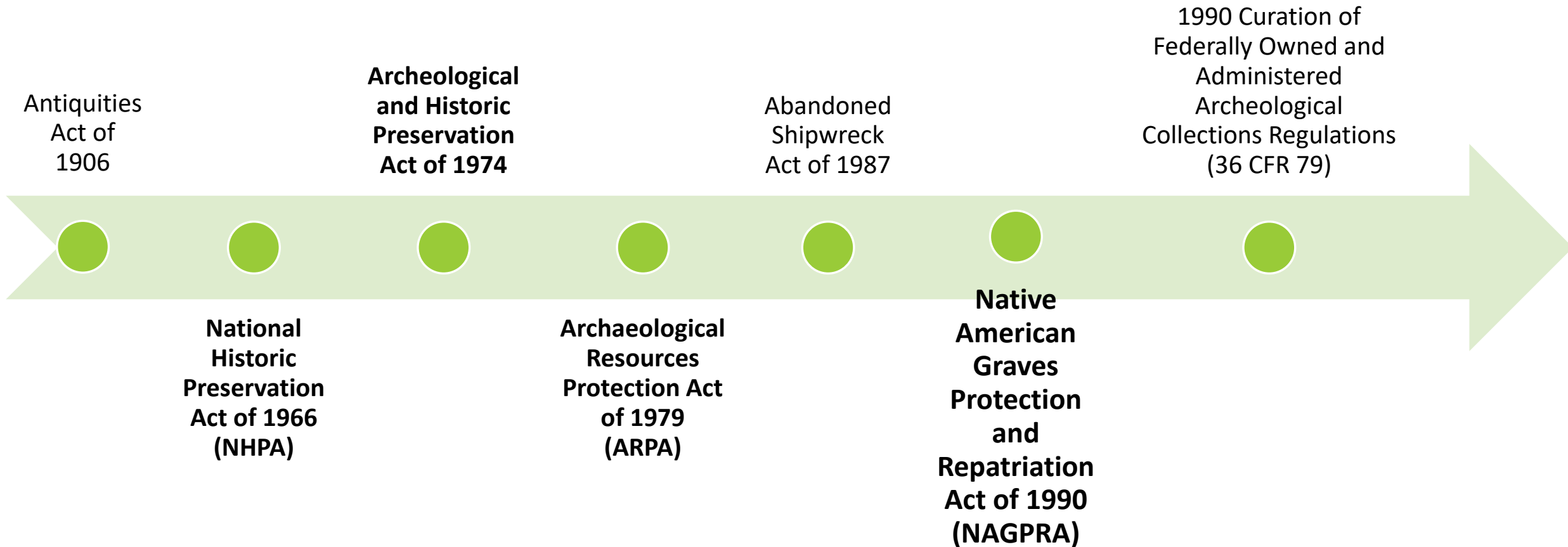
- Regina.hilo@hawaii.gov

Native American Graves Protection & Repatriation Act (NAGPRA)

LISA OSHIRO SUGANUMA

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Archeological, Historic and Cultural Preservation Laws and Regulations



A Human Rights Law

Report of the Panel for a National Dialogue on Museum/Native American Relations was issued on February 28, 1990. The Senate Select Committee on Indian Affairs, chaired by Senator Daniel Inouye, agreed with the Panel's statement that they "believe[d] that human remains must at all times be treated with dignity and respect" and their finding that "the process for determining the appropriate disposition and treatment of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony should be governed by respect for Native human rights."

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

- ❑ NAGPRA was enacted to address the disposition of Native American cultural items and human remains under the control of Federal agencies and institutions that receive Federal funding, as well as the ownership or control of cultural items and human remains discovered on Federal or tribal lands after November 16, 1990.
- ❑ The statute and regulations outline the rights and responsibilities of lineal descendants, Indian tribes (to include Alaska Native villages), Native Hawaiian organizations, Federal agencies, and museums under the Act, and provide procedures for complying with NAGPRA.



NATIONAL NAGPRA PROGRAM

Administered by the National Park Service

<https://www.nps.gov/nagpra>

Compliance

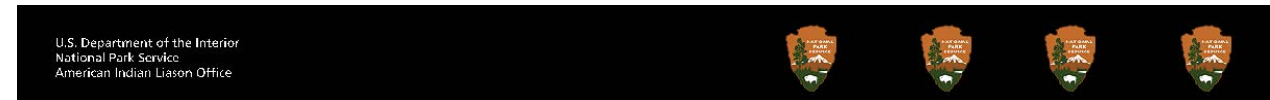
- Flowcharts
- Templates

Law, Regulations, and Policy

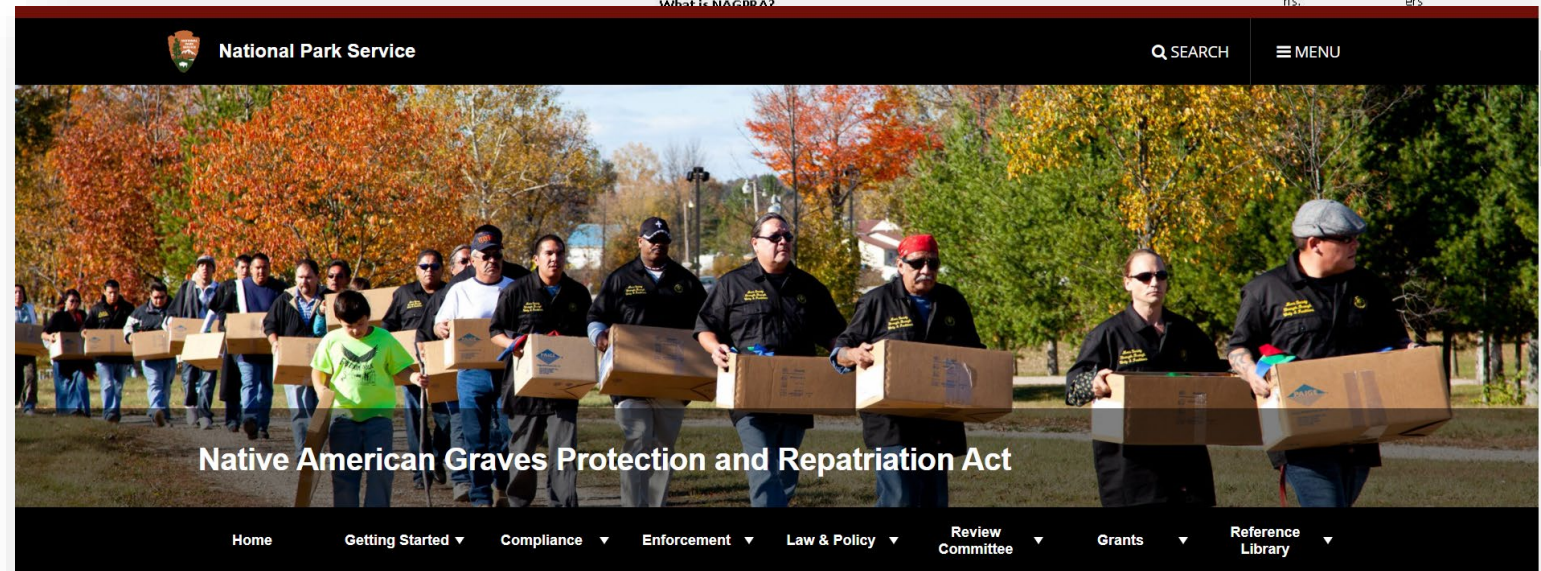
Databases

- Inventories
- Summaries
- Notices
- Contacts [in development]

Additional Resources - Quick Guide



Native American Graves Protection and Repatriation Act (NAGPRA)
A Quick Guide for Preserving Native American Cultural Resources



NPS.gov / Home

Facilitating Respectful Return

Since 1990, Federal law has provided for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. By enacting NAGPRA, Congress recognized that human remains of any ancestry connection, folkloric references, oral traditions, historical data, other relevant information or expert opinion.

MAJOR COMPONENTS OF NAGPRA

Addresses ownership or control of Native American human remains and cultural items

Established procedures and requirements to address inadvertent discoveries and intentional excavations and removals of human remains and cultural items from Federal and tribal lands, including consultation

Requires an inventory for human remains and associated funerary objects and involves consultation

Requires a summary for unassociated funerary objects, sacred objects, and cultural patrimony

Prescribes a process for repatriation, including consultation

Established a Review Committee

Prescribes penalties for criminal violations and civil non-compliance

Authorizes grants to Indian tribes and Native Hawaiian organizations for repatriation and to museums for inventories

Includes a savings provision so that NAGPRA is not interpreted to delay, deny, or limit certain actions and authorities

Authorizes the Secretary of the Interior to promulgate regulations

Provides for enforcement in the United States district courts

GRAVES PROTECTION COMPONENTS OF NAGPRA

Addresses ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony

Establishes procedures and requirements to address inadvertent discoveries and intentional excavations and removals of human remains and cultural items from Federal and tribal lands, including consultation

Established a Review Committee

Prescribes penalties for criminal violations

Includes a savings provision so that NAGPRA is not interpreted to delay, deny, or limit certain actions and authorities

Authorizes the Secretary of the Interior to promulgate regulations

Provides for enforcement in the United States district courts

ORGANIZATION OF NAGPRA REGULATIONS

Subpart A – Introduction

- Purpose, Applicability, Data Collection
 - Definitions
-

Subpart B - Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony **From Federal or Tribal Lands**

- Inadvertent discoveries
 - Intentional excavations
 - Consultation
 - Custody
 - Disposition of unclaimed human remains and cultural items
-

Subpart C - Subpart C - Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony **in Museums and Federal Collections**

- Summaries
 - Inventories
 - Repatriations
 - Civil Penalties
 - Future applicability
 - Disposition of culturally unidentifiable human remains
-

Subpart D - General

- Lineal descent and cultural affiliation
- Limitations and remedies
- Review committee
- Dispute resolution

NEVER TOO EARLY FOR PLANNING

- ❑ Inadvertent discoveries under NAGPRA can occur at any time and under any circumstances:
 - due to erosion;
 - due to recreational activities;
 - due to planting activities;
 - during the course of day-to-day grounds maintenance;
 - due to development, etc.

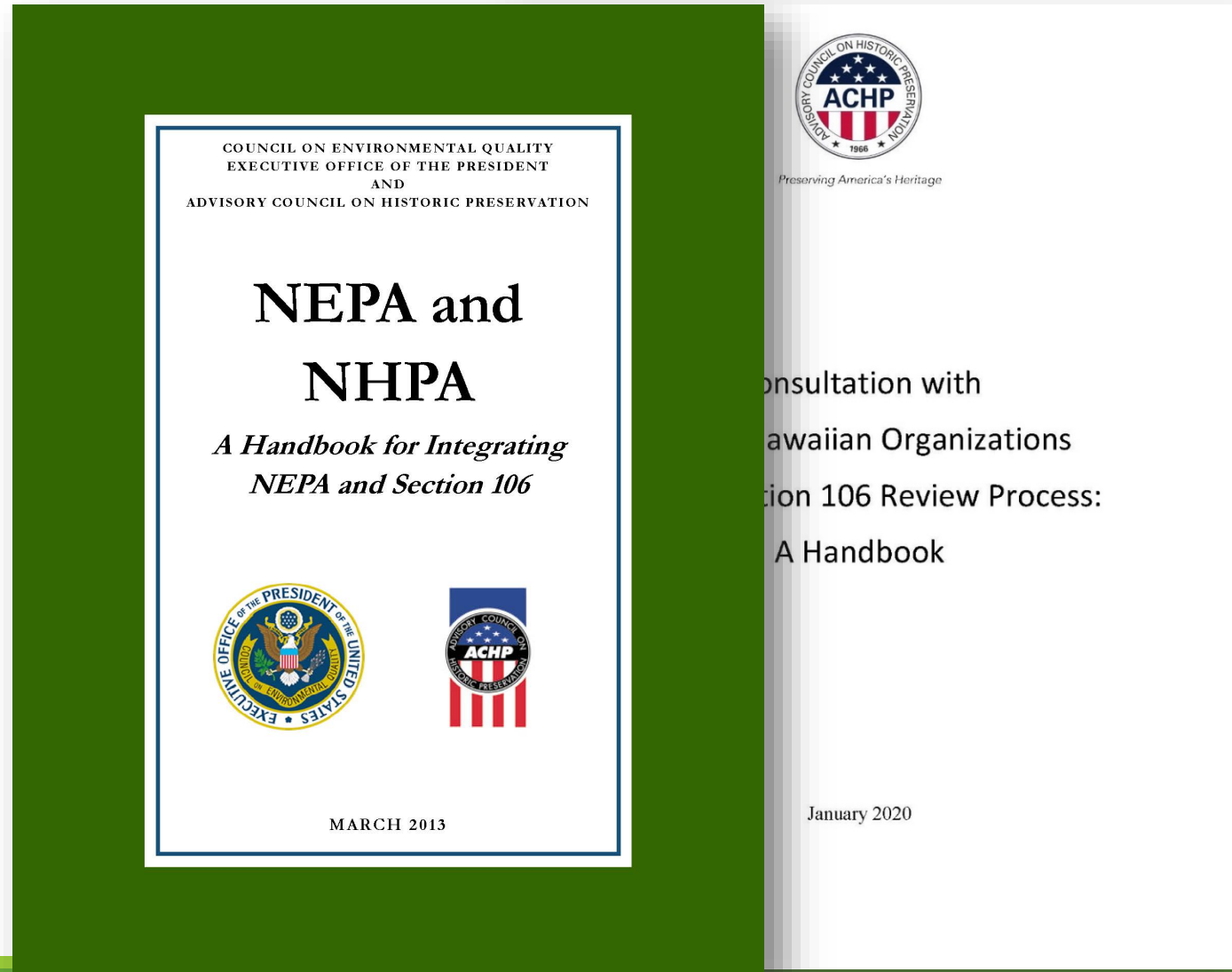


PLANNING FOR A PROPOSED ACTION ON FEDERAL OR TRIBAL LAND

□ Planning Statutes and Regulations

- The National Environmental Policy Act (NEPA)
- The National Historic Preservation Act (NHPA), Section 106
- NAGPRA Regulations

□ Coordination limited by NAGPRA's application to actions on Federal and tribal lands



COORDINATION OF NHPA SECTION 106 AND NAGPRA



Preserving America's Heritage

Consultation with Native Hawaiian Organizations In The Section 106 Review Process: A Handbook

January 2020

3

II. Federal Government Consultation with Native Hawaiian organizations

A. Legal Requirements and Directives to Consult with Native Hawaiian organizations

1) Statutes

A number of federal statutes require federal agencies to consult with Native Hawaiian organizations¹. This section will address only those applicable to historic preservation and cultural resource protection. It

A number of federal statutes require federal agencies to consult with Native Hawaiian organizations¹. This section will address only those applicable to historic preservation and cultural resource protection. It is useful to be familiar with various statutory requirements not only to ensure compliance, but also to explore opportunities to maximize consultation opportunities. For instance, if a project requires compliance with both Section 106 of the NHPA and the Native American Graves Protection and Repatriation Act (NAGPRA), it may be helpful to carry out consultation in a comprehensive manner. However, consultation under another statute or regulation does not satisfy the consultation requirements under Section 106.

Hawaiian organization consultation in the Section 106 review process. The two amended sections of NHPA that have a direct bearing on the Section 106 review process are:

- Section 101(d)(6)(A), which clarifies that properties of religious and cultural significance to Native Hawaiian organizations may be eligible for listing in the National Register of Historic Places; and
- Section 101(d)(6)(B), which requires that federal agencies, in carrying out their Section 106

FEDERAL LANDS

- ❑ “any land other than tribal lands which are controlled or owned by the United States”
- ❑ the corresponding Federal official is responsible for implementing NAGPRA
- ❑ however, final decisions when the lands are leased from the State or private entities may rest with a corresponding State entity

Own Ceded

Own Non-Ceded

Lease from DLNR

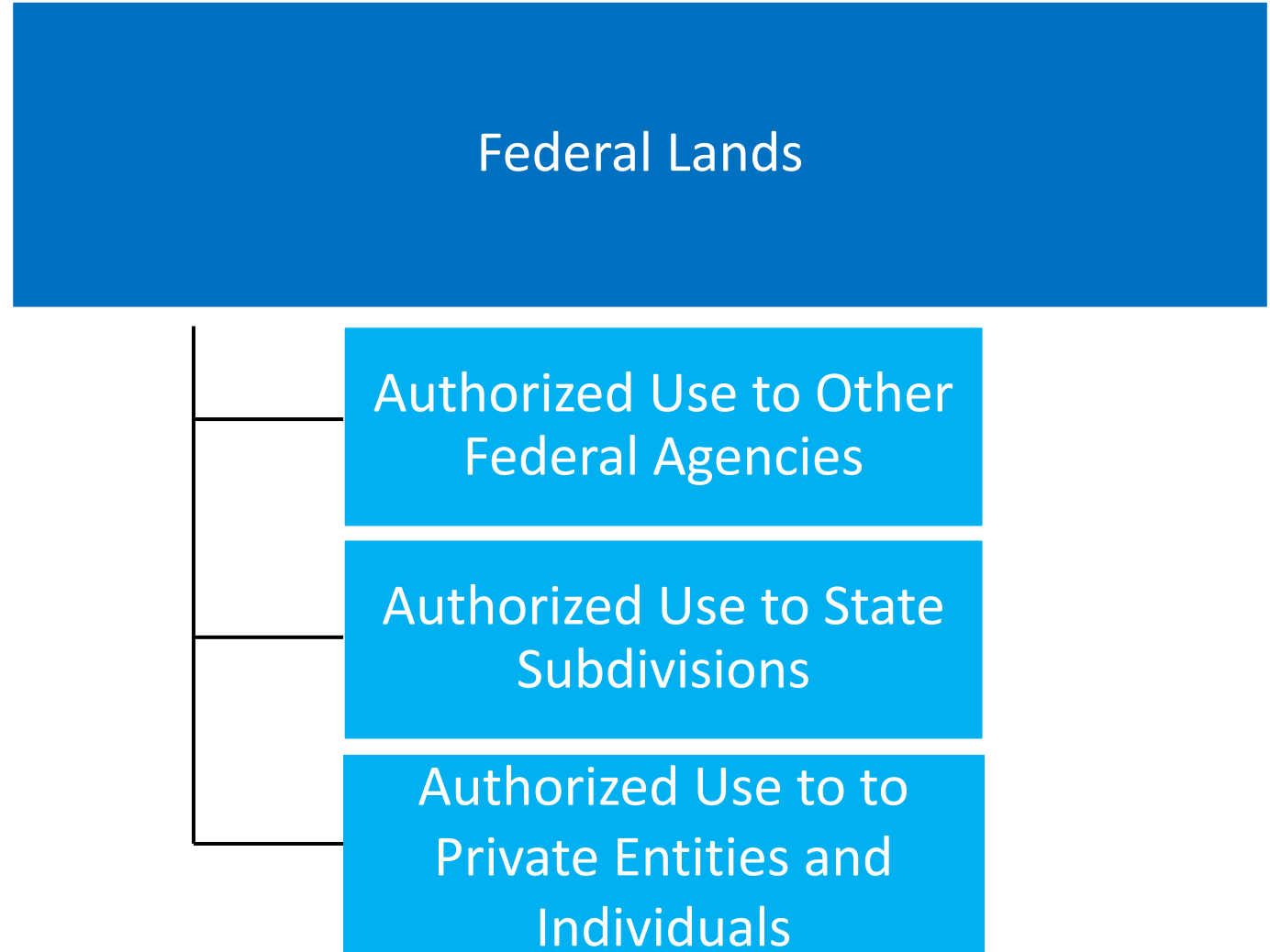
Lease of HHL

Lease from Other SOH

Lease from Private Entities

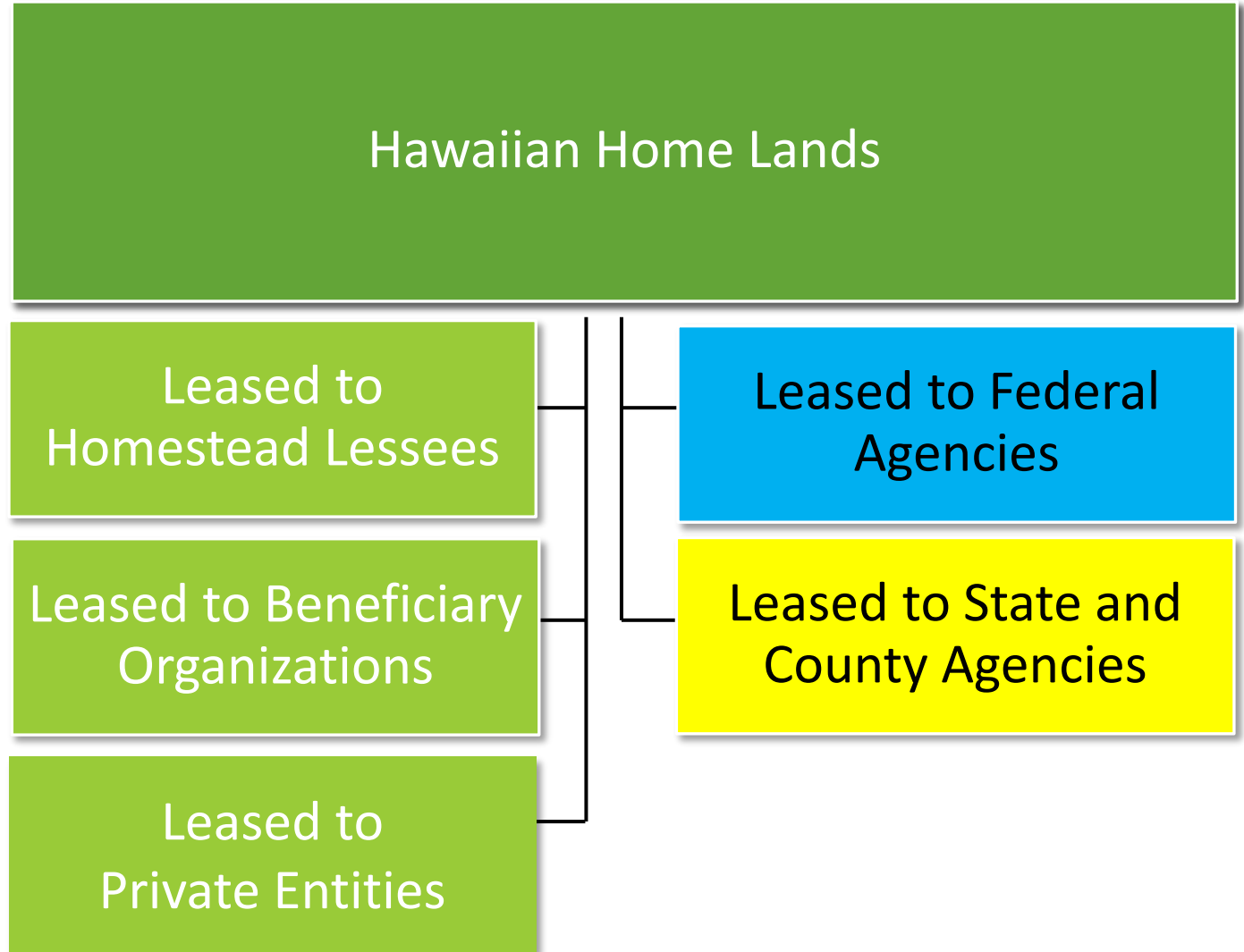
NOTICE TO USERS OF FEDERAL LANDS

- ❑ 43 CFR § 10.4(g) requires that all Federal authorizations for land use activities on Federal or tribal lands, including all leases and permits, include a requirement that the holder notify the appropriate official immediately upon the discovery of human remains or cultural items that may be covered under NAGPRA.

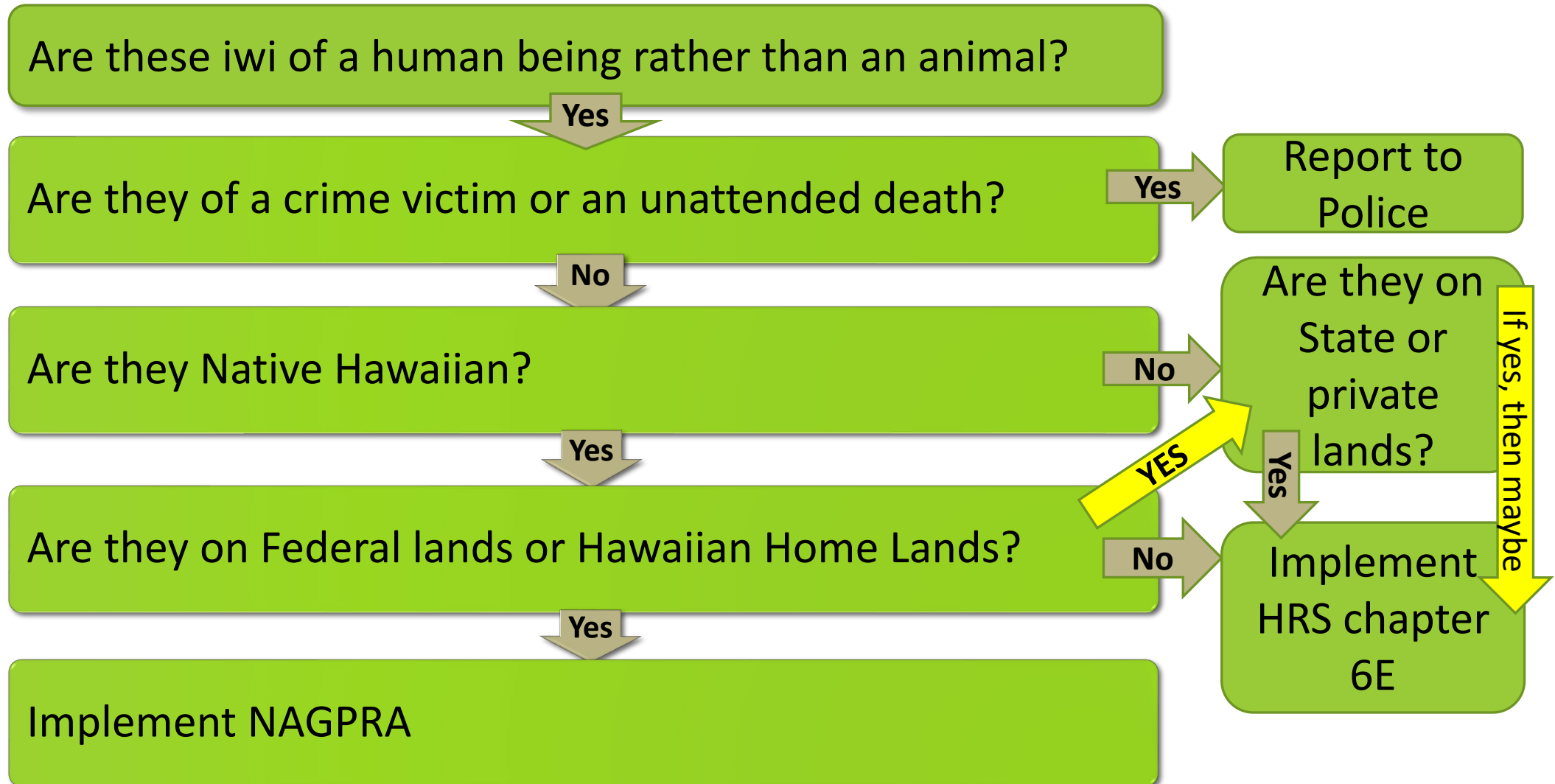


TRIBAL LANDS IN HAWAI'I

- ❑ “any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920, and section 4 of Public Law 86–3.”
- ❑ associated with who is responsible for implementing NAGPRA, in the case of Hawaiian home lands, a Department of Hawaiian Home Lands (DHHL) official



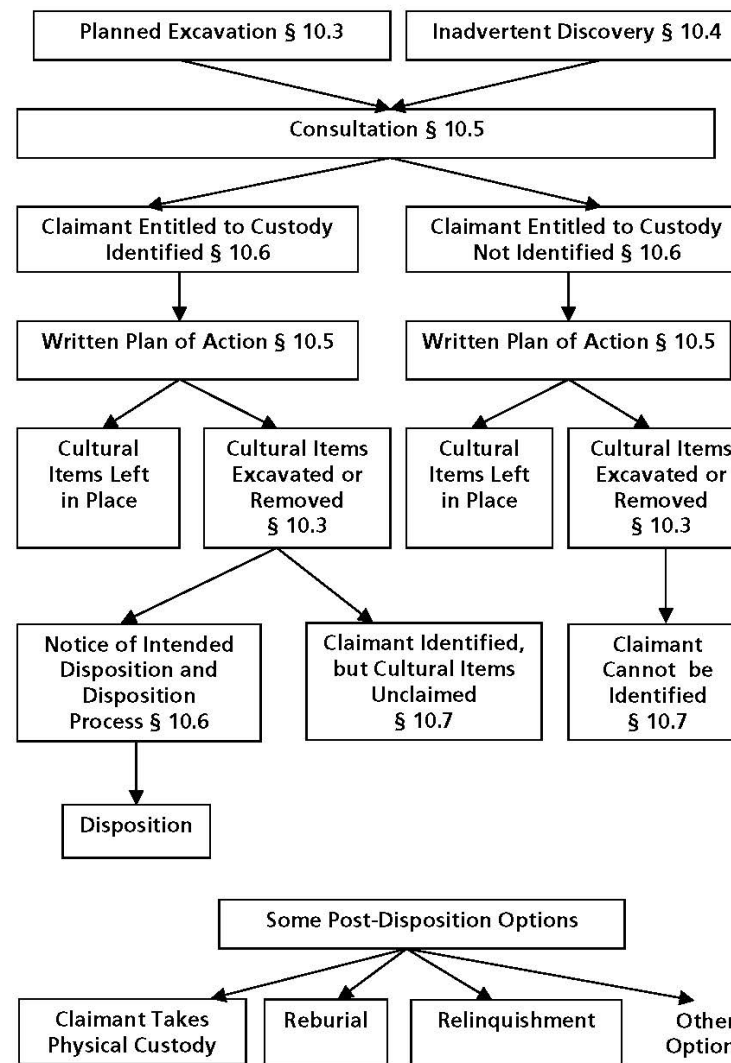
DISCOVERY OF IWI – DOES FEDERAL OR STATE LAW APPLY?



NATIONAL NAGPRA PROGRAM'S 43 CFR 10, SUBPART B OVERVIEW



43 CFR 10, Subpart B Overview



NAGPRA DISCOVERY OF IWI KŪPUNA, MOEPŪ, AND MEA KAPU

R
E
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P
O
N
D

EXISTING Plan or Agreement?

- Determine whether a Plan of Action or Comprehensive Agreement covering the area of discovery exists

NO

It is an inadvertent discovery

YES

It is an intentional excavation

Follow Plan or Agreement

1. STOP and PROTECT iwi kūpuna, moepū and mea kapu

- Stop work activity in area
- Return to their place of rest
- Protect from sun and elements
- Establish a physical buffer

2. NOTIFY respective officials, lineal descendants and NHOs

- Follow telephone and written notice requirements
- Inquire about protective measures
- Welcome immediate visit and assistance

3. INVITE lineal descendants and NHOs to consult

- Inform about scope and type of activity and general location and nature of discovery
- Ask to identify additional consulting parties

CONSULT

NAGPRA DISCOVERY OF IWI KŪPUNA, MOEPŪ, AND MEA KAPU

C
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T

Preserve in Place or Excavate and Relocate?

- Determine whether burial can or should be preserved in place
- Usually affects the scope and direction of the consultation

1. IDENTIFY consulting parties

- Who are lineal descendants
- Who are NHO
- Which NHO have closest cultural affiliation
- Who else to consult

2. FACILITATE meaningful discussions

- Address the required elements in § 10.5(e)
- Address consulting parties' requests for respectful treatment
- Afford time & space for NHO to discuss

3. APPROVE a Plan of Action or Comprehensive Agreement

- Detail the decisions made on the various consultation items
- Invite consulting parties to sign
- Official approves and signs
- Provide copies to consulting parties

IMPLEMENT

LINEAL DESCENDANT

- ❑ Not defined in the statute
- ❑ Defined in the regulations as:
“an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe or Native Hawaiian organization or by the common law system of descentance to a known Native American individual whose remains, funerary objects, or sacred objects are being requested under these regulations.”
- ❑ This standard requires that the earlier person be identified as an individual whose descendants can be traced.

NATIVE HAWAIIAN ORGANIZATION

- ❑ “any organization which—
(A) serves and represents the interests of Native Hawaiians,
(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and
(C) has expertise in Native Hawaiian Affairs,
and shall include the Office of Hawaiian Affairs and Hui Mālama I Nā Kūpuna O Hawai‘i Nei.”
- ❑ The Office of Hawaiian Affairs is defined as the entity established by the constitution of the State of Hawai‘i
- ❑ Hui Mālama I Nā Kūpuna O Hawai‘i Nei as defined in the statute dissolved itself in 2015.



U.S. Department of the Interior

Office of Native Hawaiian Relations

About ▾ NH Community ▾ Cultural Protection HHL Trust ▾ Consultation ▾

Native Hawaiian Organizations

Native Hawaiian Organization Notification List

[All \(Complete List\) \(PDF\) \(663.56 KB\)](#)

The above hyperlink provides a PDF version of the Department's Native Hawaiian Organization Notification List. If you are a Federal or State agency, a private entity complying with consultation requirements pursuant to Federal law, or a Federally listed Native Hawaiian Organization, you may contact the Office of Native Hawaiian Relations to obtain an Excel version of the List. Please be sure to check periodically for updates which are reflected with the date indicated above.

PLANS OF ACTION AND COMPREHENSIVE AGREEMENTS

Minimum requirements:

- Kinds of objects that are cultural items
- Specific information used to determine custody
- Planned treatment, care, and handling of human remains and cultural items recovered;
- Planned archeological recording of the human remains and cultural items recovered;
- Kinds of analysis planned for each
- Steps to contact NHO at the time of intentional excavation or inadvertent discovery
- Kind of traditional treatment to be afforded by members of the Native Hawaiian organization
- Nature of reports to be prepared; and
- Planned disposition



REPATRIATION FROM FEDERAL AGENCIES AND MUSEUMS

Whose responsibility?

Federal Agencies

means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

Museums

means any institution or State or local government agency (including any institution of higher learning) that has possession of, or control over, human remains, funerary objects, sacred objects, or objects of cultural patrimony and receives Federal funds. Such term does not include the Smithsonian Institution or any other Federal agency.

REPATRIATION FROM FEDERAL AGENCIES AND MUSEUMS

Museums further defined

An institution that “receives Federal funds” –

- after November 16, 1990;
- through any grant, loan, contract (other than a procurement contract), or other arrangement;
- directly or is a part of a larger entity that received Federal funds, regardless of whether the larger entity’s Federal funds were received by the institution; and
- for any purpose.

REPATRIATION FROM FEDERAL AGENCIES AND MUSEUMS

Repatriation Required?

- ❑ Inventory of Holdings and Collections
 - Human remains and associated funerary objects
 - **Yes; no claim of ownership may be made by museum or institution.**

- ❑ Summaries of Holdings and Collections
 - Unassociated funerary objects, sacred objects, and objects of cultural patrimony
 - **Maybe; claimant must prove that museum or institution does not lawfully possess the items.**

FISCAL YEAR 2020 REPORT, NATIONAL NAGPRA PROGRAM

- ❑ One-year increase in NAGPRA inventories of human remains – 2,653 individuals
 - ❑ Existing collections in museums not previously inventoried
 - ❑ New collections in museums from recent excavations inventoried
- ❑ 115 sets of Native Hawaiian iwi kūpuna are reported among the more than 116,000 Native American individuals still in museum collections
 - ❑ Net increase of 1 compared to 2018 and 2019 reports

NAGPRA At-A-Glance Fiscal Year 2020

171	notices published in the Federal Register
1	Review Committee meetings
0	letters alleging failure to comply received
\$1.907	million awarded for grants
\$86,089	7 repatriation grants
\$1,820,911	24 project grants

NAGPRA collections increased – the number of human remains reported in NAGPRA inventories increased by 2,653 individuals.

NAGPRA activity is steady – the number of human remains that have completed the regulatory process grew by 2%.

NAGPRA funding increased – available grant funds were increased from \$1.65 million to \$1.9 million.

More NAGPRA work needed – Over 116,000 Native American individuals are still in collections and 95% of those have not been culturally affiliated with any present-day Indian tribe or NHO. Cultural affiliation studies and in-depth consultations could resolve the rights to many of these individuals.

NATIONAL NAGPRA PROGRAM INVENTORIES AND SUMMARIES DATABASES

- ❖ Searchable databases
- ❖ Exportable results

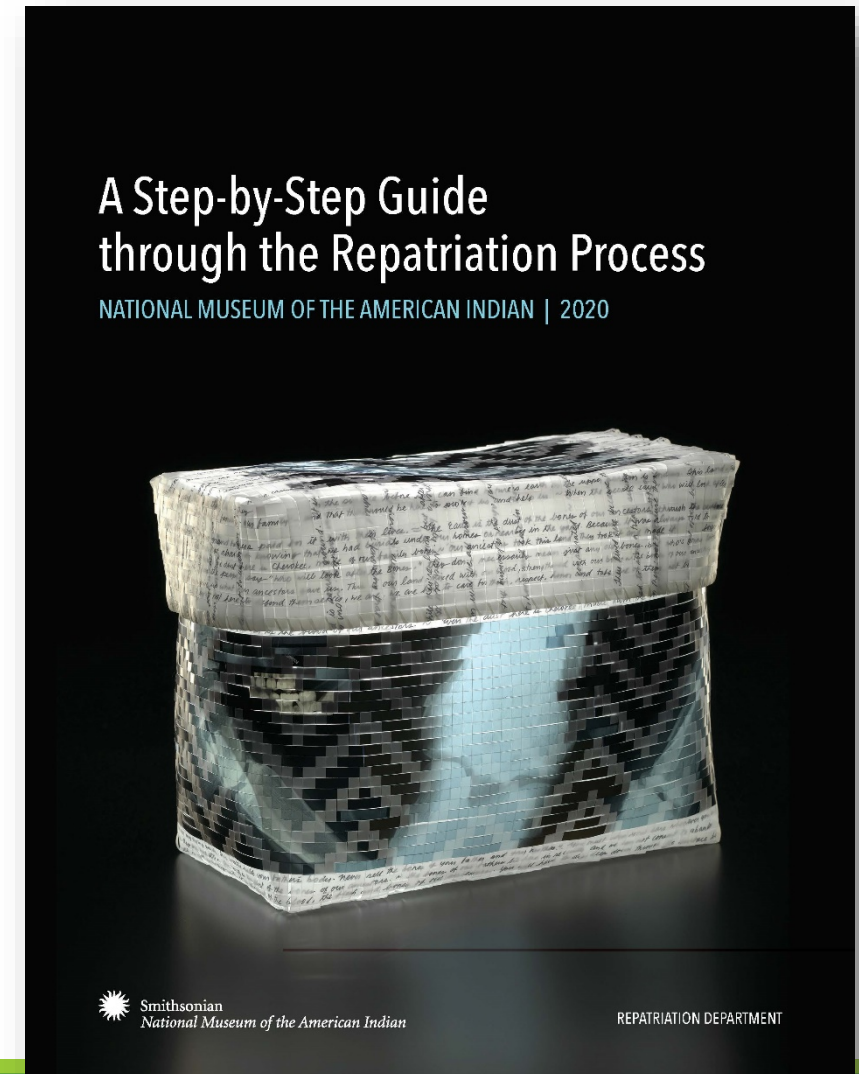
Inventories

Your criteria Inventory Type: All Human Remains and Institution: Any and State: HAWAII

State	Museum or Federal Agency	Minimum Number of Individuals	Associated Funerary Objects	Geographic Origin	County
CALIFORNIA	Santa Cruz Museum of Natural History	0	16	HAWAII	Maui
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	5	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	1	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	6	3	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	5	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	4	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	3	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	7	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	78	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	0	HAWAII	ZUnknown
HAWAII	Hawaii Dept. of Land and Natural Resources, Historic Preservation Division	1	0	HAWAII	ZUnknown
Totals		114	20		

NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT

- ❑ The NMAI Act was enacted in November 1989 to provide for the return of Native American human remains and funerary objects in the possession of the Smithsonian Institution.
- ❑ Section 13 provides for the “Inventory, Identification, and Return of Native Hawaiian Human Remains and Native Hawaiian Funerary Objects in the Possession of the Smithsonian Institution.” Codified at 20 U.S.C. § 80q.
- ❑ Congress amended the Act in October 1996 to include repatriation of unassociated funerary objects, sacred objects, and cultural patrimony.



NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT

- ❑ Two of the Smithsonian Institution's museums conduct repatriation activities for their respective collections.
 - ❑ The National Museum of the American Indian (NMAI)
 - ❑ The National Museum of Natural History (NMNH)
- ❑ They each have their own websites, guidelines and procedures, and repatriation review committees.



NMAI Repatriation Committee members, 2019 (*left-right*): Colin Kippen (Native Hawaiian), Armstrong A. Wiggins (Mískito), Shari Huhndorf (Yup'ik), Amanda Cobb-Greetham (Chickasaw Nation), Philip J. Deloria (Standing Rock Sioux), Richard Luarkie (Pueblo of Laguna), and G. Peter Jemison (Seneca Nation). Not pictured: Darrell Deacon Turner II (Cherokee Nation) and William R. Lomax (Gitxsan).

NAGPRA REVIEW COMMITTEE

Monitors the inventory and identification process to ensure a fair, objective consideration and assessment of all available relevant information and evidence

Upon request, reviews and makes findings related to the identity or cultural affiliation of cultural items, or the return of such items

Facilitates the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of cultural items

Compiles an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommends specific actions for developing a process for disposition of such remains

Consults with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the Committee's work affecting such tribes or organizations

Consults with the Secretary in the development of regulations

NATIONAL NAGPRA PROGRAM PROPOSED RULEMAKING

An official website of the United States government



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View Rule

[View EO 12866 Meetings](#)

[Printer-Friendly Version](#) [Download RIN Data in XML](#)

DOI/NPS

RIN: 1024-AE19

Publication ID: Fall 2020

Title: Native American Graves Protection and Repatriation Act Regulations

Abstract:

This rule would revise the full set of Native American Graves Protection and Repatriation Act (NAGPRA) regulations to streamline requirements for museums and Federal agencies. The rule would describe the NAGPRA process in accessible language with clear time parameters, eliminate ambiguity, and clarify terms.

Agency: Department of the Interior(DOI)

Priority: Substantive, Nonsignificant

RIN Status: Previously published In the Unified Agenda

Agenda Stage of Rulemaking: Proposed Rule Stage

Major: No

Unfunded Mandates: No

EO 13771 Designation: Deregulatory

CFR Citation: [43.CFR.10](#)

Legal Authority: [25 U.S.C. 3001 et seq.](#)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2021	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Small Entities Affected: No

Federalism: No

Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

Agency Contact:

Melanie O'Brien
National NAGPRA Program Manager
Department of the Interior
National Park Service
National NAGPRA Program, 1849 C Street NW,
Washington, DC 20240
Phone:202 354-2204
Email: melanie_o'brien@nps.gov



Panel Discussion and Audience Questions

2021 PRESERVATION SEMINARS

June 9, 2021

Preservation and Conservation Easements

October 2021 (tentative)

Integrating NEPA & NHPA Sec 106 Reviews for Effects on Historic and Cultural Properties

December 2021 (tentative)

Guidelines for Flood Adaptation for Rehabilitating Historic Buildings

MAHALO FOR
SUPPORTING THE
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ACTIVITIES OF
HISTORIC HAWAI‘I
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CONTACT

Member@historichawaii.org

808-523-2900

Mahalo

ADDITIONAL RESOURCES

REFERENCES AND RESOURCES

Federal Laws on Preservation and Native Hawaiians

National Historic Preservation Act (NHPA)

Native American Graves Protection and Repatriation Act (NAGPRA)

American Indian Religious Freedom Act (AIRFA)

Hawaiian Homes Commission Act (HHCA)

State Laws on Preservation and Native Hawaiians

Hawai'i State Constitution Article XII – Hawaiian Affairs

Hawaiian Homes Commission Act (HHCA)

Office of Hawaiian Affairs (OHA) – HRS Chapter 10

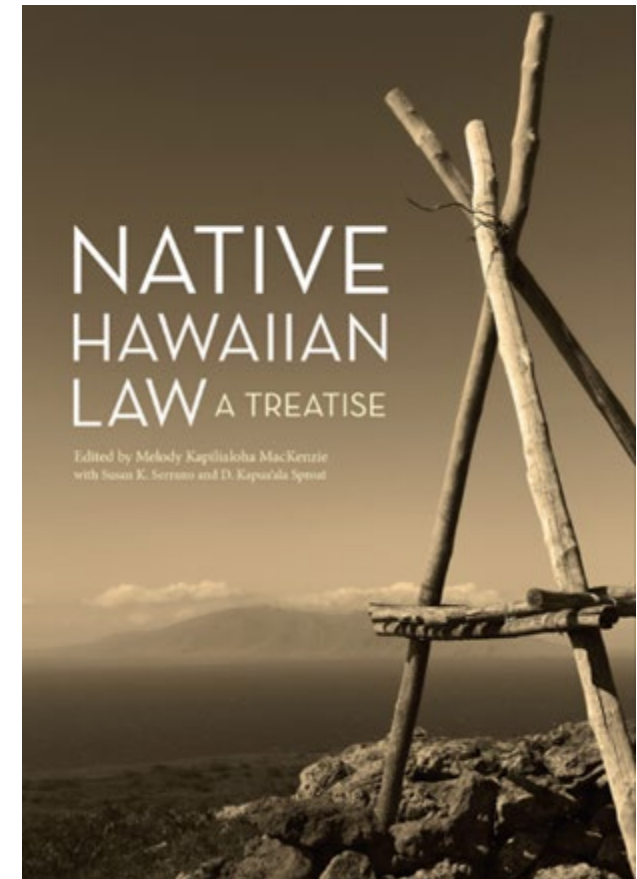
Traditional and Customary Rights

HRS Chapter 6E – Historic Preservation

HRS Chapter 10H – Native Hawaiian Recognition

HRS Chapters 205 and 205A – Land Use and Coastal Zone Mgmt.

HRS Chapter 171 – Conservation and Resources



NATIVE HAWAIIAN CONSULTATION PROTOCOLS – FEDERAL POLICY AND GUIDANCE

Department of Defense (DOD):

Consultation with Native Hawaiian Organizations (DOD
Inst. 4710.03)

Advisory Council for Historic Preservation (ACHP):

Policy Statement – Interaction with Native Hawaiian
Organizations

Handbook – Native Hawaiian Consultation in Section 106
Review Process

National Park Service (NPS):

Management Policies 2006

Office of Native Hawaiian Relations (ONHR):

DOI, DOD, ACHP Native Hawaiian Interagency Working
Group

Native Hawaiian Organization List



Source: Honolulu Advertiser



Source: Dept. of Defense