



Preserving America's Heritage

ACHP Policy Statement on the ACHP's Interaction with Native Hawaiian Organizations

Adopted by the Advisory Council on Historic Preservation
May 13, 2008
Washington, DC

Introduction

The history of the United States is enhanced by the many cultures and peoples that make up this nation. These cultures and peoples bring together diverse languages, ceremonies, practices, rites and stories; all of which add to our nation's vibrancy and strength, engender our compassion, and define our collective history.

Native Hawaiians, the indigenous people of our 50th state, bring a culture to this country that is unique. Theirs is a history of a proud people who, like other Native peoples of our country, have struggled to maintain their culture amidst other prevalent influences of American society.

Native Hawaiians have begun to more assertively recall their heritage as a great Polynesian people. Their ceremonies and cultural practices have been reborn and their language is thriving. Their historic sites are reminders of their prowess as ocean navigators, agricultural innovators, and as a successful multi-tiered, complex society that existed for hundreds of years before Europeans left their homelands.

Native Hawaiians bring their values to the historic preservation dialogue, values that are often shared by other Native peoples. Among others, these include:

- A deep love and understanding of the land;
- A respect for the powerful forces of nature;
- An understanding of an ever-evolving society and the need to reflect that in sites and buildings;
- A need to minimize their footprint on the Earth, so as to leave it capable of accommodating many generations to come;
- A historic view that Native Hawaiians stand on the work of past ancestors and have a responsibility to their children to appreciate that context;
- A deep obligation to their ancestors, to their memory and to their resting places; and,
- An enjoyment of their very brief time on this earth and all it has to offer.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

The Advisory Council on Historic Preservation (ACHP), therefore, is committed to fully considering these values as it carries out its responsibilities under the National Historic Preservation Act (NHPA). Furthermore, the ACHP recognizes the significant contribution that Native Hawaiians have and continue to make to the enrichment of this nation.

Authority

The ACHP, an independent federal agency established by the NHPA, advises the President and Congress regarding historic preservation matters; recommends legislative and administrative improvement to protect America's heritage; encourages federal agencies to make their programs and policies advance the national historic preservation goals; and, through the Section 106 review process, ensures that Indian tribes, Native Hawaiian organizations, state and local governments, and the public have a voice in the federal decisions that affect historic properties.

Purpose

This policy sets forth the commitments the ACHP makes to ensuring that Native Hawaiian organizations have the opportunities to which they are entitled under the NHPA to participate in the national historic preservation dialogue and program. The ACHP also believes that the NHPA and regulations implementing Section 106 of the NHPA, 36 C.F.R. Part 800, set the minimum standards for federal agency interaction with its preservation partners.

The basis for this policy regarding the ACHP's role, responsibilities, and relationships with individual Native Hawaiian organizations derives from the NHPA, particularly at 16 U.S.C.470a(d)(6). This policy sets forth actions the ACHP will take to oversee the implementation of its responsibilities under the NHPA with respect to the role afforded to Native Hawaiian organizations in the NHPA.

Since the NHPA is the governing authority, all terms used in this policy find their definitions in that Act. Therefore, this policy pertains to Native Hawaiian organizations as defined in the NHPA at 16 U.S.C. § 470w(18) as follows:

Native Hawaiian organization means any organization which-

- Serves and represents the interests of Native Hawaiians;
- Has as a primary and stated purpose the provision of services to Native Hawaiians; and,
- Has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

"Native Hawaiians" in turn, are defined in the NHPA at 16 U.S.C. 470w(17) as follows:

Native Hawaiian means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

Policy Principles

This policy sets forth principles that will guide the ACHP's interaction with Native Hawaiian organizations as it carries out its responsibilities under the NHPA. It also provides guidance to the ACHP and its staff and serves as the foundation for ACHP policies and procedures affecting Native Hawaiian issues. Upon adoption of the policy, the ACHP will revisit the *Action Plan on Advisory Council on Historic Preservation Native American Initiatives* (2003) to determine its consistency with this policy and make any necessary revisions.

The ACHP, in carrying out its NHPA responsibilities with regard to projects in Hawaii has found that there are particular challenges for Native Hawaiian organizations in participating in the national historic

preservation program and in having a voice in Federal decisions that impact historic properties of religious and cultural significance to them as ensured by the NHPA (16 U.S.C. 470a(d)(6)(B)). Therefore, the ACHP commits to working with Native Hawaiian organizations and the Native Hawaiian organization representative on the ACHP's Native American Advisory Group (NAAG) to develop and implement measures to address these challenges. The first step toward this goal is the adoption of the following statements of policy:

1. The ACHP acknowledges Native Hawaiian traditional cultural knowledge, beliefs and practices and recognizes their value in the understanding and preservation of historic properties in Hawaii.

The ACHP acknowledges the unique nature of Native Hawaiian perspectives and worldview. Accordingly, ACHP will carry out its responsibilities in a manner that reflects this understanding and respect, and sets an example for other federal agencies. In fact, the ACHP's regulations include a reminder to Federal agencies to acknowledge that Native Hawaiian organizations have special expertise in identifying and evaluating the National Register of Historic Places eligibility of properties of religious and cultural significance to them (36 C.F.R §800.4(c)(1)). Therefore, the ACHP, in carrying out its NHPA responsibilities in Hawaii, will:

- Seek to understand and integrate into its work in Hawaii an understanding of the relationship of Native Hawaiians' perspective on their relationship to the land, to nature's forces that affect the land, to the *kuleana* (responsibility) of all Native Hawaiians to be *pono* (honorable) as Native Hawaiians.
- Work with other federal agencies to ensure that they respect, fully acknowledge and consider the traditional knowledge, beliefs and practices conveyed by Native Hawaiian organizations in carrying out their Section 106 responsibilities and to understand their perspective on their relationship to the land and their *kuleana* to be *pono* as Federal agencies make decisions that affect the land.
- The ACHP will encourage and assist, where possible, federal agencies in working with Native Hawaiian organizations and understanding differences in perceptions and worldview.
- Develop guidance materials to guide Federal agencies in seeking and consulting with Native Hawaiian organizations in their decision making pursuant to Section 106.

2. The ACHP commits to working with Native Hawaiian organizations to fully consider the preservation of historic properties of importance to them. ACHP also understands and recognizes the connection of *`ohana* (family) to such places. Therefore, the ACHP will:

- Offer training to Federal agencies regarding their responsibilities to consult with Native Hawaiian organizations and to consider their views in the Section 106 review process.
- Develop guidance on working more effectively with Native Hawaiian organizations and consider the inclusion of *`ohana* (family) as Native Hawaiian organizations in the consultation process.
- Increase participation of all parties in the *Preserve America* initiative to both acknowledge preservation efforts, educate the public about the importance of preserving Native Hawaiian historic properties, and to raise the visibility of Native Hawaiian historic preservation.

3. The ACHP acknowledges the important contributions of Native Hawaiian organizations to the national historic preservation program. Their history is one of many histories that make up the essential fabric of our great nation. Further, the ACHP acknowledges the rights of Native Hawaiian organizations to participate in Section 106 consultation with Federal agencies. Therefore, the ACHP will:

- Identify those Federal agencies with the greatest consultation challenges and develop and implement strategies to assist those agencies in addressing such challenges.
- Work with Federal agencies to adopt policies acknowledging their responsibilities to consult with Native Hawaiian organizations and mechanisms to assist Federal staff in carrying out such responsibilities.

- Encourage federal agencies to be particularly diligent in involving Native Hawaiian organizations early in the review process.
- As directed by Appendix A of 36 CFR Part 800, stand ready to address unreasonable agency decisions that limit Native Hawaiian organization participation in the Section 106 process.
- Encourage federal agencies to approach Section 106 consultation with Native Hawaiian organizations with flexibility.
- Actively encourage and welcome Native Hawaiian organization participation in ACHP and other historic preservation programs beyond the Section 106 review process.

The ACHP understands and accepts its responsibility as a proponent for historic preservation in Hawaii. One of the most important ways in which the ACHP carries out that responsibility is to ensure that Native Hawaiian organizations have the opportunity to participate in the programs of the ACHP, in particular, the Section 106 process as provided for in the NHPA.

The ACHP will encourage participants in the ACHP programs, particularly federal agencies, to also act in accordance with these principles. Further, the ACHP will implement these measures in consultation with Native Hawaiian organizations and considering the advice of the Native Hawaiian organization representative to NAAG.