



Memorandum of Understanding among Participating Agencies of the Native Hawaiian Federal Interagency Working Group

I. Introduction

The Native Hawaiian Federal Interagency Working Group (Working Group) began its efforts in 2006 with the development of the Department of the Interior Native Hawaiian Organization List. This list (Native Hawaiian Organization List, 72 Fed. Reg. 54672 (September 26, 2007)) is now used by Federal Agencies seeking to consult with the Native Hawaiian Community through Native Hawaiian organizations. After other similar joint agency projects, on February 17, 2011, the U.S. Department of the Interior, the U.S. Department of Defense, and the Advisory Council on Historic Preservation signed a memorandum of understanding (MOU) formally establishing the Working Group. Accomplishments of the Working Group include: creation of the Department of Defense Consultation Policy with Native Hawaiian Organizations; A Handbook for Consultation with Native Hawaiian Organizations in the Section 106 Review Process; and The Native Hawaiian Community Guide to Federal Programs and Services.

The Working Group continues to provide guidance and assist Federal Agencies with their compliance activities associated with (1) administration of Federal Programs that directly and/or uniquely affect the Native Hawaiian community and (2) consultation with Native Hawaiian organizations regarding the potential effects of Federal Programs and activities on Native Hawaiian organizations' resources, rights, or lands. Per this MOU, the members of the Working Group are the Office of Native Hawaiian Relations (ONHR) within the Department of the Interior, the Office of the Deputy Assistant Secretary of Defense for Environment, Safety, and Occupational Health, within the Department of Defense, the Advisory Council on Historic Preservation, and the Small Business Administration.

ONHR has the lead in organizing the Working Group consistent with P.L. 108-199, Div. H, Sec. 148 (118 Stat. 445), which established ONHR as a focal point among Federal Agencies for coordination of information regarding consultation with Native Hawaiian organizations. The Working Group anticipates that additional Federal Agencies that administer Federal Programs to Native Hawaiian organizations or have consultation responsibilities to Native Hawaiian organizations will join the Working Group by signing the MOU in the future.

II. Purpose

Federal Agencies are required to consult with Native Hawaiian organizations before taking any action that may have the potential to significantly affect Native Hawaiian resources, rights, or lands. To that end, the first purpose of this Working Group is to establish processes to assist federal agencies with the identification of impediments to meaningful, regular, and appropriate consultation

with Native Hawaiian organizations as required by law, regulation, and policy; and to develop information and recommendations to assist Federal Agencies with their consultation with Native Hawaiian organizations. The second purpose of the Working Group is to assist Federal Agencies with their compliance activities associated with the administration of Federal Programs that directly and/or uniquely affect the Native Hawaiian Community.

III. Authorities

This MOU is established under the following authorities: U.S. Public Law 108-199, establishing the United States Office for Native Hawaiian Relations; 109 Stat. 537, The Hawaiian Home Lands Recovery Act; 54 U.S.C. § 304102, establishing the Advisory Council on Historic Preservation; and U.S. Public Law 104-201, 10 U.S.C. § 2694(c), authorizing the Secretary of Defense to negotiate and enter into agreements with public and private agencies, organizations, institutions, individuals, or other entities regarding cultural and natural resource management.

IV. Functions

The Working Group will continue to:

(a) Provide guidance to Federal agencies regarding the appropriate methods to comply with laws and administer program(s) that directly and/or uniquely affect the Native Hawaiian Community.

(b) Consider information and advice obtained from the Governor of Hawaii and other elected officials in the Hawaiian Islands concerning how Federal agencies undertaking actions in Hawaii may more effectively consult with Native Hawaiian organizations. The Working Group will try to meet at least once each year with the Governor of Hawaii or his or her representative who may wish to attend; and

(c) Consider information and advice individually obtained from Native Hawaiian leaders and representatives of Native Hawaiian organizations, non-governmental organizations, academia, and cultural practitioners concerning how Federal agencies undertaking actions in Hawaii may more effectively consult with Native Hawaiian organizations.

(d) Execute the action plan developed in accordance with section V of this MOU.

V. Funding

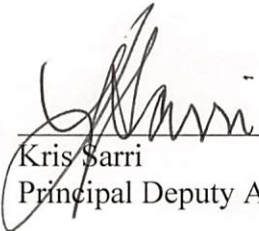
This MOU is not a funds obligating document and nothing in it expands, limits, or alters the parties' statutory authority and responsibilities. Nor is the purpose of this MOU to establish the intention, or commitment, to fund any project on the part of the Federal Agencies. However, the Working Group may provide advice on the coordination of several Federal Programs and responsibilities. In some cases, coordination with other parties, such as a state agencies or non-governmental organizations, may also be considered.

VI. Duration of Agreement

The MOU shall continue in effect for five years or until all Working Group members provide written notice of termination, whichever comes first. Any signatory may terminate its participation with 60 days written notice to the other signatories. The document may be updated and periodically amended with the written concurrence of all parties. Additional agencies may join the Working Group by signing the MOU.


VII. Signatures

U.S. Department of the Interior


Kris Sarri
Principal Deputy Assistant Secretary, Policy, Management and Budget

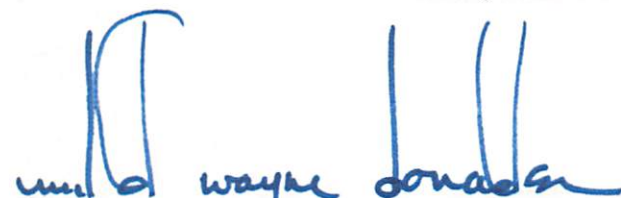
October 3, 2016
Date

Department of Defense


Maureen Sullivan
Deputy Assistant Secretary of Defense for Environment, Safety, and Occupational Health


Oct 31, 2016
Date

Advisory Council on Historic Preservation


Milford Wayne Donaldson
Chairman

September 30, 2016
Date

Small Business Administration


David R. Sanborn
Assistant Administrator, Office of Native American Affairs

11.3.16
Date