



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) is formed 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. The initial members of the Working Group are the Office of Native Hawaiian Relations (ONHR) within the Department of the Interior, the Office of the Deputy Under Secretary of Defense for Installations and Environment within the Department of Defense, and the Advisory Council on Historic Preservation.

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. ONHR 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 a process 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; U.S. Public Law 104-42, The Hawaiian Home Lands Recovery Act; 16 U.S.C. § 470j, establishing the Advisory Council on Historic Preservation of the National Historic Preservation Act; and U.S. Public Law 104-

201, 10 U. S. C. 2694c, 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:

(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. Short Term Actions

(a) The first meeting of the Working Group shall be chaired by the ONHR and take place within 60 days after the effective date of this MOU. The goal of this meeting will be the creation of an action plan and strategy to identify 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 activities.

(b) The action plan will include recommendations for a multi-year interagency approach to developing effective and meaningful consultation with Native Hawaiian Organizations consistent with the purpose of this Working Group.

(c) A draft of the action plan and strategy will be completed within one year following the first meeting of the Working Group and submitted to the signatories for approval.

VI. Funding

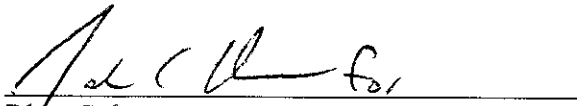
This MOU is not a funds obligating document and nothing in it expands, limits, or alters the parties' statutory authority and responsibilities. Nor is the purpose of this MOU to establish the intention, or commitment, to fund any project on the part of the federal agencies. However, the Working Group 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.

VII. 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.

VIII. Signatures

U.S. Department of the Interior



Rhea Suh
Assistant Secretary, Policy, Management and Budget

2/15/11

Date

Department of Defense



Dorothy Robyn
Deputy Under Secretary of Defense, Installations and Environment

Feb. 17, 2011

Date

Advisory Council on Historic Preservation



Milford Wayne Donaldson
Chairman

17 FEB 2011

Date