

# PROTECT KAHO'OLAWA 'OHANA



December 21, 1983

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I am writing to express the concern of the Protect Kaho'olawe 'Ohana (PKO) over the current status of the Navy's Kaho'olawe Cultural Study Draft which has recently been forwarded to the Advisory Council for review. It is our hope that the comments included herein will encourage the Council to continue its efforts to preserve the cultural heritage of the Hawaiian people.

As you will recall, the initial mandate to prepare an adequate cultural study came from the Keeper of the National Register of Historic Sites, who noted during the island's nomination process that the Kaho'olawe Multiple Resources Nomination Overview did not contain a cultural component. Subsequently the Council executed a Memorandum of Agreement with the State of Hawaii and the Navy. The Agreement requires the development of a Cultural Resource Management Plan which is to include "Provisions for the preservation and enhancement of the Island's contemporary cultural values in a manner consistent with Sections III F, IV E, F, G and H, and V of the Consent Decree [in Aluli v. Brown], taking into account the results of the professional assessment of the Island's cultural values presently being prepared for the Navy, and the policies articulated in the Native American Religious Freedom Act of 1978 (P.C. 59-341)." As a third party beneficiary of the Memorandum of Agreement, and as the cultural steward of the Island, the Ohana remains concerned that the intent of the Agreement be fulfilled by an adequate cultural study.

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Since the Navy first became legally obligated to produce a thorough cultural study, the Ohana has spent countless hours attempting to assist the government in its task. These efforts have included, but not been limited to, the production of a cultural study ('Oia'i'o O Kaho'olawe) as an appendix (D) to the Kaho'olawe Multiple Resources Nomination Overview, the provision of research material to Navy contractees, and the facilitation of interviews with native Hawaiian kupuna (elders) and scholars. Additionally, we have formally met with the Navy in semi-annual Consent Decree negotiations and informally with Navy staff personnel to provide guidance in the preparation of the Study Draft.

Given the aforementioned concern and input from so many sources, it is particularly disappointing that the Study Draft is such a substantive failure. I have included herein the PKO's review of the Study Draft which describes in detail the Draft's major inadequacies. Also included are copies of our written statements and correspondence surrounding the semi-annual negotiations.

Recent events have heightened our concern that the Navy does not intend to fulfill the obligations imposed upon it. At the last meeting with the Navy staff archeologist, we were informed that the Theodoratus Study was not even reviewed as a model for research design of the Study Draft, in contravention of the recommendations contained in your letter of September 14, 1981. The importance and implications of the Theodoratus Study were emphasized by the Federal Court in Northwest Indian Cemetery Protective Association v. Peterson, 565 F.Supp. 586 (N.D.C.A. 1983). We have just been informed that the aforementioned archeologist will be leaving Hawaii in January 1984.

As part of our continuing program to assist the federal government in producing a scholarly and adequate cultural study, the PKO will soon be conducting a series of workshops for professionals, lay citizens, and the Navy to comment on and improve the existing document. Within the next few days, the dates and locations of these meetings will be announced. It would be most helpful to this review process if a representative from the Council were present or, in the alternative, the Council's comments on the Draft were immediately forwarded



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to all relevant parties. Until such time as the existing work product is appropriately reviewed and amended, and the new staff archeologist becomes familiar with the Kaho'olawe issues, no action on the Study Draft should be taken.

We look forward to your comments on the above-referenced matters and to your continued support of our cultural heritage. The PKO wishes you both a mele kalikimaka and hauoli makahiki hou this holiday season.

Sincerely,

  
Dr. Noa Emmett Aluli  
for the Protect Kaho'olawe 'Ohana

tb  
cc: Susumu Ono, SHPO