

June 5, 2018
Agenda Item IV.D

To: KIRC Commissioner

From: Michael K. Nāho‘opi‘i, Executive Director

Subject: Request amendment to the December 19, 2017 motion authorizing the KIRC Executive Director to develop and enter into agreements to facilitate the repatriation of iwi koholā to replace Maui Ocean Center with Protect Kaho‘olawe ‘Ohana.

RECOMMENDED MOTION:

Amend the December 19, 2017 motion by authorizing the Executive Director to develop and enter into agreements with NOAA, Bishop Museum and Protect Kaho‘olawe ‘Ohana, in consultation with the KIRC Cultural Advisory Working Group, to facilitate the repatriation of iwi koholā currently located at the Hawaii Maritime Museum.

BACKGROUND & SUMMARY

At the December 19, 2017 KIRC Public meeting, the Commission authorized the Executive Director to enter into agreements with NOAA, Bishop Museum and the Maui Ocean Center (MOC) to facilitate the repatriation of iwi koholā currently located at the Hawaii Maritime Museum. Initially, Maui Ocean Center was interested in working with the KIRC to establish a long-term loan of the iwi to be featured in a new display at MOC’s newly built Oceanarium. MOC would fund the disassembly and transportation of the iwi back to Maui where the individual bones would be scanned and a 3D replica made for display purposes. The KIRC would retain custody of the iwi, obtain the necessary permits and then loan the iwi to MOC for their display. Once the replicas were made, MOC would fund the repatriation of the iwi back to Kaho‘olawe.

Humpback whale remains, including bones, are protected under the Marine Mammal Protection Act and the Endangered Species Act. Possession of the any whale remains are controlled by permit by NOAA. Any transfer and possession would require NOAA’s approval and a permit issued by the agency. Only government agencies are able to obtain, and hold permits for marine mammal remains.

Since the last Commission meeting, MOC’s advisory committee changed direction regarding the subject display and they will no longer feature any iwi, actual or replica. With this change in direction, the Executive Director contacted NOAA and Bishop Museum to inform them that KIRC is canceling their request to take possession of the iwi.

Subsequently, the Protect Kaho‘olawe ‘Ohana has now shown an interest in facilitating the repatriation of the iwi and has requested the support of the KIRC by obtaining the NOAA permit. According to the NOAA representative, KIRC can request custody of the iwi for repatriation through a letter detailing the method and timing for the removal, transportation and repatriation of the iwi back to Kaho‘olawe.

Bishop Museum is working to empty the former Maritime Museum by the end of June 2018. The iwi must be removed from the building by that time. The transportation and repatriation can follow at its own schedule.

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LEGAL AUTHORITY:

The relevant provisions of Chapter 6K, Hawai`i Revised Statutes, read as follows:

[§6K-6] Responsibilities and duties of the commission. The general administration of the island reserve shall rest with the commission. In carrying out its duties and responsibilities, the commission...

(2) Shall approve all contracts for services and rules pertaining to the island reserve...

RECOMMENDATION

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