



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

May 22, 2023

Dear Native Hawaiian Community Leader:

The National Park Service (NPS), in collaboration with the Department of the Interior's Office of Native Hawaiian Relations, invites you to consult on the traditional gathering of plants or plant parts within National Park System units, including input on your experiences with traditional plant gathering or input on whether potentially workable processes for the Native Hawaiian Community are described in the current [36 CFR § 2.6 – Gathering of Plants or Plant Parts by Federally Recognized Indian Tribes](#).

The intent of the consultation is to collect information from the Native Hawaiian Community on concerns associated with their experiences or concerns with the NPS's process for allowing traditional gathering of plants or plant parts. Comments received may be used in considering changes to NPS policies or practices, or to explore potential revisions to the existing regulations. Any changes, in whatever form they ultimately take, are intended to better ensure the protection of Native Hawaiian traditional gathering practices, to consider the use of biocultural resources, and to create more uniform and streamlined implementation standards for park superintendents and managers.

The NPS recognizes that the Native Hawaiian Community has practiced traditional cultivation and harvest of plants and plant parts on or from lands that are now included in areas of the National Park System long before the NPS's establishment. Furthermore, the NPS understands from Native Hawaiians that the continuation of traditional plant cultivation and collection practices are critical for the health and well-being of Native Hawaiians.

In 2016, the NPS issued 36 CFR § 2.6, which established a process for reviewing requests, entering into agreements, and issuing permits for the gathering of plants or plant parts by federally recognized Indian Tribes on land administered by the NPS. While 36 CFR § 2.6 attempts to set uniform standards that help the NPS review requests for plant gathering agreements in System units, Native Hawaiians and Tribal governments have made the NPS aware of concerns with the process and scope outlined in the regulations.

In response to these and other concerns, the NPS has identified the need to obtain additional input from the Native Hawaiian Community before considering updates or clarifications to the process associated with traditional plant gathering.

The NPS welcomes all comments as the agency reviews the existing process, and we are specifically seeking input on the following questions:

1. How can the NPS improve its cooperation and coordination with Native Hawaiians in respect to the gathering of plants or plant parts on lands managed by the NPS?

2. Do you believe that the process outlined for requesting to enter a plant gathering agreement in 36 CFR § 2.6(c) would be a workable approach in Hawaii?
3. Do you believe that the requirements for entering into a plant gathering agreement in 36 CFR § 2.6(d) would be a workable approach in Hawaii?
4. Do you believe that the requirements for the content of a plant gathering agreement in 36 CFR § 2.6(f) would be a workable approach in Hawaii?
5. Do you believe that the implementation, suspension, termination, and appeal process associated with plant gathering agreements in 36 CFR § 2.6(f-k) would be a workable approach in Hawaii?
6. What experiences or concerns do you have with alternative approaches to 36 CFR § 2.6 for the NPS to coordinate and cooperate with Native Hawaiians in respect to the gathering of plants or plant parts on lands managed by the NPS?

Attached you will find a briefing sheet with information on the existing process, as well as the public “Tribal Leaders Guide to the NPS Plant Gathering Regulation.” Please send comments to ona_program@nps.gov, or Plant Gathering Comments, 1849 C Street, NW, Mail Stop 7360, Washington, DC 20240. We request comments be received by July 31, 2023.

Virtual consultation meetings, designed to provide a forum for the Native Hawaiian Community to relay input in an oral format, will be held on June 21, 2023, as noted below. This consultation will be open to Native Hawaiians and Native Hawaiian Organizations.

Date: Wednesday, June 21, 2023

Consultation on NPS Plant Gathering Regulation - HAWAII

Join ZoomGov Meeting

<https://doitalent.zoomgov.com/j/1613951734>

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Sincerely,

**SHAWN
BENGE**

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Shawn Benge
Deputy Director, Operations
National Park Service

Enclosures:

Briefing Paper

Tribal Leaders Guide to the NPS Plant Gathering Regulation