STANDARD OPERATING PROCEDURE (SOP) for Collection of Natural and Cultural Materials

The OANRP, OACRP and PTACRP programs conduct important conservation activities in many areas on lands belonging to the federal and state governments and agencies as well as private landowners. Everything on those lands belongs to those owners. We are given permission to carry out our work in support of their and our programs objectives. These activities are governed by agreements between the US Army and the landowner which govern many activities including property rights. There are very specific statements in most of these agreements that restrict our usage of their property by which we must abide. Our failure to do so could result in our not being allowed to continue to work in the area with unknown subsequent impacts on the overall program.

1. PURPOSE. The purpose of this SOP is to outline responsibilities when working in the field: what we can and cannot do; procedures for reporting unanticipated discoveries; procedures for taking anything other than work related material from the field.

2. SCOPE.
   a. Definition of what we are allowed to do in each area in which we work.
   b. Identification of specific landowner provisions restricting our work in the area.
   c. Procedures for:
      (1) Conservation, documentation and reporting unanticipated natural or cultural resource discoveries;
      (2) Collecting material outside the work program;

Pertinent Regulations:

Federal

US Fish & Wildlife Service
Laws & Policies | Regulations and Policies | Interagency Policy for ESA Section 9 Prohibitions

Section 9 of the Act prohibits certain activities that directly or indirectly affect endangered species. These prohibitions apply to all individuals, organizations, and agencies subject to United States jurisdiction. Section 4(d) of the Act allows the promulgation of regulations that apply any or all of the prohibitions of section 9 to threatened species. Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. With respect to endangered plants, analogous prohibitions make it illegal for any person subject to the jurisdiction of the
United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or to remove and reduce to possession any such plant species from areas under Federal jurisdiction. In addition, for endangered plants, the Act prohibits malicious damage or destruction of any such species on any area under Federal jurisdiction, and the removal, cutting, digging up, or damaging or destroying of any such species on any other area in knowing violation of any State law or regulation, or in the course of any violation of a State criminal trespass law.

**US Army**

Our use of Army property is restricted to:

(i) Installing, repairing and maintaining conservation ungulate fencing;
(ii) Performing feral animal control activities;
(iii) Installing protective barriers for the protection of endangered tree snails;
(iv) Collecting, reintroducing and augmenting endangered snails and plant species for propagation;
(v) Weed control and forest restoration (planting work);
(vi) Conducting small mammal control activities, including but not limited to, trapping and the use of toxicants;
(vii) Biological surveying;
(viii) Monitoring the success of the foregoing conservation activities and the stabilization of the endangered species identified under the OIP and MIP;
(ix) Implementing fire controls and erosion controls;
(x) Monitoring, banding, endangered bird species
(xi) Monitoring endangered fly and bat species
(xii) Conducting community and outreach services

OANRP shall take every reasonable precaution to preserve and leave unaltered all places, if any, of historic and/or archaeological interest, including without limitation, structures and sites listed on the Hawaii State Register of Historic Places and/or the National Register of Historic Places, ponds, reservoirs, heiau, altars, agricultural terraces, lo‘i, walls, auwai, house platforms, imu, petroglyph sites, cemeteries, and all objects, if any, of historic and/or archaeological interest, including, without limitation, antiquities and specimens of Hawaiian or other ancient art or handicraft which may be found in or on the Licensed Area. Upon the discovery of such objects or items or of any human remains in or on the Licensed Area, Licensee shall leave the same untouched and shall immediately notify Licensor of the type and location of such discovery. All objects found on the Licensed Area, whether found by Licensor or Licensee, shall belong to and shall remain the property of Licensor, subject to applicable laws. Licensee shall respect and recognize any and all rights of Native Hawaiians to exercise traditional rights, customs, practices, prerogatives, privileges and usufructs on or in the Licensed Area in accordance with law.
State

Hawaii Administrative Rule §13-104-4 Preservation of public property and resources. The following activities are prohibited within a forest reserve:

1. To remove, injure, or kill any form of plant or animal life, either in whole or in part, except as authorized by the Board or authorized representative or as provided by rules of the Board;
2. To remove, damage, or disturb any natural feature or resource (e.g. natural stream beds) except as authorized by the board or its authorized representative;
3. To remove, damage, or disturb any historic or prehistoric remains;
4. To remove, damage, or disturb any notice, marker, or structure;
5. To enter, occupy, or use any building, structure, facility, motorized vehicle, machine, equipment, or tool within or on forest reserve except as authorized by the board or its representative;
6. To engage in any construction or improvement except as authorized by the board;
7. To sell, peddle, solicit, or offer for sale any merchandise or service except with written authorization from the board.
8. To distribute or post handbills, circulars, or other notices.
9. To introduce any plant or animal except as approved by the Board.
10. To enter or remain within forest reserves when under the influence of alcohol, narcotics, or drugs, to a degree that may endanger oneself or endanger or cause annoyance to other persons or property. The use or possession of narcotics, drugs or alcohol within forest reserves is prohibited. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §§183-2, 183-17)

The Board of Water Supply, Kamehameha Schools/Bishop Estate and Hawaii Reserves Inc. agreements are essentially the same as the above federal and state permissions and exclusions.

3. RESPONSIBILITIES.

a. Natural Resource Supervisors: Review procedures with NR staff to ensure understanding and compliance during safety briefings. Report all discoveries immediately to Senior Natural Resource Coordinator.

b. Natural Resource Staff: Prevent disturbance of discovery and the immediate environment, document the resource and its position, and report to field supervisor.

c. Failure to comply with this SOP may result in disciplinary action.

4. PROCEDURES.

Sop No. 32 Collection of Cultural and Natural Materials
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a. Before operation

   (1) Every quarter ensure this SOP is reviewed with all field personnel.

   (2) Prior to working in an area review the location of all endangered species and cultural sites in the project area.

   (3) Ensure that all field personnel fully understand the potential consequences of failure to comply with this SOP.

b. Inadvertent discovery of human remains, associated cultural resources, or previously unidentified or unanticipated cultural resources on or in any management area

   (1) Stop all management activities in the immediate area (radius of five feet), take reasonable precautions to protect the area and report the find to the field supervisor.

   (2) With the exception of possible or known human remains, photograph the object in situ and record the GPS. **DO NOT PHOTOGRAPH POSSIBLE OR KNOWN HUMAN REMAINS.**

   (3) Report the find up the chain of command and leave the area until a cultural resources specialist has visited the site.

   (4) If the discovered cultural resource appears to include human remains, the local police must be notified. If the police determine that the discovery constitutes a crime scene, the police takes charge of the scene.

c. Under no circumstances may cultural objects, biological or geological materials be removed from the area without specific permission of the landowner or their agent. The project supervisor should consult the landowner in the field for permission if it is necessary to protect the resource. If oral permission is received then follow-up written permission must be completed with 48 hours of removal from the field. All materials must be handed over to the respective landowner or their agent.

d. If materials are for personal use it is very important that the agreement for such use is agreed to both by the landowner and one of the senior natural resource or cultural resource coordinators or specialists. The collection must be verified and recorded officially by the respective landowner.