

MARGARET MAGAT

Intangible Cultural Heritage, Folklorists, and TCPs in the Hawaiian Context

Résumé

Dans l'univers de la gestion des ressources culturelles, le travail est souvent réalisé par des archéologues et des décideurs politiques. Les études ethnographiques ou les enquêtes portant sur les propriétés culturelles traditionnelles sont en général menées par d'autres personnes que des ethnographes ou ethnologues ayant été formés à cette fin. Et cependant, pour des études telles que les évaluations d'impact culturel ou les projets tels que la Section 106, impliquant un financement du gouvernement fédéral, où il est nécessaire de consulter les communautés afin d'identifier les propriétés culturelles traditionnelles, les ethnologues, avec leur compréhension des aspects tant immatériels que matériels de la culture, sont particulièrement aptes à répondre aux difficultés que pose la propriété culturelle. La notion « d'attachement à la culture », qui prend en compte à la fois le matériel et l'immatériel (Maly 1999), représente souvent un défi pour ceux qui ont l'habitude de ne travailler que sur les dimensions physiques de la culture matérielle. À Hawaï, où les ressources naturelles telles que les collines ou les montagnes, de même que les courants océaniques, sont souvent considérées comme des ressources culturelles, des conflits se déclarent souvent entre les communautés et ceux qui cherchent à développer les lieux. Les traditions de vie hawaïennes comprennent la pratique culturelle du mo'olelo (histoires, savoirs, opinions) qui entoure les wahi pana (lieux sacrés des légendes), qui ancrent les traditions immatérielles de la vie dans des lieux ou des sites physiques répondant aux critères de la propriété culturelle traditionnelle. Les conflits tendent à apparaître lorsque les personnes en charge de la gestion des ressources culturelles ne parviennent pas à comprendre que le patrimoine culturel immatériel est inextricablement lié à l'environnement que les Hawaïens voient sous un jour différent. Cet article explore le domaine de la gestion des ressources culturelles et la façon dont les ethnologues, avec leur compréhension de « l'attachement à la culture » et des différentes visions du monde, peuvent contribuer à la compréhension des propriétés culturelles traditionnelles qui s'entremêlent au patrimoine culturel immatériel des Hawaïens d'aujourd'hui.

Abstract

In the world of cultural resource management, the work is often done by archaeologists and policy makers. Ethnographic studies or surveys of traditional cultural properties are usually conducted by individuals other than a trained folklorist or ethnographer. Yet in such studies of cultural impact assessment or projects involving federal funding such as Section 106 where consultation with the community is required in order to identify traditional cultural properties, folklorists with their understanding of the intangible as well as the material aspects of culture are particularly poised to answer the challenges in working with cultural properties. The notion of "cultural attachment" which integrate both the tangible and intangible (Maly 1999) often poses a challenge to those used to dealing just with the physical dimensions of material culture. In Hawai'i, where natural resources such as hills or mountains as well as ocean currents are seen as cultural resources, there is often conflict between the community and those seeking to develop the place. Hawaiian living traditions include the cultural practice of mo'olelo (stories, knowledge, opinion) surrounding wahi pana (sacred, legendary place), which anchor the intangible living traditions to a physical place or site which can qualify as a traditional cultural property. The conflicts tend to arise when those in cultural resource management fail to understand the critical intertwining of the intangible cultural heritage with the visible environment seen by Hawaiians in a different light. This paper explores the field of cultural resource management and how a folklorist's understanding of "cultural attachment" and world view can assist in the understanding of traditional cultural properties which are intertwined with the intangible cultural heritage of living Hawaiians.

“Cultural Attachment” embodies the tangible and intangible values of a culture. It is how a people identify with and personify the environment (both natural and man-made) around them.... This attachment to environment bears direct relationship to beliefs, practices, cultural evolution, and identity of a people. In Hawai‘i, cultural attachment is manifest in the very core of Hawaiian spirituality and attachment to landscape. (Maly 1999: 27)

The notion of cultural attachment which integrates both the tangible and intangible (Maly 1999) is critical in Hawai‘i’s historic preservation field, since it often poses a challenge to those used to dealing just with the physical dimensions of material culture, known also as tangible cultural heritage. Folklorists, who are understood by historic preservationists to specialize in “intangible culture” such as stories, proverbs, and dance (known in Hawai‘i as *mō‘ōlelo*, *‘olelo no eau* and hula, respectively) are particularly poised to contribute their expertise as “cultural activists” who specialize in finding “beauty in the ordinary” (Zeitlin 2000: 4). Moreover, folklorists have much to say about tangible cultural heritage whether in the form of vernacular buildings or quilts or pottery, as many have investigated just that since the latter half of the 20th century (Jabbour 2003:433). In Hawai‘i (and elsewhere), the privileging of visible cultural resources by developers and archaeologists often leads to conflicts with Native Hawaiian community members who raise their concern over what they rightly see as the importance of the intangible along with the material. This work draws in part from my eight years of experience conducting cultural impact assessments in Hawai‘i, and was inspired by my training as a folklorist who is comfortable working with both the visible and invisible aspects of culture.

This work was also instigated by the continued need for a future world where there are an equal number of folklorists and archaeologists working side by side in the often contentious cultural resource management profession. Cultural resource management, or CRM, has been defined by well-known archaeologist Tom King as “managing the impacts of the modern

world on cultural resources—what happens to some cultural aspect of the environment when a change takes place” (King 2003: 12). I explore how cultural advocates like folklorists can lend their voices toward historic preservation and the CRM field by assisting with the integration of both the material and the immaterial in the identification, evaluation, and analysis of historic and cultural properties.

Along the way, I hope to answer some criticisms levelled at folklorists, who have been described by Mr. King as unable to “relate to the rough-and-tumble world” making up the National Historic Preservation Act (NHPA) Section 106 review process (32). I illustrate how folklorists are and can be invaluable in such matters, from their insights into local communities as well as the methodology they employ. Such collaborations, whether between folklorists and others from different disciplines, or within the field itself between academic and public folklorists, had previously been urged (cf. Bulger 2003). A more recent call came from the working group of Folklore in Historic Preservation Policy, which issued the following statement: “The ties among folklorists and preservation planners must be improved, as new pressures, including development and environmental regulations, threaten the built environment and cultural resources” (Sommers et al. 2010).

State and Federal Laws in Hawaiian Context

First, a quick summary of relevant federal and state laws that affect historic preservation and evaluation of intangible cultural heritage is necessary here. In Hawai‘i, *Act 50* was passed in 2000 and may be the first law of its kind in the U.S. It requires developers and state agencies “to assess the effects of proposed land use or shoreline developments on the ‘cultural practices of the community’” (Bellati 2004: 3). The act was amended to require the disclosure of “adverse effects” on existing cultural practices and to mandate that cultural impact assessments be included in Environmental Impact Statements and Environmental Assessments (Hammatt 2007: 3).

Cultural impact assessments are meant to protect the cultural beliefs, practices and resources of Native Hawaiians and other ethnic groups (3). The protection of the cultural beliefs, practices and resources of Native Hawaiians can be accomplished through interviews with knowledgeable people regarding present cultural practices. Here is where folklorists can use their methodology with the ethnographic approach to the community's narratives, cultural practices, and beliefs. By incorporating participants' knowledge of place and culture in a CRM report, it may lead to an active role for the community in "shaping a better future that integrates the traditions they describe" (Hammatt 2007: 4).

In addition, the state constitution of Hawai'i also helps protect the rights of Native Hawaiians to use traditional lands (Kaufman 2009: 339). Hawai'i has legislated laws such as PASH (Public Access Shoreline Hawaii) and Article 12, Section 7 in the Constitution of Hawai'i guarding the Traditional and Customary Rights of Hawaiians.

Federal laws concerning historic preservation include the *National Environmental Policy Act (NEPA)* and the *National Historic Preservation Act (NHPA)*. *NEPA* was written in 1969 and passed into law in 1970, requiring federal agencies to consider the environmental impacts of a proposed federal undertaking whether it is a highway or facility construction. It requires that federal agencies prepare environmental assessments (EA) or environmental impact assessments (EIS) which analyzes the possible environmental effects of the proposed federal project. Under *NEPA*, the preservation of cultural as well as historical and natural features of the national heritage must be considered and impacts to these aspects are included as part of the environmental assessment of the proposed federal undertaking (NPS 2013).

Another critical federal law which is the one discussed mainly in this paper is the *National Historic Preservation Act (NHPA)* of 1966 which is meant to protect the cultural and historical places and sites significant to the living community (ACHP 2010: 4). The *NHPA* created the National Historic Landmarks, the National Register of Historic Places, and State Historic Preservation offices. Under Section 106 of *NHPA*, federal agencies must consider historic preservation in any federally funded project and must hold a

series of consultations with interested community members, especially Native Hawaiians and Native Americans, local officials, state or tribal historic preservation officials, and others to identify the project's area of potential effect (APE), the historic properties in the APE, the potential for adverse impacts to these cultural resources, and ways to prevent or lessen the impacts. Section 106 identifies a process that is meant to provide a voice to the community on how to safeguard what is important to their history and culture. Historic properties are defined here as "a prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places" (ACHP 2010: 6).

Both Section 106 and *NEPA* require the disclosure of the effects of the action and give the public a chance to comment. Section 106 offers more protection, however, in that federal agencies must consult with stakeholders on ways to avoid or mitigate the adverse effects which result in "negotiated solutions" (Fowler 2003: 52) in the form of either a memorandum of agreement (MOA) or creative mitigation. Examples of useful mitigation solutions that I have come across include providing funds for school children to visit traditional Hawaiian sites or paying for the clean-up of *heiau* (sacred site or Hawaiian temple).

Natural and Cultural Resources in Hawai'i

In Hawai'i, natural resources such as hills or mountains as well as ocean currents are seen as cultural resources. A surf wave featured in myth and legends as one favoured by royalty is easily a part of cultural resources as well as the natural phenomena of winds and rains, which have different Hawaiian names that describe their occurrence. Hawaiians' living traditions include the intangible cultural heritage of narrating *móolelo* (stories, knowledge, opinion) surrounding *wahi pana* (sacred, legendary place), which anchor the immaterial to a physical place or site. Even when sites remembered are no longer in existence, the power of the intangible cultural elements such as stories and song continue to anchor the place in the minds of elders despite obvious signs of development. One way to revitalize or preserve such intangible cultural heritage could be to

recognize, evaluate, and perhaps offer mitigating solutions during state-mandated cultural impact assessments for environmental impact assessments and Section 106 projects, a process where more folklorists can play a part.

Folklorists and the Historic Preservation Process

As a whole, the folklore field's methodologies and viewpoints have largely been missing from the development and implementation of important federal and state historic preservation policies and programs (Sommers et al. 2010). As mentioned above, the call for folklorists to participate more fully in CRM has been sounded out for decades. In 1979, Richard Bauman agreed that "impact assessment would be a highly appropriate and productive activity for folklorists to undertake" (qtd. in Bulger 2003: 286). But as Bulger noted in her 2002 plenary address, the American Folklife Center pulled out of participating in a folklife survey for the Tennessee-Tombigbee waterway due to some folklorists who did not want to be tainted with the "evil" Army Corps of Engineers and Department of Interior (388). It became a historic missed opportunity to engage constructively with what Bulger describes as "powerful agents of change" (ibid.). The digging went on, without folklorists helping to ensure community input.

But it was not always so. In 1976, the American Folklife Center was established under the guidance of Alan Jabbour, the first director. In an October 18, 2013, interview with this author in Providence, Rhode Island, Jabbour described his vision in the 1970s: "a new kind of fieldwork that would be broader and more comprehensive that wasn't just collecting folk songs, or fiddle tunes or tales, but was looking at culture more broadly" (Jabbour 2013). This broad vision of culture motivated the American Folklife Center's field projects in the 1970s and assisted in the integration of both the intangible and the tangible aspects of culture which produced collaborations with archaeologists, folklorists, historic preservationists, and biologists. Field projects conducted by multidisciplinary teams resulted with folklorists working with the NPS on the Blue Ridge Parkway, with specialists working on material culture and experts documenting the cultural life of the parkway (Jabbour 2013). There were also inter-

disciplinary teams in place for the Paradise Valley Folklife Project in Northern Nevada (1978-1980) which included ethnomusicologists, folklorists, a cultural anthropologist studying Basque culture, and historical archaeologists who documented an abandoned Chinese settlement in Paradise Valley (Jabbour 2003: 436; 2013).

When the 1980 amendments to the *NHPA* was passed, it included a clause for the study of intangible elements of culture, which resulted in a "cultural conservation" policy study that involved a core team of some of the best people from the fields of folklore, archaeology and historic preservation (Jabbour 2003; 2013). Explaining the term "cultural conservation," Jabbour notes:

Our motto was the work being done by archaeology and historic preservation is great, but to make it complete in many areas, it should involve living cultures and cultural traditions and the people who study them. In effect, we wanted to make a new umbrella term, cultural conservation, which would be an umbrella under which all these different disciplines could work together, rather than each of them doing their thing in their world.... (Jabbour 2013)

After the cultural conservation report was published, other interdisciplinary projects were undertaken, such as Grouse Creek Cultural Survey which involved a team of professionals from the fields of architectural history, folklore, and history working together. There was also *One Space, Many Places* (Hufford 1986), a noteworthy work which investigated the folklife and land use in the Pinelands of New Jersey. An example in 2012 was Laurie Sommers's award-winning study of Fishtown (Sommers 2012). Her background in folklore and in historic preservation work resulted in a more complex and nuanced understanding of place, its use and significance, which in this case was Fishtown, a historic fishing village in Leland, Michigan that is within the Leland National Register Historic District.

Tina Bucuvalas's 2016 work titled *Greeks in Tarpon Springs* detailed the significance of this place to Greek immigrants since 1905. Bucuvalas initiated, championed and wrote the National Register nomination on the basis of Tarpon Spring's living traditional culture embodied not

just in its built environment but in its intangible cultural practices performed by its residents.

Bucuvalas utilized her training as a folklorist to conduct ethnographic research and armed with a keen insight into the community, she skillfully negotiated working across disciplines in order successfully to nominate Greektown as the first Traditional Cultural Property in Florida.

There are other examples such as Steve Zeitlin's collaborative work, as the director and co-founder of City Lore dedicated to nurturing and protecting New York's living communities and their cultural heritage. He is involved with Place Matters, which was co-founded by historic preservationist Ned Kaufman. Zeitlin paints folklorists as "cultural activists" with the ability to be creative as well as make an impact whether working in the field itself as an academic or public folklorist or engaging with other disciplines like history (Zeitlin 2002).

Although folklorists have been described as recording and preserving to the point of disengagement (King 2003), Zeitlin's work (as well as Bucuvalas' and Sommers and others too numerous to relate), reveals a far more nuanced engagement. Discussing what he calls "endangered spaces" in the cultural landscape of New York, Zeitlin notes that in the early 1980s, Barbara Kirshenblatt-Gimblett and other folklorists, as well as photographers, in New York documented and photographed "*casitas*," country cabins which sprouted up on vacant New York lots, reminiscent of the ones in the Puerto Rican countryside (1994). The documentation became the basis of a well-received exhibit at the Smithsonian and the Bronx Museum.

It is work that can indeed be described as the work of an activist, a cultural one. Zeitlin writes that "even though the exhibition and the newspaper articles are not advocacy articles per se, they have helped create a safer climate for these community-based clubhouses, knowing the press' interests in these establishments, city agencies are increasingly reluctant to demolish them" (Zeitlin 1994: 226). Therefore, recognizing and documenting does offer a measure of protection, much like identifying and evaluating the area of potential effect through consulting with the local communities which can offer cultural resources a kind of protection that comes from recognition. It may not be 100 per cent, nothing can be in

this imperfect world (a common criticism of the Section 106 process with its goal of coming to some sort of agreement), but I contend it is better than nothing.

Therefore when King states that the work of folklorists has "a certain disengaged quality that can suck the life out of its products" (King 2003: 76), I would have to disagree. It is not because folklorists or cultural activists (using Zeitlin's term) are not eager to collaborate, but it may be due to how the folklore field, its training and skills which are embodied by its graduates and practitioners, are not fully understood by other disciplines.

As for laws like the *NHPA*, which is meant to protect cultural and natural resources, such criticisms that it leads to an "atomistic" approach to culture instead of a more inclusive one (Watt et al. 2004: 625), is certainly valid and can be seen in everyday CRM practice. The list-oriented law discourages the employment of those who are trained to understand both the tangible and the intangible. It is set up for the advantage of those who are trained to privilege the places that have a determined "property referent" (637). This is demonstrated by the National Register, which deals with limited intangible cultural heritage only if it is tied to a physical site (*ibid.*).

King has pointed out that the National Register criteria was shaped by the era it came from, which in the 1960s, meant that American historic preservationists were more in tune with notions of historic places as those that commemorate and illustrate history rather than places that are important to the community (King 2003). By the 1970s, historic preservationists tended to be trained in architecture, archaeology and history, while those in cultural resource management tended to be archaeologists. As mentioned above, this is to a great extent still true today.

What is a folklorist left to do? Folklorists conducting cultural resource management are the minority in a field dominated by archaeologists, like Mr. King, and architects, but there is definitely a place for folklorists at the table. For example, it has been pointed out elsewhere that the *NHPA* language remains oriented toward static elements (Watt et al. 2004: 636); however, more inclusive cultural landscape inventories and cultural landscape reports produced to meet Section 106 compliance can be localized by

folklorists working with communities so that each report and inventory better reflects the groups who are living in the landscape.

Challenges of Identifying Intangible Cultural Heritage

In November 2011, the Advisory Council on Historic Preservation adopted a formal plan that would promote and protect Native American and Native Hawaiian traditional cultural landscapes, by encouraging the understanding in federal, state and local levels of a cohesive “landscape” composed of multiple features that are known to the community, a knowledge that should be communicated early in project planning or land management proposals. The second goal of the formal plan was to meet the challenges that come with the consideration of traditional cultural landscapes during Section 106 and NEPA reviews (ACHP 2011).

Legendary places can often qualify as traditional cultural property and, for Section 106, protection in some form can come for those places that are potentially eligible for the National Register, not just those who are eligible or already on it. In 2010, this author assisted in a contentious Section 106 process in Kauaʻi for a short-term highway widening project and associated improvements (ACHP 2012). The ACHP was brought in to assist the Federal Highway of Transportation and Hawaiʻi State Department of Transportation in listening to the concerns of Native Hawaiian organizations about the way the spiritually significant landscape of Wailuanuiahoano was being affected by a series of projects in the area, not only by the highway widening proposal.

For Native Hawaiians, it was critical to make project proponents understand that the landscape of Wailuanuiahoano, since ancient times a favorite residence of Hawaiian royalty, be seen as an integrated whole. Consultation with the community was initiated, with this author interviewing Hawaiian elders and researching cultural beliefs, practices, and resources in order to provide a report that incorporated the tangible place with the intangible beliefs and narratives that are integral to Wailuanuiahoano’s significance for the community. As a result, Wailuanuiahoano, including portions of nearby land sections, was

recognized as eligible to be in the NRHP as a historic district in the memorandum of agreement that was signed in 2013. Although there were some Native Hawaiians who still saw the consultation process as “flawed,” (ACHP 2012), the point is that although it may be an imperfect process, there are still avenues where the local communities can voice narratives, beliefs, and other intangible cultural practices that are at the heart of our special places. Intangible cultural heritage is what gives life to countless historic and traditional properties as well as sacred sites.

Section 106 and Folklorists

One of the ways folklorists can contribute to the Section 106 process, which is often time sensitive, is to bring their knowledge of communities and groups to the table, so that intangible factors inherent in certain historic properties can be made readily available at the start of the consultation process. I was involved in another Section 106 consultation for a proposed bicycle path in Kauaʻi. Because of familiarity with the community from the previous highway widening project, I assisted in the creation of a report that had the goal of creating a Section 106 consultation plan that was sensitive to Native Hawaiian culture from the very onset.

In a sense, I was acting as a cultural activist in helping produce a report with the recommendation of having a protocol and preparation committee made up of respected elders in the community. This committee would then set the protocols and prepare participants for large group meetings in order to ensure that an atmosphere respecting shared Hawaiian values and respect prevail during Section 106 meetings. Federal and state officials working in Section 106 projects in Hawaii, especially in Kauaʻi, are no strangers to long and protracted consultation meetings. The report that was generated helped set up what later became the first of its kind: a Native Hawaiian-led Section 106 process, framed in the traditional *hōʻoponopono* process, which can be defined as a process of making things “*pono*” or correct—to put things in order and bring together parties involved in some kind of disagreement.

I did a quick survey of CRM firms in the United States and found that a majority of these businesses were (and are) hiring archaeologists

and planners, not folklorists. Yet in such studies of cultural impact assessments or projects involving federal funding such as Section 106 review where consultation with the community is required in order to identify cultural properties, folklorists with their understanding of the immaterial as well as the material aspects of culture are particularly poised to answer the challenges in working with intangible cultural heritage.

In the last few years alone, I have witnessed an increased demand for Section 106 reviews from Native Hawaiians, who are more and more savvy about the process, thanks in part to mitigation offering them what is often costly Section 106 training. It seems that Native Hawaiians (and others) will less likely be blindsided by developments that impact their “historic properties” as they are described by the archaeology field. “Historic properties” is a delimiting definition that cannot adequately describe in entirety living places dear to Native Hawaiians or other living communities. I contend the term fails to incorporate both the tangible and intangible which cannot be neatly pinned to one physical site.

Critiques of Section 106

Although there are some who criticize the Section 106 review as failing to fully preserve historic places and properties, it should be made clear that its strength is as a “process,” where federal agencies must consult, negotiate and try to resolve conflicts with the community group by way of memorandums of agreement and mitigation plans. There is no guarantee of 100 per cent protection for a historic place that is considered eligible to be in the National Register. But what it does mean is that during the Section 106 review, there should be a dialogue that ensues between interested parties such as the federal agency, the community, the State Historic Preservation Officer, and quite often, consulting parties, which is where folklorists can and should lend their expertise and methodology.

Folklorists can analyze the dynamic processes in a community and help prevent the static model of preservation that is mired in the list-based criteria of *NHPA* and other legislation. With their training in spotting “artistic communication in small groups” (Ben-Amos 1971) and sensitivity to the processes of cultural change, folklorists can

and do make a difference. A working relationship where CRM firms regularly use folklorists would entail that methods used by the latter such as participant-observation and in-depth interviews are regularly done.

Having folklorists onboard CRM studies would mean the presence of qualitative methods such as purposive, snowball, and expert sampling (Bernard 2006: 189-91) for the identification of potential interview participants. After collaborators and participants are identified (the term “informant” is, sadly, still in widespread use in the CRM world), the next step would be conducting interviews, asking the interviewee to review and make any changes, and for their final approval of the interview, a copy which the study participant receives in the end. An extra step that folklorists take is inviting the study participant to engage in a dialogue about the interview and interpretation process or “reciprocal ethnography” (Lawless 2000). Such methods employed by folklorists and also anthropologists would benefit the CRM world which deals with consultation for the Section 106 process and the *National Environmental Policy Act (NEPA)*, the latter law perhaps better equipped to consider intangible cultural heritage.

Defining Cultural Conservation and Traditional Cultural Properties

Granted, federal and state projects are often in a time-and-budget limit and such fieldwork methods as reciprocal ethnography would be a challenge to do in some cases, but nevertheless, it should be attempted in some fashion as a way to address the challenges of conserving cultural heritage—intangible as well as material.

It may also be useful here to define some of the important concepts that come up when dealing with conserving culture. For it is “cultural conservation” that is the key to dealing with the challenges of working with intangible heritage. Mary Hufford writes that “a central task of cultural conservation is to discover the full range of resources people use to construct and sustain their cultures” and that it is an “advocacy that is ethnographic, not ethnocentric” (Hufford 1994: 4). Although the concept “cultural conservation” has come under fire, partly due its implication that cultural resources are “natural,” and inde-

pendent of human intervention (Cantwell 1994: 167), this concept better describes the particular context in Hawai'i.

In 1990, the National Register Bulletin 38 was published, written by Tom King and Pat Parker, and it was meant to guide agencies during the Section 106 review on how to deal with such things as Native American spiritual places and the Amish landscape, and in King's own words, "motivate agencies to pay attention to such places and the communities that valued them" (King and Parker 1990: 33). King notes he was influenced by the American Folklife Center and National Park Service collaboration on a 1983 report about "preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife and folkways" (King 2003: 31). The report which influenced King was titled Cultural Conservation.

In Bulletin 38 (which is being revised), King and Parker come up with the term "traditional cultural property," or TCP. King defined a TCP in the following:

A place that is eligible for the National Register based on its value in the eyes of a traditional community ... such a place need not be anything that's appreciated, or even perceivable as such, by an outsider ... entirely natural places can be eligible as TCPs, as can buildings, structures, archaeological sites, landscapes and urban neighborhoods.... TCPs are identified through consultation with communities ... the significance of TCPs must be understood with reference to community perceptions—it's how the community perceives the place and its significance that matters. (King 2003: 34)

Besides the term "traditional cultural properties," there was nothing new about Bulletin 38, as it merely clarifies what is already National Register criteria (35). But as King points out, the bulletin made many an archaeologist running CRM programs uneasy as they were not used to "dealing with places that were not archaeological sites," places that may not look like much but asphalt patch to everybody but the concerned community group (35). It should be emphasized here that TCPs are for everyone who has ever had a special place, not just Native Americans or Native Hawaiians.

It's been pointed out elsewhere that identifying TCPs can be difficult, because although some may be as big as a mountain, some can be what seems to be a parking lot. A TCP can be what on first glance is seemingly "empty" space: it cannot be known unless it is identified by what Lynne Sebastian calls "the specialized knowledge maintained in the community" (Sebastian 1993: 2).

As stated above, the traditional Hawaiian world view perceives nature and culture as one. Natural resources, such as rocks and hills, from mountains to ocean currents, as well as living creatures, are looked upon as "cultural properties" by Hawaiians (Maly 2001: 2). The living traditions of Hawaiians may or may not be tied to a physical place, which makes it difficult to be considered in some cases. For example, during consultation for one Section 106 case that this author was involved in, the community cited the potential adverse effects of the project on an ocean wave, which is tied to stories of chiefs who have ridden its surf for centuries. Here the limitations of traditional cultural properties, as defined by Bulletin 38 to be tied to a certain site or actual physical place, can be seen. Hawaiians have what is termed a "cultural attachment to the natural world that defines a significant body of *traditional cultural properties* and cultural practices of the Hawaiian people" (Maly 2001: 2, emphasis added).

This cultural attachment, often made up of intangible beliefs and practices, is what makes traditional cultural property identification especially difficult in Hawai'i. In the Hawaiian context, "traditional cultural properties" is defined with an eye to keeping the integrity of a place, with the focus away from the segmenting of certain areas which can occur in the consideration of traditional cultural properties for a Section 106 project review, for example. Because the Hawaiian world view sees natural and cultural resources as linked, it follows that the Hawaiian "sense of place" relies on the keeping the integrity of its cultural landscape, including "the land-and ocean-scapes.... Thus, what we do on one part of the landscape has an affect on the rest of it" (Maly 2001: 2).

Intangible Cultural Heritage in Hawai'i

Place, cultural practices and belief are intertwined in Hawai'i. When this author was interviewing the cultural educator and curator of the Ka'upulehu Interpretive Center, Ku'ulei Keakealani, on a project that would put a powerful 30-metre telescope on Mauna Kea, she shared the legend of the goddess Poli'ahu who dwells on the mountain. Referring to the *mō'olelo* or stories of Mauna Kea, she states:

These are the sorts of things in all the identity molecules I have in my body, that identify me and my people. If we still have these stories but no longer have the places, I would definitely say that a large part of that *mana* [power] is gone. But how much more wonderful for us, for all people—it doesn't just have to be the Hawaiian people—that not only do we have these stories, but we have the places too, they still can remain in existence. The story says *no na kau a kau*, when you translate that, that means, forever and ever. (Simonsen and Hammatt 2010: 156)

The tangible, physical attributes of a place is inextricably linked to intangible beliefs and knowledge in Hawaiian culture. "It is not simply a matter of people loving places; it is a matter of places supporting the traditions and rituals that constitute a way of life" (Kaufman 2009: 339). This can be seen in other places with other indigenous groups as well as non-indigenous people, but it is particularly present in Hawai'i, where place is often developed for military use, tourism or privatization, endangering "the very survival of 'local' sites" (Bacchilega 2007: 4). Cultural attachment to place can be seen elsewhere with indigenous as well as non-indigenous groups, but the geographic fact that Hawai'i is located in the middle of the Pacific Ocean means that land, or *āina* is limited, and development is hotly debated. Issues of annexation and sovereignty rights also add layers of complexity to the discourse.

The inclusion of diverse voices is important in consultation and it bolsters the effectiveness of such laws as *Act 50* and raises the recognition quotient of TCPs, which may later aid the TCP receiving more funding for restoration and preservation. But despite protective laws, Hawai'i's cultural practices, beliefs, and resources

are still vulnerable. This is due to several factors, one of them is that the developer or archaeologist from the mainland doing the contracted work may not understand how to work with the community and its many factions, from activists to other stakeholders who want nothing more than choices where to shop. Or perhaps project proponents come from the Eurocentric point of view where only owners of the land can determine what can happen to it (cf. Kaufman 2009). What is perhaps more suited than the idea of "ownership" is that of "stewardship," which is more in line with traditional Hawaiian world view and practices.

In a personal communication on July 30, 2008, Kupuna Arthur Mahi, a community activist and pure-blooded Native Hawaiian, emphasized that no one can own the land. Rather, one must care for it in consideration of others in the future. What others celebrate as an annual "Earth Day," is something he does every single day in caring for the land. If one took care of the land, the land in turn will take care of the person.

Kupuna Mahi again emphasized this during the discussing of the land or *āina* during an interview for a proposed highway expansion when he shared the following:

When people buy the land, you only buy the use of the land.... Who owns the land? *Ke Akua* (God) and grandparents.... When you die, you can't take the land with you. You don't own the land, the land owns you. (Magat et al. 2009: 81)

Conclusion

The profession of cultural conservation can benefit from this traditional Hawaiian world view that no one can really own the land, that one can only be its caretaker or *kahu*. In Hawai'i, this should translate to ensuring the access of cultural practitioners to areas for gathering of plants for medicinal purposes or for *lauhala* (pandanus leaf) weaving, an everyday practice. Yet access in order to practice one's culture is still sometimes blocked by a gate, despite the presence of state laws like Public Access Shoreline Hawaii. Despite the challenges to cultural rights in Hawai'i, such laws help make Hawai'i a model to the rest of the nation, according to Ned Kaufman, founder of Place Matters (Kaufman 2009: 377). He proposes to "create and assign a new class of property

rights to people who live in places ... without such rights, the lifeways and bonds of affection which link people to specific places will remain at risk. Ultimately an ownership stake will be the best way to recognize the social value of place-based traditions” (378).

Relevant to this discussion is Mary Hufford’s urging for public folklore to be “the space on the side of the road,” adapting Kathleen Stewart’s model for anthropological discourse (Hufford 1999: 159). For Hufford, ethnographies do not have to be limited to information gathering or mere analysis but it could be “outreach” that engages and invokes “social imaginaries” (160).

On Hawai‘i Island, there is a recreational park known to most as “Old A” or Old Airport. This is because the park was the former site of the first Kona Airport which closed in 1970. The runway of the first airport is now the parking lot and roadway for this beach park. Park aficionados enjoy the park’s several white sand beaches, jogging path and picnic pavilions. But in the far end of the park is a small trail that leads to an undeveloped beach. It is here close to the beach that sharp-eyed beach goers may notice several graves on the side of the trail. These graves are the remaining cultural and historic properties of this area, while ethnographic interviews with Hawaiian elders has revealed the real place name excavated from the passing of time and imposition of younger, newer residents: the place name is Maka‘eo.

Usually, the graves are hardly given but a passing glance, as it is located to the tourists’ peripheral view where the landscape is dominated by the blue sea. It marks the grave site of several generations of Hawaiians who lived in Maka‘eo during the 19th century, perhaps even earlier. It is a site that is still lovingly cared for by descendants while they tell stories of ancestors from long ago. This example, literally a space on the side of the road, or in this case, by the side of a trail, is a potentially eligible TCP for the national as well as state register of historic places. It may be a place that seems to be like “any other dirt or rock patch to everybody else but the concerned community group” (King 2003: 35), for it embodies intangible cultural heritage that is tied to this special place.

How does one bring such histories and places into light? Good CRM work, with the participation of folklorists, can help give voices

to histories that otherwise would not be heard. In the cultural impact assessment conducted for the Kailua Park master planning, this author included oral histories, fishing and plant gathering practices, and narratives (Magat et al. 2010). The story of Maka‘eo the place and how it is special to the community is now available online or in libraries to those who care or want to know. Although it may be “the space on the side of the road,” the histories near the grave site of Maka‘eo can better capture what Hufford identifies as “narrative spaces that disrupt linear discourse and form imaginaries in which to dwell on the side of America’s relentless track of progress” (1999: 159). By ensuring a multitude of voices are heard in CRM projects, folklorists engage with what was eloquently described by Hufford as “public folklore’s real practice: scavenging in a wide range of preserves to make room for realities spoken, sung, danced, cooked, hunted, sewn, cultivated, and built around the cracks of a hegemonic order that is never complete (166). In Hawai‘i and elsewhere, folklorists can use their training to shed light and call attention to cultural resources, practices, and beliefs. In doing so, they can help ensure the continuity of intangible cultural heritage and their connection to special places for the living community.

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