

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 3429 – Relating To Historic Preservation

BEFORE THE HOUSE COMMITTEE ON

WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS

February 6, 2008

House Bill 3429 expands the definition section of Section 6E Hawaii Revised Statutes, regarding “burial site” to include “burial cave”. While the Department of Land and Natural Resources (Department) supports the intent of this measure, the Department notes that the situation is much more complex than adding a new definition.

Lava tubes or caves are tube systems with long stretches, many with scattered burials at their entrances or in the middle or at the end of the systems. Some lava tube systems have no burials within them but have archaeological features. Lava caves are owned by whoever owns the surface land, therefore the burials may not be at the surface but in the lava tube and thus, the exact location may not be known or recorded. Therefore classifying the whole lava tube as a burial cave is not realistic. Lava caves frequently have collapses along their tube systems as well.

This bill also has wording which is unclear, notably the definition of “Burial site” which specifies, “burial goods are or once were interred”. The Department is willing to work with effected partners to develop amendments as well as look at policies or revisions to the Hawaii Administrative Rules to better protect burial caves and associated burial goods.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From: Keonialvarez@aol.com [mailto:Keonialvarez@aol.com]
Sent: Tuesday, February 05, 2008 6:59 PM
To: WLHtestimony
Subject: TESTIMONY * KEONI ALVAREZ - HB3429 - SUPPORT

February 5, 2008

TESTIMONY
BILL: HB3429
COMMITTEE: WLH, JUD

Aloha my name is Keoni Kealoha Alvarez I live on the Big Island of Hawai'i. I strongly **SUPPORT** Bill HB3429. As a Native a Hawaiian with family roots in taking care of Hawaiian burials sites I have been officially recognized as cultural descendant to several Native Hawaiian skeletal remains within a Hawaiian burial lava tube. The State Historic Preservation, OHA, Island Burial Council, Open Space Land Commission and the Hawai'i County Council has all recognized me as a descendant to these burials.

I engage in various traditional and customary practices that my parents and other ancestors have taught me. One of the critical tenets of my Native Hawaiian traditional and customary practices related to iwi (native Hawaiian human remains) is the obligation to ensure that they remain undisturbed; and that they receive proper care and respect. Protection of iwi in place to prevent their disturbance and the resulting desecration is a traditional and customary practice that I engage in with respect to the iwi which lay at rest in this lava tube.

On the islands of Hawai'i's burial lava tubes and burial caves are very important to our Hawaiian history, tradition and culture. To care for my ancestors is has been a great pleasure and honor that is carried down for thousands of years continues today. In our Hawaiian burial tradition the burial lava tube or cave should never be separated in sections but treated an entire burial site and not limited to its surroundings. These caves are Kapu (sacred) for it holds the remains of our families final resting place. It was Kapu to everyone, except the chosen few by the families or Ali'i to malama and care for these burial caves sites. Today as a living descendant I continue to malama our Hawaiian burial lava tube. In doing so we are faced with threats that effects our burial caves and burial lava tubes such as bulldozing, sewage lines, cess pools, and thefts etc.

I believe it is our responsibility to care for and protect these burial sites from being desecrated. Although burial sites are protected by law, there are many loopholes that do not make the law concrete in protecting Hawaiian burial lava tubes and burial caves. I ask for your help to protect our ancestors and this bill will do that. This is a great effort that needs to be taken into consideration for the respect of our ancient Hawaiian people. We welcome your support on this matter. Feel free to contact me (808) 982-5925
Cell: (808) 557 -7647 Website: www.hawaiianislandproductions.org.

Sincerely,
Keoni Kealoha Alvarez
(Descendant)

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

-----Original Message-----

From: kawaihapai@hawaii.rr.com [mailto:kawaihapai@hawaii.rr.com]
Sent: Wednesday, February 06, 2008 12:18 AM
To: WLHtestimony
Cc: Rep. Ken Ito; repkarimatsu@capitol.hawaii.gov; Rep. Michael Magaoay;
Rep. Hermina Morita; Rep. Mele Carroll; Rep. Roland Sagum; Rep. Scott Saiki;
Rep. Cynthia Thielen
Subject: Testimony Supporting HB 3429 (Relating to Historic Preservation)

House Committee on Water, Land, Ocean Resources & Hawaiian Affairs (WLH)
Chair: Representative Ken Ito
Vice Chair: Representative Jon Riki Korimatsu

Date: Wednesday February 6, 2008
Time: 8:30AM
Place: State Capitol Conference Rm 312

Testimony Supporting HB 3429 (Relating to Historic Preservation)

Aloha Chair & Committee Members,

I'm currently serving on OHA's Native Hawaiian Historic Preservation Council and have served on the Oahu Island Burial Council as Waialua Moku Representative.

However I'm presenting testimony as an individual who supports HB 3429 which better defines burial caves in HRS Chapter 6E-41. It's common knowledge that

caves, lava tubes or sink holes were used by Hawaiian ancestors to rest Iwi Kupuna.

Such was the case in some areas in Waialua Moku that caves were used for burials as with other places throughout the Hawaiian Islands. In some cases they were documented in such publications as Bishop Museum's publication entitled "Archeology of Oahu" by McAllister in 1933.

Thank you for the opportunity to provide testimony supporting HB 3429. Malama Iwi Kupuna.

Thomas T Shirai Jr
P O Box 601
Waialua, HI 96791