
HOUSE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING
GROUP TO REVIEW THE SYSTEM AND PROCEDURES FOR THE REVIEW OF
NATIVE HAWAIIAN BURIAL SITES.

1 WHEREAS, it is important to protect and preserve
2 prehistoric and historic native Hawaiian burial sites, to ensure
3 that native Hawaiian ancestors are afforded dignity and respect;
4 and

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6 WHEREAS, in Hawaiian culture, ancestral bones, or iwi,
7 possess the person's *mana*, or spiritual essence; after death,
8 only the iwi were considered sacred because they contained the
9 person's *mana* or spiritual essence; and

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11 WHEREAS, native Hawaiians interred the remains of the
12 deceased at night to prevent enemies from locating them, in an
13 attempt to steal, degrade, or otherwise use the spiritual power
14 contained in the remains; and

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16 WHEREAS, for Hawaiians today, the proper treatment of
17 ancestral bones remains essential to avoid insulting the
18 person's spirit or bringing trauma and harm to living
19 descendants; and

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21 WHEREAS, it is the wish of many Hawaiians that ancestral
22 burial sites be left in place and undisturbed; however,
23 construction in Hawaii has often resulted in the inadvertent
24 finding of iwi, the bones of ancestral Hawaiians; and

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26 WHEREAS, because the disinterring of ancient Hawaiian
27 burial sites has such far reaching implications for Hawaiians
28 based upon the importance of the proper treatment of the
29 ancestral iwi, the island burial councils were created in 1990
30 within the Historic Preservation Division of the Department of
31 Land and Natural Resources, and were authorized to determine



1 whether to preserve in place or relocate previously identified
2 Hawaiian burial sites and to make recommendations on the
3 treatment of inadvertently discovered native Hawaiian skeletal
4 remains; and

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6 WHEREAS, in ancient Hawaii, caves and lava tubes were
7 sometimes used as burial sites because of their remote
8 locations; and

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10 WHEREAS, although current law does not expressly include
11 burial caves in the definition of a burial site in section 6E-2,
12 Hawaii Revised Statutes, section 6D-8, requires anyone
13 traversing a cave who discovers a burial site to immediately
14 leave the cave and report the discovery as soon as possible to
15 the Department of Land and Natural Resources, who is required to
16 take follow express steps relating to an inadvertent discovery
17 of a "burial site", as required in section 6E-43.6, Hawaii
18 Revised Statutes; now, therefore,

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20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-fifth Legislature of the State of Hawaii, Regular Session
22 of 2009, the Senate concurring, that the Office of Hawaiian
23 Affairs is requested to convene a working group to review the
24 existing system and procedures for the review and preservation
25 of native Hawaiian burial sites, including the inadvertent
26 discovery of such sites; and

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28 BE IT FURTHER RESOLVED that it is requested that the
29 working group include a representative of the Kamakakuokalani
30 Center for Hawaiian Studies at the University of Hawaii, Kanaka
31 Council, Historic Preservation Division of the Department of
32 Land and Natural Resources, the island burial councils, and Hui
33 Malama I Na Kupuna O Hawaii Nei; and

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35 BE IT FURTHER RESOLVED that it is requested that the
36 working group's review include:

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38 (1) Procedures relating to the recovery, reburial,
39 preservation, and protecting of ancestral Hawaiian
40 remains, including known native Hawaiian burial sites
41 and inadvertent discovered sites, particular during
42 construction; and
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1 (2) Consideration and discussion of the definition of the
 2 term "burial cave" proposed in House Bill No. 1662
 3 (2009), that states that a "burial cave" means a cave
 4 or lava tube, or a portion of a cave or lava tube,
 5 where sufficient physical or cultural evidence
 6 suggests that the cave or lava tube, or a portion of
 7 the cave or lava tube, was used for or viewed as a
 8 burial site"; and
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10 BE IT FURTHER RESOLVED that it is requested that the
 11 working group submit its findings and recommendations, including
 12 any proposed legislation, to the Legislature no later than
 13 twenty days prior to the convening of the Regular Session of
 14 2010; and
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16 BE IT FURTHER RESOLVED that certified copies of this
 17 Concurrent Resolution be transmitted to Chairperson of the Board
 18 of Trustees of the Office of Hawaiian Affairs, the Administrator
 19 of the State Historic Preservation Division of the Department of
 20 Land and Natural Resources, the Director of the Kamakakuokalani
 21 Center for Hawaiian Studies at the University of Hawaii, the
 22 Chairperson of each island burial council, the Director of the
 23 Kanaka Council Moku o Keawe, and Hui Malama I Na Kupuna O Hawaii
 24 Nei, respectively.
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Tom Brown
 Mary B. Lee

OFFERED BY: Melo Canale
Melita
Karen Ananda
Cindy Evans
John M. Magno

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