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## HOUSE 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  
5

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  
10

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  
15

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  
32 whether to preserve in place or relocate previously identified  
33 Hawaiian burial sites and to make recommendations on the



1 treatment of inadvertently discovered native Hawaiian skeletal  
2 remains; and

3  
4 WHEREAS, in ancient Hawaii, caves and lava tubes were  
5 sometimes used as burial sites because of their remote  
6 locations; and

7  
8 WHEREAS, although current law does not expressly include  
9 burial caves in the definition of a burial site in section 6E-2,  
10 Hawaii Revised Statutes, section 6D-8, requires anyone  
11 traversing a cave who discovers a burial site to immediately  
12 leave the cave and report the discovery as soon as possible to  
13 the Department of Land and Natural Resources, who is required to  
14 take follow express steps relating to an inadvertent discovery  
15 of a "burial site", as required in section 6E-43.6, Hawaii  
16 Revised Statutes; now, therefore,

17  
18 BE IT RESOLVED by the House of Representatives of the  
19 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
20 of 2009, that the Office of Hawaiian Affairs is requested to  
21 convene a working group to review the existing system and  
22 procedures for the review and preservation of native Hawaiian  
23 burial sites, including the inadvertent discovery of such sites;  
24 and

25  
26 BE IT FURTHER RESOLVED that it is requested that the  
27 working group include a representative of the Kamakakuokalani  
28 Center for Hawaiian Studies at the University of Hawaii, Kanaka  
29 Council, Historic Preservation Division of the Department of  
30 Land and Natural Resources, the island burial councils, and Hui  
31 Malama I Na Kupuna O Hawaii Nei; and

32  
33 BE IT FURTHER RESOLVED that it is requested that the  
34 working group's review include:

- 35  
36 (1) Procedures relating to the recovery, reburial,  
37 preservation, and protecting of ancestral Hawaiian  
38 remains, including known native Hawaiian burial sites  
39 and inadvertent discovered sites, particular during  
40 construction; and  
41  
42 (2) Consideration and discussion of the definition of the  
43 term "burial cave" proposed in House Bill No. 1662  
44 (2009), that states that a "'burial cave" means a cave



1 or lava tube, or a portion of a cave or lava tube,  
 2 where sufficient physical or cultural evidence  
 3 suggests that the cave or lava tube, or a portion of  
 4 the cave or lava tube, was used for or viewed as a  
 5 burial site"; and  
 6

7 BE IT FURTHER RESOLVED that it is requested that the  
 8 working group submit its findings and recommendations, including  
 9 any proposed legislation, to the Legislature no later than  
 10 twenty days prior to the convening of the Regular Session of  
 11 2010; and  
 12

13 BE IT FURTHER RESOLVED that certified copies of this  
 14 Resolution be transmitted to Chairperson of the Board of  
 15 Trustees of the Office of Hawaiian Affairs, the Administrator of  
 16 the State Historic Preservation Division of the Department of  
 17 Land and Natural Resources, the Director of the Kamakakuokalani  
 18 Center for Hawaiian Studies at the University of Hawaii, the  
 19 Chairperson of each island burial council, the Director of the  
 20 Kanaka Council Moku o Keawe, and Hui Malama I Na Kupuna O Hawaii  
 21 Nei, respectively.  
 22  
 23  
 24

OFFERED BY: Mele Carroll

[Signature]  
John M. Nio  
Tom Brower

MAR 18 2009