
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

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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
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

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

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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 (HRS), section 6D-8, HRS, requires
11 anyone traversing a cave who discovers a burial site to
12 immediately leave the cave and report the discovery as soon as
13 possible to the Department of Land and Natural Resources, which
14 is required to follow the procedures relating to an inadvertent
15 discovery of a "burial site," as set forth in section 6E-43.6,
16 HRS; now, therefore,

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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

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

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33 BE IT FURTHER RESOLVED that the working group's review
34 include:

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36 (1) Procedures relating to the recovery, reburial,
37 preservation, and protection of ancestral Hawaiian
38 remains, including known native Hawaiian burial sites
39 and inadvertently discovered sites, particularly
40 during construction;

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42 (2) Consideration and discussion of the definition of the
43 term "burial cave" proposed in House Bill No. 1662
44 (2009), which states that a "burial cave" means a



1 cave or lava tube, or a portion of a cave or lava
2 tube, 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
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- 7 (3) Consideration and discussion of concerns relating to
8 the State Historic Preservation Division, including
9 personnel, leadership, and resource issues, and the
10 problems highlighted by the Wal-Mart, Hokulia, Ward,
11 and Naue situations;
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13 and
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15 BE IT FURTHER RESOLVED that the working group submit its
16 findings and recommendations, including any proposed
17 legislation, to the Legislature no later than 20 days prior to
18 the convening of the Regular Session of 2010; and
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20 BE IT FURTHER RESOLVED that certified copies of this
21 Resolution be transmitted to the Chairperson of the Board of
22 Trustees of the Office of Hawaiian Affairs, Administrator of the
23 State Historic Preservation Division of the Department of Land
24 and Natural Resources, Director of the Kamakakuokalani Center
25 for Hawaiian Studies at the University of Hawaii, Chairperson of
26 each island burial council, Director of the Kanaka Council Moku
27 o Keawe, Chancellor of the University of Hawaii at Hilo, and Hui
28 Malama I Na Kupuna O Hawaii Nei.

