



OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

HCR 226 RELATING TO BURIAL SITES
House Committee on Hawaiian Affairs

LATE TESTIMONY

March 25, 2009

9:30 a.m.

Room: 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR 226, which requests OHA to convene a working group to review the existing system and procedures for the review and preservation of Native Hawaiian burial sites, including the inadvertent discovery of such sites.

The protection of iwi and burial sites remains an important Native Hawaiian tradition. However, the rapid increase in Hawai'i's urban development has often created conflict with this tradition, as ancient burial sites are frequently dug up during construction activities, resulting in a great deal of pain for many Native Hawaiian families.

In 1990, the state Legislature sought to protect Native Hawaiian burials sites with the creation of the State Historic Preservation Division, the state's Burial Sites Program and the island burial councils. Nearly 20 years later, it may be time to conduct a broader review of these laws and examine how they can be improved to better suit our changing times. A working group comprised of representatives of the organizations listed in HCR 226 would be well suited for this task, and we look forward to taking on the kuleana of convening this group.

Therefore, OHA urges the Committee to PASS HCR 226. Thank you for the opportunity to testify.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 25, 2009 5:41 AM
To: HAWtestimony
Cc: kahunaiwi@yahoo.com
Subject: Testimony for HCR226 on 3/25/2009 9:30:00 AM

Testimony for HAW 3/25/2009 9:30:00 AM HCR226

LATE TESTIMONY

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Jim Medeiros Sr.
Organization: Kanaka Council
Address: 84-5587 Honaunau Beach Rd. Honaunau Hawaii
Phone: 808-328-8493
E-mail: kahunaiwi@yahoo.com
Submitted on: 3/25/2009

Comments:

It is so very important that we make every effort we can to improve the handling of native Hawaiian burials. We support this resolution full on.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 25, 2009 5:52 AM
To: HAWtestimony
Cc: konajack@earthlink.net
Subject: Testimony for HCR226 on 3/25/2009 9:30:00 AM

Testimony for HAW 3/25/2009 9:30:00 AM HCR226

LATE TESTIMONY

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Jack Kelly
Organization: Protect Keopuka Ohana
Address:
Phone: 808 345-9229
E-mail: konajack@earthlink.net
Submitted on: 3/25/2009

Comments:

We support this process. Ultimately we believe that management of the island Burial Councils would be better served under the auspices of OHA.

HOUSE OF REPRESENTATIVES
COMMITTEE ON HAWAIIAN AFFAIRS

RE: HCR 226

LATE TESTIMONY

March 25, 2009, 9:30 AM

State Capitol Room 329

I SUPPORT the intent of this resolution.

The state of the SHPD is dire. With the recent loss of several key personnel, the division once again faces the prospect of losing its capability to perform its crucial mission. Underlying this situation is a systemic neglect of the priority assigned to this constitutional and legislative priority to preserve and protect the historic legacy of these islands. The problems confronting the burial sites program within the SHPD is especially severe. This component of the division consumes most of the staff resources the division controls. Yet, the personnel shortages, especially in the archaeological and culture and history branches, coupled with the serious deficiencies in the application of the law governing the protection of ancient Hawaiian burial remains, places the division in a crisis.

Accordingly, this Committee should exercise its oversight function by asking SHPD leadership:

1. What staff positions have been vacated by resignations over the past 6 months?
2. What is the staffing profile of the SHPD?
3. What is the state of vacancies left by the resignations over the past 6 months?
4. How have these resignations and existing vacancies done to limit the capabilities of the SHPD to
 - review and comment on activities that might affect burial remains located on proposed development projects?
 - Monitor construction activities that might impact burial remains?
 - Reinter the hundreds of burial remains still in SHPD storage facilities?
 - Maintain its GIS resource base and its library to retain important information on historic properties, including previously identified burial sites?

Because of the extent of problems facing the SHPD, the proposed working group should focus on:

- management and resource issues;
- the priority, or lack of it, being placed on implementing HRS chapter 6E by the administration

- the issues, problems, and conflicts highlighted by the litigation affecting the following developments:
 - the Hokulia subdivision in South Kona;
 - the Wal Mart store on Keaumoku Street
 - the Ward Village Shops project in Kaka`ako
 - the Brescia house construction in Naue, Wainiha, Kaua`i

I am concerned that the current language of the resolution may be interpreted to narrow the scope of the working group's focus. I urge you to include language urging OHA's working group to address the issues mentioned above.

Thank you for this opportunity to testify.

Alan T. Murakami
Native Hawaiian Legal Corporation
1164 Bishop St. #1205
Honolulu, HI 96813