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## HOUSE RESOLUTION

REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE OFFICE OF HAWAIIAN AFFAIRS TO WORK TOGETHER TO ADDRESS AND CLARIFY THE TERM "BURIAL SITE".

1 WHEREAS, caves and lava tubes are among the types of places  
2 where Native Hawaiians historically buried their loved ones; and  
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4 WHEREAS, under traditional and customary practices, Native  
5 Hawaiians are obligated to ensure that human remains are  
6 undisturbed and receive proper care and respect; and  
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8 WHEREAS, the interment of Native Hawaiian remains in caves  
9 and lava tubes ensures the least disruption to loved ones; and  
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11 WHEREAS, section 6E-2, Hawaii Revised Statutes, defines  
12 "burial site" as "any specific unmarked location where  
13 prehistoric or historic human skeletal remains and their  
14 associated burial goods are interred, and its immediate  
15 surrounding archaeological context, deemed a unique class of  
16 historic property and not otherwise included in section 6E-41";  
17 and  
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19 WHEREAS, it is not clear whether the term "burial site," as  
20 defined by section 6E-2, Hawaii Revised Statutes, includes a  
21 cave or lava tube, or a portion of a cave or lava tube, where  
22 sufficient physical or cultural evidence suggests that the cave  
23 or lava tube, or a portion thereof, was used for or viewed as a  
24 burial site; and  
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26 WHEREAS, clarifying the definition of "burial site" would  
27 assist in protecting Native Hawaiian remains from desecration or  
28 improper handling, and help in preventing disputes regarding  
29 burial sites; and  
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31 WHEREAS, by working together, the State Historic  
32 Preservation Division of the Department of Land and Natural  
33 Resources and the Office of Hawaiian Affairs may be able to come



1 to an agreement as to whether the term "burial site" includes  
2 all or a portion of a cave or lava tube that was used or viewed  
3 as a burial site; now, therefore,  
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5 BE IT RESOLVED by the House of Representatives of the  
6 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
7 of 2010, that the State Historic Preservation Division of the  
8 Department of Land and Natural Resources and the Office of  
9 Hawaiian Affairs are requested to work together to address and  
10 clarify the interpretation of the term "burial site," and  
11 determine whether it includes all or a portion of a cave or lava  
12 tube that was used or viewed as a burial site; and  
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14 BE IT FURTHER RESOLVED that the State Historic Preservation  
15 Division of the Department of Land and Natural Resources and the  
16 Office of Hawaiian Affairs are requested to submit a report on  
17 the results of its meetings, including any proposed legislation  
18 to the Legislature no later than twenty days prior to the  
19 convening of the Regular Session of 2011; and  
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21 BE IT FURTHER RESOLVED that certified copies of this  
22 Resolution be transmitted to the Administrator of the State  
23 Historic Preservation Division of the Department of Land and  
24 Natural Resources and the Chairperson of the Board of Trustees  
25 of the Office of Hawaiian Affairs.  
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OFFERED BY:

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*[Signature]*

MAR 10 2010

