



HB 1964 RELATING TO REPATRIATION
House Committee on Hawaiian Affairs

January 27, 2010
Room: 329

9:30 a.m.

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** House Bill 1964 which seeks a more unified approach to the important subject of repatriation of ancestral human remains, funerary objects, sacred objects, or objects of cultural patrimony, subject to the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). A kākou effort within the Native Hawaiian community is integral to the long-term success of any repatriation effort as the arrival of these important cultural resources on Hawai'i's shores is truly only the beginning of the long process of healing and forgiveness involved in proper disposition.

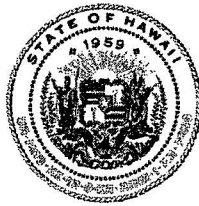
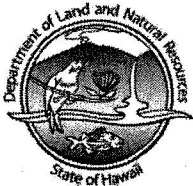
OHA would like to note that the various island burial councils certainly have kuleana with regards to the repatriation of ancestral human remains and funerary objects under Chapter 6E, HRS, but it is less clear with sacred objects and objects of cultural patrimony, especially those objects which may or may not be burial related.

Furthermore, to avoid confusion, Hui Mälama should be spelled out in its entirety as Hui Mälama I Nä Kūpuna O Hawai'i Nei as other Native Hawaiian organizations utilize Hui Mälama as a portion of their name. Similarly to the kuleana of the island burial councils, the stated kuleana of Hui Mälama I Nä Kūpuna O Hawai'i Nei centers on ancestral human skeletal remains and funerary objects.

One suggested remedy would be to move the word "appropriate" from "island burial council" in line 9 of the bill to line 8 in the bill, just prior to the word "consultation", such that the consulted entities would be "appropriate" to the nature and classification of the cultural resources to be repatriated.

Lastly, the reference to "lineal and cultural descendants" should make a reference to "identified" lineal or cultural descendants as there exist lineal descendency classifications under both State law, Chapter 6E, HRS as well as Federal law, NAGPRA. Adding the word "identified" would at least establish a means to properly identify individuals or groups to consult with

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, January 27, 2010
9:30 A.M.
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1964
RELATING TO REPATRIATION**

House Bill 1964 would require the repatriation of human remains, funerary objects, sacred objects, or objects of cultural patrimony subject to the Native American Graves Protection and Repatriation Act of 1990 to be conducted in consultation with the Office of Hawaiian Affairs (OHA) and other entities or individuals. The Department of Land and Natural Resources (Department) is opposed to this measure for the following reasons.

First, the measure is unnecessary as NAGPRA already requires consultation with Native Hawaiian Organizations, including OHA and Hui Malama I Na Kupuna O Hawaii Nei. Second, state law should not dictate the interpretation and compliance with federal law, as federal law takes precedence over state law in cases where there is a conflict. Enactment of this bill would create unnecessary confusion for those agencies and businesses, such as the Department's State Historic Preservation Division and the Bishop Museum, who are subject to NAGPRA.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL V. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

as many lineal and cultural descendants exist at any given time, even without proper recognition under Chapter 6E, HRS, or NAGPRA.

Thank you for this opportunity to testify. The unified effort to mālama our beloved kūpuna and precious cultural resources is absolutely critical to the effort to raise our beloved lāhui.

George Hook, Kupuna
Na Kupuna Moku O Keawe
PO Box 134
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COMMITTEE ON HAWAIIAN AFFAIRS

HB 1964

Na Kupuna Moku O Keawe strongly supports HB 1964. The repatriation of human remains, funerary objects, sacred objects, or objects of cultural patrimony subject to the Native American Graves Protection and Repatriation Act of 1990 to be conducted in consultation with the office of Hawaiian affairs, Hui Malama and the Kanaka Council Moku O Keawe are vital to the protection of our Kupuna Iwi.

OHA must be required to provide funding and coordination through entities such as the Kanaka Council Moku O Keawe and Hui Malama. The desecration of the burial sites, mishandling of sacred burial items and iwi has gone on too long. The kuleana to malama these items must be given to the practitioners of Kanaka Council Moku O Keawe or Hui Malama.

Mahalo nui loa,

George Hook, Kupuna

House of Representatives – 25th Legislature
Regular Session of 2010

Committee: Hawaiian Affairs
Chairperson: Honorable Mele Carroll
Vice-Chair: Honorable Maile Shimabukuro
Hearing: January 27, 2010

Re: Testimony in Support of H.B. 1964

Aloha Chairperson Carroll, Vice-Chair Shimabukuro and Honorable Board Members:

My name is Dexter K. Kaiama and I wish to submit my testimony in support of H.B. 1964 and revision of H.R.S. Chapter 6E providing for a more unified approach concerning the repatriation of iwi kupuna and in harmony with protections provided under the Native American Graves and Repatriation Act of 1990 (NAGPRA).

I also support the intent of the bill to acknowledge the vital importance of the participation and consultation of lineal descendants, as the right of the direct family to participate and be consulted on the repatriation of their ancestor(s) is historically significant and retains its importance to our Hawaiian community to the present date.

Mahalo nui,

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