

TO: Representative Mele Carroll, Chair
House Committee on Hawaiian Affairs
and
Representative Ken Ito, Chair
House Committee on Water, Land & Ocean Resources

FROM: Sara L. Collins, Ph.D., Chair, Legislative Committee
Society for Hawaiian Archaeology
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HEARING: March 24, 2010, 10:30 AM, House Conference Room 329

SUBJECT: Testimony Providing Comments on HCR 330 and HR 249, Requesting a Study on the Feasibility of Transferring Jurisdiction Over the Coordination of the Evaluation and Management of Burial Sites of Native Hawaiian Origin from the Department of Land and Natural Resources to the Office of Hawaiian Affairs

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. We wish to provide comments on HCR 330 and HR 249, resolutions that request a study of the feasibility of transferring jurisdiction over the coordination of the evaluation and management of burial sites of Native Hawaiian origin from the Department of Land and Natural Resources (DLNR) to the Office of Hawaiian Affairs (OHA). We provide the following comments.

Many of our members have decades of experience in the identification, recordation, treatment, and disposition of Native Hawaiian burial sites. Since 1990, they have also worked with the State Historic Preservation Division (SHPD) of DLNR and the Island Burial Councils to implement the appropriate and timely treatment of Native Hawaiian burials within the legal framework established by sections 6E-43, 43.5, and 43.6, HRS, and through the historic preservation review process established under sections 6E-8 and 6E-42, HRS.

Our organization does not have a position on whether the statutorily mandated functions and duties relating to the identification and treatment of native Hawaiian burials should remain at DLNR or be transferred to OHA. We do, however, strongly support efforts to systemically improve a process that should be providing sensitive, timely, and appropriate treatment of the *ʻiwi kupuna* and burial sites. To this end, we are willing to provide any assistance appropriate to our professional expertise and experience that would provide useful data for the feasibility study. In addition, we have the following comments:

- We believe that the feasibility study should provide recommendations on how both agencies will have access to the records and other information each needs to carry their work in the event of a transfer of responsibilities. In general, records currently maintained by the SHPD are highly integrated such that it would be difficult at best to segregate only those records pertaining to Native Hawaiian burials and burial sites. In addition, we believe that it is likely that SHPD will still need to consult such records on a regular basis in order to carry out its mandated review and compliance duties under State and Federal law. This applies both to documents submitted by agencies and applicants for review as well those generated over the last 40 years.

Thank you for considering our comments. We look forward to working with you and other stakeholders on the important issue of treating Native Hawaiian burials and burial sites with sensitivity. Should you have any questions, please feel free to contact me at the above email address.