

TESTIMONY
SB1083

Caren Diamond
P. O. Box 536
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February 16, 2009

Testimony in Support SB1083,

WTL

Room: 229
Hearing Date 2/18/2009
3:30 AM

Aloha Committee Members,

Please support this important bill. I live in Wainiha, where desecration of the Iwi have greatly affected our lives and sensibilities and cause many people to question the practices of state agencies in regards to protection(or not) of the Iwi.

Here in Wainiha, the developers were "allowed" to construct a large vacation house despite the presence of 31 Iwi , without consulting with the known lineal and cultural descendants of Wainiha.

In addition to the groups listed, please include cultural and lineal descendants of the area, as the families may be the most appropriate ones to make any decisions as they are most affected by any decisions made.

Mahalo for your support, Caren Diamond

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Hearing Notice
Wednesday, February 18, 2009 / State Capitol Conference Room 229

Senate Committee on Water, Land, Agriculture & Hawaiian Affairs (WTL)
Senator Clayton Hee, Chair / Senator Jill Tokuda, Vice Chair

February 16, 2009

RE: Testimony of Support w/ Reservations for SB 1083 (Relating to Burial Sites)

Aloha Chair Hee, Vice Chair Tokuda & Committee Members,

I support SB 1083 w/ reservations because the notification list should be inclusive and amended to include applicable and appropriate community entities because not all persons of *Hawaiian ancestry* are members of *Hawaiian Cultural* or *Royal Societies*. Examples include *Neighborhood Boards* and *Community Associations* which exist today.

Since *Island Burial Councils* is a *State Board or Commission* it's paramount that the nominee be a current resident and registered voter of that specific geographical area. Additionally the person should also be active in the community because not all projects that may impact burials are addressed at the burial council but at entities such as the *Neighborhood Board*. The geographical boundaries for regional representatives should be current and consistent with legislative areas however currently some areas such *Waialua Moku*, the Senatorial District differs from the House Representative and City Council.

Lastly I would like to see assurance that a *Recognized Lineal Descendant* that went thru the *State Historic Preservation Division's (SHPD)* process to acquire this recognition preserved and supercede any *Native Hawaiian Organization (NHO)* regarding decession making for a specific burial.

It's hope that SB 1083 additionally prevent some entities from "*foot printing*" into a community that they have not participated in. Attached to this testimony is a media article defining my position SB 1083 be amended to reflect my *mana'o* expressed. *Mahalo nui loa. Malama Iwi Kupuna.*

Thomas T Shirai Jr
Recognized Lineal Descendant of Kawaihapai Ahupua'a

Local Top Stories

Ancestral Iwi Returned to Mokuleia

By Andrew Pereira

More than two years after ancestral bones were removed from Dillingham Airfield, a Mokuleia man who is a lineal descendant of the remains has put them back where they belong.

It's believed Thomas Shirai Jr. is the first person not affiliated with any native Hawaiian group to reinter his ancestor's iwi. "This is our Christmas present," said Shirai, "to put back our tulu."

Shirai believes the bones are from his great, great, great grandmother, Napunika Kakulu who died September 13, 1888. She was buried in an area next to the airstrip at Dillingham.

Shirai, who kept meticulous records of his family's history in the area once known as Kawainapali, says it was those records that convinced the Historic Preservation Division to return the iwi directly to him.

"The big iupuna had a house in the back," said Shirai. "There was a hili and had all these graves around. That's the way it was." In 1997 Shirai registered the unmarked burial ground with the Department of Land and Natural Resources, which oversees the State Historic Preservation Division, but the records were lost.

After receiving the iwi in a brown cardboard box, Shirai and two workers from the Office of Hawaiian Affairs wrapped them in kapa cloth and placed them inside two lauhala baskets for the car ride from Kapolei to Mokuleia.

Once at Dillingham Airfield the three men hiked past a row of palm trees and overgrown brush to the site of the illegal sand mining. After digging a hole, Shirai carefully placed the lauhala baskets inside and covered them with sand.

"Okay tulu," Shirai said as he completed the reburial. "Sorry we disturbed you but some people no like listen, so now you back at home."

The State Department of Transportation leases the land at Dillingham Airfield from the U.S. Army. In the fall of 2005 the airfield's supervisor allowed a local contractor to remove high quality sand in exchange for burying dead trees and brush.

DOT spokesman Scott Ishikawa says an investigation showed the supervisor did not profit

from the sand mining. The supervisor was officially reprimanded by the DOT but was allowed to keep his job.

In May of 2007 Barry Fukunaga, the former director of the Department of Transportation sent a letter of apology to Shirai.

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