

# SB 234

Sterling Wong	<b>OFFICE OF HAWAIIAN AFFAIRS</b>	SUPPORT
Jalna Keala	<b>ASSOCIATION OF HAWAIIAN CIVIC CLUBS</b>	SUPPORT
Troy Abraham		SUPPORT
William Aila	<b>DEPARTMENT OF LAND AND NATURAL RESOURCES</b>	OPPOSE



**SB234**

**RELATING TO BURIAL SITES**

Senate Committee on Tourism & Hawaiian Affairs  
Senate Committee on Technology & the Arts

February 11, 2013

2:45p.m.

Room: 224

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The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB234, which establishes a task force to develop additional procedures for the cases when a lineal or cultural descendant of Native Hawaiian skeletal remains cannot be established.

The island burial councils bear the tremendous kuleana to mālama “our most cherished possession”, the iwi of our beloved kūpuna. They are responsible for identifying lineal and cultural descendants of these kūpuna and assisting with the formulation and execution of a burial treatment plan to best preserve the iwi. When no descendant can properly be identified, it threatens not only the timeliness of the development project, but also the preservation of the iwi.

Establishing a task force to examine these gaps in the process will help to ensure a more efficient and complete procedure and therefore, better protection for the iwi kūpuna. Although the task force should consider, in its deliberations, all options for preservation in place and reburial when necessary to avoid harm to the iwi, it should only consider reburial on Kaho‘olawe when it can be established that the iwi are from Kaho‘olawe. In any other circumstance, reburial on Kaho‘olawe may be culturally inappropriate. As such, we feel that the language requiring the task force to consider reburial on Kaho‘olawe to be both too narrow in that it does not require the task force to consider cultural appropriateness of location in all reburial alternatives, and too broad in that it could be read to suggest the highly offensive alternative of reburying *any* iwi on Kaho‘olawe, regardless of its origin.

OHA suggests the following amendment to Section 2(a):

“The department of land and natural resources shall convene a task force to develop additional procedures and protocols in the event a lineal or cultural descendant of Native Hawaiian skeletal remains that are interred at a burial site cannot be established. In its deliberations, the task force shall consider options, in alignment with Native Hawaiian burial practices, for preservation in place and reburial when necessary, ~~including reburial on the island of Kaho‘olawe.~~”

OHA is also concerned that the bill is unclear regarding the operation and administration of the task force, particularly with respect to membership, administrative staffing, and operating costs. OHA appreciates being represented on this task force, but we feel that the language designating this representation is unclear. This bill should specify how many representatives from each organization and from the Native Hawaiian community it intends. It should also be clearer about what an “understanding” of Native Hawaiian culture and practices implies.

OHA urges the Committees to **PASS** SB234 **with amendments**, taking into account our above-mentioned concerns. Mahalo for the opportunity to testify.



## **Association of Hawaiian Civic Clubs**

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**JOINT SENATE COMMITTEES ON TOURISM AND HAWAIIAN  
AFFAIRS  
AND  
TECHNOLOGY AND THE ARTS**

**SENATE BILL 234 RELATING TO BURIAL SITES**

Monday, February 11, 2013; 2:45pm; Room 224

Aloha Chairman Galuteria and Chairman Wakai of the joint committees meeting to discuss SB234 Relating to Burial Sites. I am Soulee Stroud president of the Association of Hawaiian Civic Clubs here to support this bill creating a task force to develop additional procedures and protocols with regard to establishing cultural and lineal descendants when Native Hawaiian skeletal remains are discovered.

Civic Club members have served on Burial Councils since 1990 when they were established and continue to do so. We have hope that a task force such as proposed here will help to dispel and alleviate some of the problems that have arisen as the State, particularly Oahu, continues its increasing population and construction transformation.

Our iwi kupuna deserve to be at peace and to that end civic club members will assist when needed.

Thank you for the opportunity to testify.

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**SB234**

Submitted on: 2/8/2013

Testimony for THA/TEC on Feb 11, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

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NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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**Testimony of**  
**WILLIAM J. AILA, JR.**  
**Chairperson**

**Before the Senate Committees on**  
**TOURISM AND HAWAIIAN AFFAIRS**  
**and**  
**TECHNOLOGY AND THE ARTS**

**Monday, February 11, 2013**  
**2:45 p.m.**  
**State Capitol, Conference Room 224**

**In consideration of**  
**SENATE BILL 234**  
**RELATING TO BURIAL SITES**

Senate Bill 234 proposes to create a task force to develop additional procedures and protocols in the event a lineal or cultural descendant of Native Hawaiian skeletal remains that are interred at a burial site cannot be established. The Legislature proposes the measure to ensure that burial councils faced with making a decision about the treatment of Native Hawaiian human remains do not delay their decision because lineal or cultural descendants cannot be adequately established, and thus decisions may be delayed. **The Department of Land and Natural Resources (Department) opposes this bill.**

The Department is not aware of burial treatment plans being delayed because lineal or cultural descendants cannot be established. In most cases, individuals who come forward as lineal or cultural descendants are consulted even before they are recognized. Delays normally happen if there is disagreement amongst descendants, or between descendants and a landowner on how a Native Hawaiian burial should be treated.

In most cases, burials go back to the area of the island on which they were found. Burials found on Kahoolawe are handled by the Kahoolawe Island Reserve Commission. The Burial Councils have statutory deadlines in which to make decisions regardless of whether or not lineal or cultural descendants have been recognized.

The Department **opposes** this bill because the burial councils are fully equipped to deal with these types of situations and another policy layer over the Burial Councils is unnecessary.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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