

SB 320

Measure Title: RELATING TO NATIVE HAWAIIAN BURIALS.

Report Title: Reinterment; Native Hawaiian Remains; Kaho'olawe

Description: Requires that iwi kupuna, or Native Hawaiian bones, in the possession of the State whose provenience is unknown, or for other special circumstance, be reinterred annually on the island of Kaho'olawe.

Companion:

Package: None

Current Referral: THA, WAM

Introducer(s): GALUTERIA, Kahele

<u>Sort by Date</u>		Status Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to THA, WAM.
2/7/2013	S	The committee(s) on THA has scheduled a public hearing on 02-13-13 2:45PM in conference room 224.

William Aila	DEPARTMENT OF LAND AND NATURAL RESOURCES	SUPPORT
Craig Neff	PROTECT KAHOOLAWE OHANA	SUPPORT w/ AMENDMENTS
Troy Abraham		SUPPORT
Kealii Makekahu		SUPPORT
Kawika McKeague	ILIOULAOKALANI COALITION	OPPOSE
Keonekapu Williams		OPPOSE
Paulette Kaanohi Kaleikini		OPPOSE

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

**Testimony of
WILLIAM AILA, JR
Chairperson**

**Before the Senate Committee on
TOURISM AND HAWAIIAN AFFAIRS**

**Wednesday, February 13, 2013
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 320
RELATING TO NATIVE HAWAIIAN BURIALS**

Senate Bill 320 proposes to allow the Department of Land and Natural Resources (Department) to reinter burials with no known provenience on Kaho'olawe, if other sites cannot be found. The bill also proposes to provide that the Kaho'olawe Island Reserve Commission (KIRC) will have jurisdiction over access and protocols for all burials on Kaho'olawe. The Department supports the intent of this measure but suggests that language be inserted giving KIRC jurisdiction over:

- 1) Whether it will accept the burials, and
- 2) The time and protocols for any reburials on Kaho'olawe.

With these changes, the Department supports Senate Bill 320.

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
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

PROTECT KAHO‘OLAWE ‘OHANA
P.O. Box 39
Kaunakakai, Hawai'i 96748



Testimony Presented Before the Senate Committee on
Tourism and Hawaiian Affairs
February 13, 2013; 2:45pm

By
Craig Neff
Protect Kaho'olawe 'Ohana

IN SUPPORT OF SB 320, WITH AMENDMENTS
RELATING TO NATIVE HAWAIIAN BURIALS AND KAHO'OLAWE

Chair Galuteria and Vice Chair Keith-Agaran, and members of the Senate Committee on Tourism and Hawaiian Affairs, aloha kākou. My name is Craig Neff and I am testifying on behalf of the Protect Kaho‘olawe ‘Ohana in favor of SB 320, with the following amendments:

1. please delete "where remains cannot be returned to the initial burial site and are not assigned an alternative burial site by the department." The guiding principle of care for our ‘iwi kupuna is that if they must be removed from where the consecrated ground where they were ceremonially laid to rest, then they should be relocated within the ahupua‘a, the moku, or the island of origin. Under no circumstances should the ‘iwi kupuna be taken to another island, especially Kanaloa Kaho‘olawe.
2. Please add the following phrase at the end of subsection (b) "in consultation with the Kaho‘olawe Island Reserve Commission (KIRC) and the Protect Kaho‘olawe ‘Ohana." The annual ceremony for interment and the location for interment should be determined by the KIRC, in consultation with the Protect Kaho‘olawe ‘Ohana. Under HRS 6-K, the KIRC serves as the burials council for Kanaloa Kaho‘olawe. The ‘Ohana is the kahu‘āina for Kanaloa Kaho‘olawe and took on the kuleana of caring for our ‘iwi kūpuna on Kanaloa Kaho‘olawe under a Consent Decree with

U.S. Navy in 1980. We have continued to fulfill this kuleana under stewardship agreements with the KIRC and in accordance with the KIRC burials treatment plan.

3. Please add a Section (c) stating that costs for the annual interment and for ongoing monitoring and stewardship will be borne by the Department of Land and Natural Resources.

Mahalo for allowing us the opportunity to this important measure. Aloha, Aloha 'Āina.

SB320

Submitted on: 2/7/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

SB320

Submitted on: 2/8/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

To: The State of Hawai'i, Senate Committee on Tourism and Hawaiian Affairs (THA)

Re: **Opposition to SB No. 320** - Relating to Native Hawaiian Burials

Hearing: February 13, 2013 at 2:45 PM –THA Committee - Room 224

Attention: Chairperson Brickwood Galuteria, District 12 Senator & Members of the THA Committee

Ke welina mai nei me ke aloha iā kākou apau:

My name is Kāwika McKeague, former Chair and 'Ewa moku representative of the O'ahu Island Burial Council. My testimony reflects and represents the expressed interests of 'Īlio'ulaokalani Coalition. We write in **OPPOSITION** to SB320 for the simple matter that establishing consensus as to the most appropriate reinternment location for iwi kūpuna with unknown provenience should be an issue first vetted among our Hawaiian community before being promulgated legislatively. Additionally, we have substantive concerns to the proposed bill as follows:

1. Although Kaho'olawe is a wahi kūpuna and understood to be a piko o ka pae 'āina, it is still undergoing its own process of cleansing from the haumia that exists and may never be completely restored. Areas that are inaccessible, unsafe, or unusable due to the presence of unexploded ordnance; or experience conditions of extreme erosion runoff and siltation into nearshore coastal waters; or are still denuded of native vegetation, deprive and disqualify Kohemālamalama as a suitable place in its current state to absorb the suggested kuleana.
2. Secondary issues related to the use of Kaho'olawe as a remote reinternment location include adequate planning and budgeting for the long-term operational, maintenance, repair, and restoration tasks and associated budget allocations to appropriately steward the kuleana into perpetuity. Additionally, questions arise regarding the adequacy of security measures that could be provided to prevent looting or other inappropriate activities and assuring rights of access for individuals, families, and other community interests.
3. Depending upon available information as to the original provenance for iwi kūpuna in question, decisions for appropriate reinternment location should be done by a preference and precedence of hierarchy as follows: a) within the immediate and closest proximity to the original site of discovery; b) within the TMK parcel of current landowner of said discovery; c) within the ahupua'a of said discovery; d) or within the mukupuni of said discovery. Purpose of this hierarchy is to honor a prevalently known understanding of ancestral funerary practices of kūpuna that each kanu of kupuna in times before was done with intent to honorifically return to the bosom of Papahānaumoku. For situations by which available information as to original provenance are known to be at best as "in the Hawaiian Islands", the respective chairs of each island burial council (IBC) should convene to determine the most appropriate IBC that could undertake the kuleana to kanu within their jurisdiction.
4. The department, in my humble opinion, does not have the resources or qualified personnel to make determinations of "other special situations" that would warrant either they or any state or county agency the authority to determine adequate reinternment locations. A concern is the department being empowered to utilize an alternative location as an easy "catch-all" for final disposition of iwi kūpuna statewide. This assertion goes against the mana'o that went into the development of existing burial laws that currently require the inclusivity of meaningful consultation between the department and Native Hawaiian cultural and lineal descendants, the Office of Hawaiian Affairs, and the designated island burial council to determine and/or recommend effectual treatment and disposition of iwi kūpuna.
5. As an alternative, there should be amending language that each IBC should be authorized and afforded a budget of at least \$500,000 annually to adequate plan, consult, and subsequently manage in partnership with individuals, families, and other community interests, selected culturally appropriate locations on ceded or state lands on each island whereupon iwi kūpuna of unknown provenance or other special situations could be cared for into perpetuity.

Ola nā iwi,

Mark Kawika McKeague

'Īlio'ulaokalani Coalition, Legislative Liaison

Email: kmckeague87@gmail.com | Phone: 808-265-7901

SB320

Submitted on: 2/13/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
JR Keonekapu Williams	native Hawaiian Practitioner of Iwi Kupuna	Oppose	Yes

Comments: I am a living breathing descendant from many ahupua'a throughout Ko Hawaii Pae Aina, a practitioner to malama na iwi kupuna who opposes this bill. You committee members do not malama iwi so with that said a'ole to this. It is not your kuleana so just drop this idea. mahalo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

SB320

Submitted on: 2/12/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paulette Ka'anohi Kaleikini	Individual	Oppose	No

Comments: Aloha Chairs and members of the Committee Any/all burial finds (iwi kupuna) must be interred as close as possible to the area of the island on which they were disturbed or found. Reburial of iwi kupuna on Kahoolawe should only be considered if it can established that the iwi are from Kahoolawe or it would be culturally inappropriate. Our 'ohana would never allow iwi kupuna found in any ahupua'a to which we are descendants to be taken any where far from where they were disturbed and especially not to Kahoolawe where our 'ohana would not be able to malama the sites. We find this measure to be highly offensive where it seeks to take our iwi kupuna away from the 'ohana and from the lands of which their spirits are ma'a. This measure is hewa and contains no cultural sensitivity. Amendments are not acceptable as well. OPPOSE
P. Ka'anohi Kaleikini

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov