

GM515

Measure Title: Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, EDWARD AYAU, for a term to expire 6-30-2017.

Report Title: Island Burial Council, Island of Molokai

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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CHAIRPERSON
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ENGINEERING
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the Senate Committee on
HAWAIIAN AFFAIRS**

**Friday, March 7, 2014
2:45PM
State Capitol, Conference Room 224**

**In consideration of
GOVERNOR'S MESSAGE 515
SUBMITTING FOR THE CONSIDERATION AND CONFIRMATION TO THE ISLAND
BURIAL COUNCIL, ISLAND OF MOLOKA'I, GUBERNATORIAL NOMINEE,
EDWARD AYAU, FOR A TERM TO EXPIRE 6-30-2017**

The Department of Land and Natural Resources (Department) supports Governor's Message 515, nominating Mr. Edward Ayau to the Island Burial Council, Island of Moloka'i to expire June 30, 2017.

The Island Burial Councils are established under Section 6E-43.5, Hawaii Revised Statutes. With regard to previously known burials, the Councils determine whether to leave the burial in place or remove it, recognize lineal and cultural descendants and provide counsel and advice to the Department.

Mr. Ayau is a current resident of Ho'olehua and has genealogical ties to other parts of the island. He has a B.S. degree from the University of Redlands and J.D. from the University of Colorado School of Law. His past employment includes working as a DHHL Acting District Supervisor, Kamehameha Schools Reburial Consultant, and most importantly, he served as the DLNR Director of Burial Sites Program. In addition, he was instrumental in drafting burial laws at both the State and Federal levels.

Mr. Ayau previously served on the Moloka'i Island Burial Council and has expressed great interest and commitment in continuing that kuleana.

Senate confirmation will ensure that Mr. Ayau's valuable knowledge and perspective informs the deliberations of the Island Burial Council until June 30, 2017.



GM515

**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE ISLAND BURIAL
COUNCIL, ISLAND OF MOLOKA‘I, GUBERNATORIAL NOMINEE, EDWARD AYAU,
FOR A TERM TO EXPIRE 6-30-2017**
Senate Committee on Hawaiian Affairs

March 7, 2013

2:45 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** GM515, which would confirm Edward Halealoha Ayau as the Central Moloka‘i regional representative to the Moloka‘i Island Burial Council. OHA believes that Mr. Ayau’s unique expertise in historic preservation laws, his past participation in many critical events in Hawai‘i’s history and his personal commitment to caring for iwi kūpuna will make him a great asset to the Moloka‘i Island Burial Council.

Mr. Ayau’s devotion to preservation of iwi kūpuna is rooted in his kuleana to his kūpuna on Moloka‘i. Mr. Ayau was born and raised in Ho‘olehua and continues to care for his kūpuna who are buried there. For over 23 years, he has passionately fulfilled his kuleana to provide and care for the kūpuna he believes continue to provide and care for him. He was trained on cultural protocol and proper care for iwi and moepū by Edward and Pualani Kanahale and has been teaching Hawaiian cultural practices and protocols for reburial for many years.

Mr. Ayau also possesses intimate knowledge and expertise in historic and cultural preservation laws, having worked directly on significant historic preservation legislation at the state and federal levels. As a staffer for the Senate Indian Affairs Committee under late Senator Daniel Inouye, he assisted in the drafting of the National Museum of the American Indian Act and the Native American Graves Protection and Repatriation Act (NAGPRA). As a staff attorney for the Native Hawaiian Legal Corporation, Mr. Ayau was also a principal drafter of Act 306 (Reg. Sess. 1990), which amended HRS Chapter 6E to establish the island burial councils, improve enforcement and revise the treatment of inadvertent discoveries. He further served as a principal drafter of the state administrative rules on human remains and burial sites (1996) during his tenure as coordinator of the State Burials Program. In addition to these experiences, Mr. Ayau wrote the burial rights chapter of the Native Hawaiian Rights Handbook, authored several scholarly articles on graves protection and has given multitudinous presentations on the same.

As the executive director of Hui Mālama I Nā Kūpuna O Hawai‘i Nei, Mr. Ayau also helped coordinate the repatriation of approximately 4,800 sets of iwi kūpuna under NAGPRA from museums in the United States and abroad through over one hundred

repatriation events. Mr. Ayau has formerly served as the director of the state Burial Sites Program from 1990-1996 and is currently the acting district supervisor in the Department of Hawaiian Home Lands Moloka'i District Office.

The Moloka'i Island Burial Council, like several other island burial councils, has historically faced significant challenges meeting composition and quorum requirements and, as a result, has been unable to convene for several years. Accordingly, during the 2013 legislative session, OHA partnered with the Governor's Office, the State Attorney General, and the Department of Land and Natural Resources' State Historic Preservation Division to pass legislation substantially reducing the composition and quorum requirements for the island burial councils to meet. After the passage of Act 276 (Reg. Sess. 2013), OHA continued to collaborate with the Governor's Office to expeditiously solicit and recommend nominees to fill longstanding vacancies and allow the burial councils to do business once again. With the more attainable composition and quorum requirements established by Act 276 and with Mr. Ayau's confirmation (as well as those of the two other anticipated Moloka'i Island Burial Council appointees), the Moloka'i Island Burial Council may finally resume their work and fulfill their important kuleana.

For these reasons, OHA urges the committee to **PASS** GM515 to advise and consent to the nomination of Mr. Ayau to the Moloka'i Island Burial Council. Mahalo for the opportunity to testify on this important measure.



TESTIMONY IN SUPPORT

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Maile S.L. Shimabukuro, Chair
Senator Clayton Hee, Vice Chair
Friday, March 07, 2014
Conference Room 224 | State Capitol, 2:45pm

GM 515 Gubernatorial Nominee **EDWARD AYAU**
Molokai Island Burial Council

Aloha e Chair Shimabukuro me Vice Chair Hee,

Thank you for the opportunity to provide testimony in strong support of EDWARD AYAU to the Molokai Island Burial Council.

Edward's experience in Federal NAGPRA law and the applicability of statewide burial law and practice would be a great resource to the Molokai Island Burial Council.

Mahalo for the opportunity to provide testimony in strong support.

Adrian Kamali'i
Pae 'Āina Communications



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Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, **EDWARD AYAU**, for a term to expire 6-30-2017.

Senate Committee on Hawaiian Affairs

March 7, 2014. 2:45 p.m. Conference Room 224

Testimony:

Aloha mai kākou. My name is No‘eau Peralto, and I would like to offer my testimony in **support of GM515**, which would **confirm the appointment of Edward Halealoha Ayau to the Molokai Island Burial Council**.

As a Kanaka ‘Ōiwi born of Molokai and a leader of Hui Mālama i nā Kūpuna o Hawai‘i Nei, Mr. Edward Halealoha Ayau has tirelessly served our lāhui through his unwavering commitment and loyalty to our kūpuna, past and present. For over two decades, Mr. Ayau has continuously demonstrated his commitment to this great kuleana through his work in caring for, protecting, and repatriating the iwi of our kūpuna, on his home island of Molokai and across all the islands of Hawai‘i, with the utmost level of discipline, respect, and integrity.

I have had the fortune of experiencing, first-hand Mr. Ayau’s commitment to the care and protection of our iwi kupuna, as he has offered his knowledge, expertise, and above all, his aloha to my ‘ohana in Hāmākua, on Hawai‘i Island, in our efforts to care for our kūpuna over the past six years. Having been mentored by Mr. Ayau over this time, I can think of no one more qualified and prepared to assume the kuleana that comes with serving on our island burial councils. Mr. Ayau has continuously demonstrated what it means to go above and beyond to fulfill our kuleana to our kūpuna, and there is no question in my mind that he will continue to do so as a member of the Molokai Island Burial Council.

I humbly offer my full support of Mr. Ayau’s appointment to the Molokai Island Burial Council, and I ask that you do the same in confirming his appointment. Mahalo nui for this opportunity to testify.

Ola nā iwi,

No‘eau Peralto