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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
HAWAIIAN AFFAIRS
and
TECHNOLOGY AND THE ARTS**

**Friday, February 07, 2014
3:15 AM
State Capitol, Conference Room 224**

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

Senate Bill 234 proposes to establish a Task Force to evaluate issues relating to reburial sites for Native Hawaiians and to report back to the Legislature before the 2015 Session. **The Department of Land and Natural Resources (Department) opposes this measure.**

The Department believes that the Island Burial Councils already have all necessary authority, as well as established policies and procedures necessary to resolve issues relating to reinterment of iwi kupuna, whether repatriated from museums under the federal Native American Graves Protection and Repatriation Act or inadvertent discoveries or under a plan approved by an Island Burial Council. Accordingly, the Department believes this measure is unnecessary and recommends that it be held without action.

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
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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



SB234
RELATING TO HISTORIC PRESERVATION
Senate Committee on Hawaiian Affairs
Senate Committee on Technology & the Arts

February 7, 2014

3:15 p.m.

Room: 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB234 which establishes a task force to develop additional procedures for the cases when neither 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 would be extremely 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

P. O. Box 1135
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SENATE BILL 234 RELATING TO BURIAL SITES

SENATE COMMITTEES ON HAWAIIAN AFFAIRS
AND TECHNOLOGY AND THE ARTS

Friday, 2/07/14; 3:15 pm; Room 224

Madam Chair Shimabukuro, Chairman Wakai of the joint Senate committees, I am Soulee Stroud president of the Association of Hawaiian Civic Clubs(AHCC) here to offer some comments on this bill regarding burial sites.

A bill appeared in the House last week proposing to send unidentified iwi to Kahoolawe and a poll of the AHCC Board of Directors was taken to determine an AHCC position. There were several suggestions but in the final analysis the Board did not support sending the iwi to Kahoolawe.

This bill intends to establish a Task Force to develop additional procedures and protocols in the event a lineal or cultural descendant of Native Hawaiian remains that are interred at a burial site cannot be established. This bill would add yet layer of procedures and protocols to issues concerning the iwi with the potential of obstructing the work of an existing group, the burial councils that are already organized to do this work.

We suggest giving the Burial councils the opportunity and resources to resolve the dilemma before taking it out of their hands.

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