

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, Jr.
Chairman**

**Before the Senate Committee on
HAWAIIAN AFFAIRS**

**Friday, January 31, 2013
1:30 PM
State Capitol, Conference Room 224**

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

Senate Bill 320 proposes to provide for reinterment Native Hawaiian human remains on the Island of Kaho'olawe when there is no provenience information for the remains or for which the Department is unable to assign an alternative burial site or in other special situations as determined by the Department. **The Department (Department) of Land and Natural Resources appreciates the intent of this measure and offers the following comments.**

Senate Bill 320 rightly recognizes the preference for leaving iwi kapuna in place, and when they cannot be left in place, for reburial to occur on the property within which they were discovered.

- Department policy and Burial Council practice is that protection in place is always preferred. Should that be impossible, then the iwi kapuna can be relocated to a site as near as possible to its origin. If not that is not possible, then reburial can be somewhere else on the same parcel. If that is not possible, then (in descending order of preference) somewhere within the same ahupua'a, moku (larger district), and finally, when there is no other option, on the same mokupuni (island).
- The Department believes that reinterment on Kaho'olawe from iwi kapuna not from that Island should only be authorized when there is no provenience information for them and only after the Department has sought the advice of the Burial Councils.
- The Department believes that it will almost always be possible to determine the island from which iwi kapuna were removed.
- Reinterment at Kaho'olawe should be a rare occurrence and will only occur as a last resort.

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

- The Department recommends that provisions of this measure be implemented through regulations adopted by the Department in consultation with the Kaho'olawe Island Reserve Commission.



SB320
RELATING TO NATIVE HAWAIIAN BURIALS
Senate Committee on Hawaiian Affairs

January 31, 2014

1:30p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB320, which requires that iwi kupuna possessed by the State whose provenience is unknown be reinterred on Kaho'olawe. It is culturally inappropriate to reinter iwi on Kaho'olawe regardless of their origin, unless they are from Kaho'olawe.

Iwi kupuna have been purposefully placed, and their locations should be honored. In recent years, most iwi kupuna have been discovered in burial sites and therefore have ancestral origin information. In these cases, iwi should either remain in place or be reburied in the area in which they were found, to honor the intent of the original decedent or 'ohana.

Most iwi kupuna with unknown origins are those that have been removed years ago, before Act 306 created the Island Burial Councils and Burial Program of the Department of Land and Natural Resources. These remains were often repatriated from museums and institutions under the Native American Graves Protection and Repatriation Act of 1990. They often had little, if any, identifying information, sometimes merely stating that the remains were "Sandwich Islanders." In these cases, the iwi are often placed in areas traditionally recognized as "leina," or leaping off places for Native Hawaiian spirits, such as Ka'ena on O'ahu. We should continue considering more options like these in consultation with the Native Hawaiian community and interested stakeholders, rather than selecting a fixed place to send iwi regardless of their place of origin.

Therefore, OHA urges the Committees to **HOLD SB320**. Mahalo for the opportunity to testify.

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



Testimony Presented Before the Senate Committee on Hawaiian Affairs
January 31, 2014; 1:30pm

By
Craig Neff
Protect Kaho'olawe 'Ohana

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

Chair Shimabukuro and Vice Chair Hee, and members of the Senate Committee on 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, only if the following amendments are made. Our position is based on values, beliefs and a commitment to stewardship that will not change over time.

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. When the original interment site is known our‘iwi kupuna should never 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.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

SB 320 RELATING TO NATIVE HAWAIIAN BURIALS

Friday, January 31, 2014; 1:30 pm; Room 224

Aloha Madam Chair Shimabukuro, Vice Chair Hee and members of the Senate Hawaiian Affairs Committee. I am Soulee Stroud president of the Association of Hawaiian Civic Clubs(AHCC) speaking in opposition to this bill that proposes to place unidentified iwi on Kahoolawe.

An email poll of the AHCC Board of Directors found that the majority did not support this idea. Interesting comments from the Board suggested that: *the Kahoolawe Island Reserve Commission should be consulted; *the Burial Councils should be consulted; *get the iwi off of museum shelves; *if a Hawaiian military veteran but no other identification, the iwi should go to the National Cemetery at Puuowaina;*if there was no personal i.d., but only an island identification, the iwi should be returned to the island of origin.

The AHCC appreciates the intent of this bill, but considering that there are other options, and understanding that the iwi need to be treated with respect, we suggest that a greater discussion with the Hawaiian community needs to take place. We further suggest that the Burial Council should facilitate such discussions.

Thank you for the opportunity to testify.

Contact: jalna.keala2@hawaiiantel.net

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: souleeiko@gmail.com
Subject: Submitted testimony for SB320 on Jan 31, 2014 13:30PM
Date: Thursday, January 30, 2014 1:19:28 PM
Attachments: [SB320burial i.d..doc](#)

SB320

Submitted on: 1/30/2014

Testimony for HWN on Jan 31, 2014 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Soulee L.K.O. Stroud	Association of Hawaiian Civic Clubs	Oppose	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.

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Testimony of Leslie Kuloloio

Before the Senate Committee on
Hawaiian Affairs

Friday, January 31, 2014
1:30 P.M.
State Capitol, Conference Room 224

In **Opposition** to **S.B. 320** **Relating to Native Hawaiian Burials**

Aloha Chair Shimabukuro, Vice Chair Hee, and members of the Senate Committee on Hawaiian Affairs;

S.B. 320 requires that iwi kupuna, or Native Hawaiian bones, in the possession of the State whose provenance is unknown, or for other special circumstances, be reinterred annually on the island of Kahoolawe.

I am the Po'ō, or Island Representative of Moku O Kanaloa, more commonly known as Kahoolawe, a member of the Aha Moku system. For generations, my family, lineal descendants of Kanaloa (Kahoolawe) have had a strong and unbreakable connection to our island that continues to this day. My ancestors gave the place names on Kahoolawe, many of them wahi pana. My 'ohana believes that Kanaloa should not be a depository site for any of our iwi kupuna, many of them excavated from areas on different islands.

We understand the concern of our legislators in wanting to remove unidentified iwi kupuna from museums and other places where they are currently stored. But unless there is DNA testing, how can you be sure of what island they come from? We believe it is spiritually wrong to put our sacred 'iwi kupuna somewhere that is not their home. Each of us must mālama and take the kuleana for our islands.

I was part of the Task Force from 1996-1997 tasked with returning our iwi kupuna from the Universities of Harvard, Yale, Berkely and from Kansas and Arkansas. All places who were storing our iwi kupuna after studying them. All of this was sponsored by OHA, DLNR, Hawaii's Congressional Delegation before the Island Burial Councils were formed. From the Boston Museums, we returned our Kupuna Iwi to Haleakala National Park; and to Nihoa and Necker Islands (Mokumanamana).

And, although we were relieved to bring our Kupuna 'Iwi back to Hawaii Nei, it was still heartbreaking to not know which island they called home. Practically, Kanaloa is not a good place to take unidentified Kupuna Iwi anyway. Much of the island still has unexploded ordinances there. At this time, it would be entirely disrespectful.

There is much research that needs to be done before this bill can be passed. Please give the KIRC time to do this. Until then, my 'ohana opposes this bill and ask that it be held.

Respectfully yours,

Les Kuloloio, Moku O Kanaloa
Phone: 808-281-7652
Email: pokaiuli@yahoo.com

Senate Committee on Hawaiian Affairs
Chair – Senator Maile Shimabukuro
Vice Chair – Clayton Hee

Written Testimony OPPOSSING SB320

By
Foster Ampong

E welina Honorable Chair, Vice Chair and Members of the Committee...

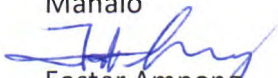
With respect, I hereby submit my opposition to Senate Bill 320, which intends to relocate to the Island of Kahoolawe Native Hawaiian human remains with unknown provenience.

As we well know, the subject matter of our iwi kupuna is a sensitive one, to say the least. As a lineal descendant of the Moku of Lahaina (Kahoma/Kaanapali/Waiokama) where I grew up and where many of my family iwi lay buried, as well as those that have been removed so hotels could be built for tourism and commercial uses, I ask with sincere humility to oppose Senate Bill 320.

Again I say with respect to the Committee, the intent to “legalize” the relocation for interment of our iwi kupuna to another Island does not produce remedy, but instead exacerbates the challenges the State faces regarding iwi kupuna and quit frankly is offensive and a direct violation to my family and religious belief.

In closing, I am confident we, together can find an alternative remedy to the challenges the State presently faces and I am willing to work with those seeking to find this remedy.

Mahalo


Foster Ampong
January 31, 2014

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 31, 2014 6:28 AM
To: HWNTestimony
Cc: kawaihapai@hawaii.rr.com
Subject: Submitted testimony for SB320 on Jan 31, 2014 13:30PM

SB320

Submitted on: 1/31/2014

Testimony for HWN on Jan 31, 2014 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas T Shirai Jr	Individual	Support	No

Comments: Aloha Chair Shimabukuro & Cmte Members, I oppose SB 320 (Relating to Native Hawaiian Burials). Although the intent is appreciated, exhausted attempts should be done for geographical purposes and applicable cultural sites. Every Major Hawaiian Island has at least (1) Leina. Here on Oahu it's at Ka'ena Point (Leina Ka Uhane). Malama Pono. Thomas T Shirai Jr. Mokule'ia, Waialua

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.

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