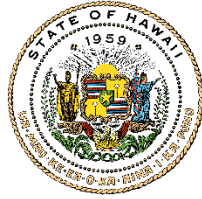


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committees on  
HAWAIIAN AFFAIRS  
and  
WATER AND LAND

Thursday, April 13, 2023  
1:00 PM

State Capitol, Conference Room 224 Via Videoconference

In consideration of  
HOUSE CONCURRENT RESOLUTION 73, HOUSE DRAFT 1  
REQUESTING THE FORMATION OF A WORKING GROUP TO CREATE A PLAN  
REGARDING THE RETURN OF CULTURAL ARTIFACTS

House Concurrent Resolution 73, House Draft 1 requests that the Chair of the Board of Trustees of the Office of Hawaiian Affairs (OHA) and the Administrator of the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (Department) form and co-chair a Cultural Artifacts Return Working Group (Working Group), and invite museum representatives, cultural and historical experts, and other appropriate individuals to serve as members of the Working Group to develop a plan to request the return of Hawai'i's cultural artifacts to the State, as well as arrange for the return of cultural artifacts in Hawai'i that rightfully belong to other lands in a manner that promotes cross-cultural respect and aloha. **The Department appreciates the intent of this measure but regrettably must oppose it without additional resources to support the work.**

The Department fully supports the repatriation of Hawai'i cultural artifacts to Hawai'i. Within the United States, such repatriation is governed by the federal Native American Graves Protection and Repatriation Act (NAGPRA) which was enacted in 1992. NAGPRA requires all museums, universities, and federal agencies holding Native Hawaiian human remains, funerary objects, sacred or ceremonial objects or items of cultural patrimony to repatriate them to the most closely culturally affiliated Native Hawaiian Organization (NHO) that makes a repatriation request. The NAGPRA repatriation process is governed by federal regulation, is extremely formal, and time consuming. Neither NAGPRA nor the governing rules provide a role for state agencies in the repatriation process. Accordingly, neither SHPD nor any other state agency has standing to request repatriation of items covered by NAGPRA. NAGPRA does specify that OHA is a NHO for the purposes of NAGPRA, and it does have standing to request repatriation under it.

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
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

International repatriation is not governed by NAGPRA. Working to secure repatriation of cultural artifacts from international institutions represents a much more difficult undertaking. While the SHPD has no role under NAGPRA, various SHPD staff have worked with it over the course of their careers and do have some level of expertise in it, SHPD has little experience dealing with repatriation matters internationally. The Department believes that international repatriation is much more specialized expertise than currently exists within SHPD.

Furthermore, SHPD is already faced with an exceedingly heavy workload responding to the review of the effects of projects on historic properties, archaeological sites, and burial sites, including, for example, affordable housing, alternative energy, and critical infrastructure projects. In order to meet our core mandates, the Department cannot support SHPD taking on additional tasks such as those represented by the Working Group proposed by this resolution without additional resources necessary to effectively complete the work required. The Department does support OHA taking on this important work should OHA want to take this on and have the capacity to do so. There may be federal agencies such as the Office of Native Hawaiian Relations under the U.S. Department of the Interior that may be able to assist. In future years if SHPD receives significantly increased resources, we may be able to assist.

Mahalo for the opportunity to provide testimony on this measure.



**HCR73 HD1**  
REQUESTING THE FORMATION OF A WORKING GROUP TO CREATE A PLAN  
REGARDING THE RETURN OF CULTURAL ARTIFACTS

Senate Committee on Hawaiian Affairs  
Senate Committee on Water and Land

April 13, 2023

1:00 PM

Room CR 224

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The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** HCR73 HD1, which requests the formation of a Cultural Artifact Return Working Group to create a plan regarding the return of cultural artifacts to Hawai'i.

OHA wishes to emphasize ka wā ma mua, ka wā ma hope (the time before is the time after) as a traditional Native Hawaiian cultural value and an imparted wisdom that encapsulates the concept that Native Hawaiian identity and existence is dependent on the continued interaction between the past, present, and future. Native Hawaiians of the time after (present and future) will forever rely upon and need the guidance and connection of Native Hawaiians (and our wahi kapu/wahi pana) of the time before (past).

OHA also wishes to emphasize the thrust of this measure and the expressions contained within its preamble, which highlights the need for the safe return and safe-keeping of Native Hawaiian cultural resources.

OHA appreciates the opportunity to provide testimony on this measure and respectfully urges the Legislature to **PASS HCR73 HD1**. Mahalo nui loa.

**HCR-73-HD-1**

Submitted on: 4/6/2023 1:58:36 PM

Testimony for HWN on 4/13/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strong support

**HCR-73-HD-1**

Submitted on: 4/6/2023 5:16:09 PM

Testimony for HWN on 4/13/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this resolution.

Mahalo nui,

Cards Pintor