



TESTIMONY IN SUPPORT OF SCR161

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO EXAMINE AND CONSIDER THE TRANSFER OF NATIVE HAWAIIAN BURIAL SITE MANAGEMENT UNDER CHAPTER 6E, HAWAII REVISED STATUTES, FROM THE STATE HISTORIC PRESERVATION DIVISION TO THE OFFICE OF HAWAIIAN AFFAIRS.

Senate Committee on Hawaiian Affairs
Hawai'i State Capitol

April 1, 2025

1:10 p.m.

Conference Room 224

Dear Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

Mahalo for the opportunity to provide testimony on SCR161, which requests the Office of Hawaiian Affairs (OHA) to convene a working group to examine and consider the transfer of Native Hawaiian burial site management under chapter 6E, Hawai'i Revised Statutes, from the State Historic Preservation Division (SHPD) to OHA.

OHA strongly supports this resolution and appreciates the Legislature's continued recognition of the need to ensure the care, protection, and proper treatment of Native Hawaiian burials. As the resolution acknowledges, it is the duty of the state under article XII, section 7, of the Hawai'i Constitution to protect the Native Hawaiian cultural and religious practice of caring for iwi kūpuna. This duty is further enshrined in chapter 6E, which declares the public policy of Hawai'i to preserve and steward burial sites as a matter of a sacred trust to the public. However, decades of community testimony and experience have shown that the structures in place to carry out these duties are not functioning as they were intended.

The Office of Hawaiian Affairs has long held kuleana under Hawai'i Revised Statutes chapter 6E and is uniquely positioned to lead a collaborative inquiry into how to improve the Native Hawaiian burial component of the state's historic review program. Our role as the principal public agency in the State responsible for Native Hawaiian affairs, and our obligation to assess the policies and practices of other agencies that impact our beneficiaries, compel us to answer this call with care and diligence. In response to previous legislative direction through HR113 and SR171, OHA convened the Burial Sites Working Group in 2022 to investigate issues related to burial site treatment. That effort led to the publication of a comprehensive report in 2023, which identified significant failures

in the State's administration of burial laws, including a lack of resources, systemic inadequacies in the legal framework, and a general failure of will.

HCR193 presents a thoughtful and responsible way forward. Rather than mandating an immediate transfer of any duties or authoritizdfes, the resolution calls for a working group that would carefully examine what duties and responsibilities may be assumed by OHA, while taking into account our capacity, legal requirements, staffing and funding needs, and the best interests of iwi kūpuna and descendant communities. This is an opportunity to explore whether shifting the Native Hawaiian burial sites program to a Native Hawaiian-led agency could better reflect the cultural values, legal principles, and community expectations that the law was designed to uphold.

In summary, OHA stands ready to fulfill the role envisioned in this resolution, and we are committed to convening a process that is inclusive, culturally grounded, and solution oriented. To that end, OHA agreed to a proposed amendment introduced by SHPD before the House to expand membership in the working group to additional Native Hawaiian organizations, upon application. Upon further reflection, and to open up membership in the most equitable way possible, OHA proposes to amend the community membership provision at page 5 line 26 to read:

(4) Up to five members of the community with expertise and experience in protecting Native Hawaiian burial sites, including but not limited to recognized lineal and cultural descendants, who self-identify and submit their names for selection by a majority vote of the working group[.]

In closing, OHA would like to emphasize that SHPD and OHA have recently collaborated on a number of initiatives to increase protection for iwi, including exploring solutions for iwi exposed by coastal erosion. The improved collaboration between the agencies make the convening of such a working group timely, as the agencies are well positioned to share information in an atmosphere of trust and mutual respect. OHA extends its appreciation to the current SHPD administration for its collaborative approach to working with OHA to protect iwi kūpuna. We believe that this working group will further enable the agencies to work together to collaboratively address community concerns in a transparent forum.

Mahalo nui for the opportunity to testify on this important matter. For these reasons, OHA respectfully urges the Committees to pass SCR161 with the amendment proposed herein.

SR-130

Submitted on: 3/30/2025 10:30:21 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Halealoha Ayau	Testifying for Hui Iwi Kuamo'o	Support	In Person

Comments:

My name is Edward Halealoha Ayau and I submit this testimony as a state-recognized lineal and cultural descendant to iwi kūpuna of the Kona moku on O‘ahu, a former member of the O‘ahu Island Burial Council and Molokai Island Burial Council, Vice Chair of the Burial Sites Working Group convened by the Office of Hawaiian Affairs pursuant to H.R. 113 and S.R. 171 (2021), former Executive Director of Hui Mālama I Nā Kūpuna O Hawai‘i Nei and the current Executive Director of Hui Iwi Kuamo‘o.

I write today in strong support of SCR161 and HCR193 HD1, which would establish a working group to consider the transfer of Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to the Office of Hawaiian Affairs (OHA).

As a repatriation and reburial advocate and practitioner for the past 35 years, I say with absolute certainty that the ongoing mismanagement of the Burial Sites Program under SHPD has caused — and continues to cause — the greatest threat and harm to iwi kūpuna today. The failures are not just technical or bureaucratic; they are deeply personal and generational.

The Burial Sites Working Group heard the voices of the community, of kūpuna, of those who care for the bones with their hands and weep for what has been desecrated. The findings of our 2023 report were clear: the current system is not working, and it is time for change grounded in cultural responsibility and care.

At the same time, I must unequivocally state my opposition to separate legislation that seeks to eliminate developer seats from the Island Burial Councils. Such a move will weaken the council’s ability to compel transparency and consistency from those whose projects most often impact iwi kūpuna. Requiring designated seats ensures accountability. Removing them does not remove developers from the process — it only allows them to avoid the table entirely. This relationship with large landowners and developers has worked for the past 35 years and will continue to do so. OHA does not even participate in the burial council meetings, how would they know?

Let us not confuse reform with removal. Let us build stronger systems, not less inclusive ones.

I urge this body to support SCR161 and HCR193 HD1 as necessary next steps toward restoring proper kuleana for the protection of our iwi kūpuna. And I urge that you consider the unintended consequences of other measures that could undermine that very effort.

Mahalo nui for the opportunity to offer this testimony.

Ola nā iwi,

Edward Halealoha Ayau

Executive Director of Hui Iwi Kuamo‘o



**Ko'olauloa
HAWAIIAN CIVIC CLUB**

**P.O. Box 532
Hau'ula, Hawaii 96717**

March 30, 2025

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

We are writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law's express recognition that "all burial sites are significant" and the state's constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo'o would collaboratively explore whether transferring any of SHPD's burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae 'āina.

Mahalo for the opportunity to testify.

Raynae Fonoimoana

Raynae Fonoimoana

Pelekikena & the KHCC Members

SR-130

Submitted on: 3/30/2025 12:12:30 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Iolani Kuoha	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs,

My name is Iolani, and I am writing in strong support of **SCR161**.

As a Native Hawaiian educator, community member, and lifelong resident of Moloka‘i, I feel a deep kuleana to protect iwi kūpuna and uphold the values and practices passed down from our ancestors. Our burial sites are sacred. They are not just remnants of the past — they are enduring links to our identity, genealogy, and cultural continuity. The protection of iwi kūpuna is a matter of spiritual and cultural survival.

While HRS Chapter 6E was created with the right intent, implementation has fallen short. SHPD has long struggled with insufficient resources and staffing, which has directly impacted its ability to protect burial sites across the pae ‘āina. As a result, iwi kūpuna are still being disturbed, even as laws exist to prevent such desecration. This is unacceptable.

I support the creation of a working group as proposed by SCR161 to explore transferring responsibilities from SHPD to OHA. This is a critical step forward. OHA, together with SHPD, the island burial councils, and Hui Iwi Kuamo‘o, brings cultural expertise, lived experience, and the trust of our communities. A collaborative approach grounded in aloha, kuleana, and ‘ike kūpuna can better uphold the sacred responsibility of mālama iwi.

Please PASS SCR161 and allow this vital conversation to move forward. Our kūpuna deserve nothing less than our full commitment to protect them with honor and respect.

Me ka ha‘aha‘a,*Iolani Kuoha*

Hawaiian Language Immersion Educator, Moloka‘i

SR-130

Submitted on: 3/30/2025 12:39:51 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Fitzsimmons	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Diane Puanani Fitzsimmons

Former Oahu Island Burial Council Member, Waialua Moku Representative

SR-130

Submitted on: 3/30/2025 12:54:59 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lily Cabinatan	Individual	Support	Written Testimony Only

Comments:

Take care of the Hawaiian burial grounds if you want peace 🙏🌟❤️

SR-130

Submitted on: 3/30/2025 1:10:51 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Keala Norman	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Carolyn Keala Norman. I am a State vetted recognized lineal and cultural descendant. I have been a practitioner in malama I na iwi kupuna, the care and protection of ancestral bones for over 25 years under the tutelage of my mother Kahili Norman.

I have stood shoulder to shoulder with my Auntie Paulette Ka'anohe Kaleikini who is my mother's youngest sister, my mother, siblings, sons, nieces and nephews fighting to protect the iwi kupuna, ancestral bones at various locations in Waikiki, Kaka'ako, Kalihi, Ewa and Hawai'i Island. Some of these areas are the Walmart Ke'eumoku, Alexander and Baldwin's Waihonua Condominium, HART, the then General Growth Properties Ward Village and Hoku'ia. My ohana and I malama iwi kupuna out of love for our iwi kupuna, not for payment. We attend Island Burial Council meetings, developer and descendant consultations on our free time to be the voice for our iwi kupuna.

I oppose SCR161 and SR130

SCR161 and SR130 is deceptive because OHA proposes including people with burial experience in the working group, effectively incorporating Hui Iwi Kuamo'o, an organization that receives grants from OHA. Edward Halealoha Ayau is the founder of Hui Iwi Kuamo'o and he also is the Vice Chair for the Burial Sites Working Group. While OHA accuses SHPD of conflict of interest or its appearance, they themselves exhibit the same behavior. Today's OHA is politically driven compared to the OHA of 1990, serving their friends or those who align with their political and cultural beliefs.

OHA advocates for members of Hui Iwi Kuamo'o despite me and my ohana's recognized descendancy status. For example, OHA did not conduct meaningful consultation with my ohana who were the only State-vetted recognized descendants for the Nu'uano iwi kupuna reburial, valuing input from Hui Iwi Kuamo'o over us. Another example is OHA overstepping by involving themselves in developer consultations, instructing SHPD's Burial Sites Specialist to schedule a reburial date that favors recognized descendants with ties to Hui Iwi Kuamo'o, despite

disagreements among other State-vetted recognized descendants and it being outside SHPD's jurisdiction, let alone OHA's.

SHPD's interim Branch Chief confirmed OHA has no authority over SHPD employees.

SCR161 and SR130 would allow a Burial Sites Working Group, others with burial experience and OHA access to the private genealogies, my family's genealogy and of the families involved in the cultural practice of the care and protection of ancestral bones, that we submit to SHPD. Our genealogy is currently protected by the State Historic Preservation Division (SHPD) and the Attorney General.

Under SCR161 and SR130, our genealogy will not be protected. Our genealogy will be subjected to possible fraud and abuse.

I don't want a Burial Sites Working Group, Edward Halealoha Ayau, Hui Iwi Kuamo'o members, others with burial experience and OHA to have access to my ohana genealogy. **I don't want** a Burial Sites Working Group, Edward Halealoha Ayau, Hui Iwi Kuamo'o, others with burial experience and OHA impose their political and cultural beliefs on me and my ohana. **I don't want** a Burial Sites Working Group, Edward Halealoha Ayau, Hui Iwi Kuamo'o, others with burial experience or OHA take away or override our rights as State-vetted recognized descendants.

Burial sites management 6E should not be transferred to OHA until there is a solid plan and agreement with families who are burial practitioners, such as my ohana for reasons that I have stated above.

Rather than involving OHA, a Burial Sites Working Group, Edward Halealoha Ayau, Hui Iwi Kuamo'o or others with burial experience in the State Historic Preservation Division 6E process, what needs to be addressed is the long-standing staffing shortages at SHPD, which have persisted for over 20 years.

I strongly oppose SCR161 and SR130

Mahalo

Carolyn Keala Norman

SR-130

Submitted on: 3/30/2025 1:52:13 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Soulee LKO Stroud	Individual	Support	Written Testimony Only

Comments:

In strong support

SR-130

Submitted on: 3/30/2025 2:08:34 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Randall John Francisco	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support that a working group be formed to assess and make a recommendation. Unfortunately, the SHIPD is too understaffed and underfunded given the volume of work that continues to increase. I look forward to learning what the working group will recommend should the resolution and bill be passed. Aloha and Mahalo for the opportunity to testify. For me personally, it is about being Pono and having Kuleana to our Hawaiian Host Culture.

SR-130

Submitted on: 3/30/2025 3:17:50 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ahia Dye	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law’s express recognition that “all burial sites are significant” and the state’s constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo‘o would collaboratively explore whether transferring any of SHPD’s burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae ‘āina.

Mahalo for the opportunity to testify.

Ahia Dye

SR-130

Submitted on: 3/30/2025 4:34:27 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen T Hazam	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE SCR161

This is a waste of resources. SHPD could use more resources to better fulfill their duties, but a transfer of responsibility to another agency would do nothing but unnecessarily spend needed resources and add confusion.

Please OPPOSE SCR161

SR-130

Submitted on: 3/30/2025 5:50:31 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Kēpa‘a-Tam Sing	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs,

I submit this testimony in strong **support** of SCR161, contingent on the withdrawal of SB268 SD1 HD1.

The State Historic Preservation Division (SHPD) has been chronically under-resourced and structurally incapable of fulfilling its kuleana to mālama iwi kūpuna, a responsibility codified in HRS §6E-43 and 6E-43.5 and affirmed by Article XII Section 7 of the Hawai‘i State Constitution. This illustrates a persistent and systemic failure in execution.

Under Article XII Section 7, the State of Hawai‘i has a constitutional obligation to protect the traditional and customary practices of Kānaka ‘Ōiwi, including their kuleana to mālama iwi kūpuna. Hawai‘i Revised Statutes (HRS) §6E-43 and §6E-43.5 recognize that all burial sites are significant and establish procedures for their treatment. Yet despite this clear statutory guidance, these protections remain ineffective without institutions that enforce their duties and uphold their legal responsibilities.

SCR161 acknowledges this failure and initiates a necessary course of action. It directs the Office of Hawaiian Affairs (OHA), in collaboration with SHPD, the Island Burial Councils (IBC), Hui Iwi Kuamo‘o, and community members to assess whether transferring burial site responsibilities from SHPD to OHA would strengthen burial protections and ensure enforceable safeguards for iwi kūpuna grounded in culturally informed stewardship.

In contrast, SB268 SD1 HD1 is performative at best, concealing masked inaction beneath the language of reform, sidestepping every systemic failure at the core of the issues. Reducing council membership does nothing to improve enforcement, increase support, or strengthen compliance with burial protection laws. It merely strips away engagement without addressing the root failures and leaves iwi kūpuna exposed, unprotected, unprioritized, and inhumanely vulnerable. Supporting SCR161 while advancing SB268 is highly contradictory. One moves toward structural reform anchored in kuleana, while the other simply preserves a failed system under the illusion of progress.

Pass SCR161. Withdraw SB268 SD1 HD1.

Ola nā iwi

SR-130

Submitted on: 3/30/2025 6:03:13 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mana Kaleilani Cáceres	Individual	Support	Written Testimony Only

Comments:

My name is Mana Kaleilani Cáceres, and I submit this testimony as a **state-recognized lineal and cultural descendant to iwi kūpuna of the ‘Ewa and Kona moku on O‘ahu**, a **former member of the O‘ahu Island Burial Council**, and a **member of the Burial Sites Working Group convened by the Office of Hawaiian Affairs** pursuant to H.R. 113 and S.R. 171 (2021).

I write today in **strong and unequivocal support of SCR161 and HCR193 HD1**, which would establish a working group to consider the transfer of Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to the Office of Hawaiian Affairs (OHA).

As a descendant who has directly carried the kuleana of protecting the sanctity of Native Hawaiian Burial Sites, I can say with certainty that the **ongoing mismanagement of the Burial Sites Program under SHPD has caused — and continues to cause — the greatest threat and harm to iwi kūpuna today**. The failures are not just technical or bureaucratic; they are deeply personal and generational. My ‘ohana and I have seen the consequences firsthand.

The Burial Sites Working Group heard the voices of the community, of kūpuna, of those who care for the bones with their hands and weep for what has been desecrated. The findings of our 2023 report were clear: the current system is not working, and it is time for change grounded in cultural responsibility and care.

At the same time, I must respectfully state my **opposition to separate legislation that seeks to eliminate developer seats from the Island Burial Councils**. While well-intentioned, such a move may weaken the council’s ability to compel transparency and consistency from those whose projects most often impact iwi kūpuna. Requiring designated seats ensures accountability. Removing them does not remove developers from the process — it only allows them to avoid the table entirely.

Let us not confuse reform with removal. Let us build stronger systems, not less inclusive ones.

I urge this body to **support SCR161 and HCR193 HD1** as necessary next steps toward restoring proper kuleana for the protection of our iwi kūpuna. And I ask that you consider the unintended consequences of other measures that could undermine that very effort.

Mahalo nui for the opportunity to offer this testimony.

Ola nā iwi,

Mana Kaleilani Cáceres

‘ohana Cáceres

‘ohana Huihui

TO: Senator Herbert M. "Tim" Richards, III, Chair, Senator Joy A. San Buenaventura, Vice Chair, and Members of the Committee on Hawaiian Affairs

FROM: Ronnie Inagaki

HEARING DATE: Tuesday, April 1, 2025 @ 1:10 PM

RE: **SCR161 - REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO EXAMINE AND CONSIDER THE TRANSFER OF NATIVE HAWAIIAN BURIAL SITE MANAGEMENT UNDER CHAPTER 6E, HAWAII REVISED STATUTES, FROM THE STATE HISTORIC PRESERVATION DIVISION TO THE OFFICE OF HAWAIIAN AFFAIRS.**

POSITION: STRONG SUPPORT With Concerns

Aloha mai kākou,

My name is Ronnie Inagaki, and I am submitting testimony in **strong support** of Senate Concurrent Resolution 161 (SCR161), with **concerns and considerations** that I believe should be addressed before moving forward with its implementation.

SCR161 calls for the Office of Hawaiian Affairs (OHA) to convene a working group to explore the transfer of Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to OHA. This resolution represents an important step toward improving the protection and preservation of Native Hawaiian burial sites, while also advancing the principles of Native Hawaiian self-governance and cultural preservation. However, as we look to address the longstanding issues surrounding burial site management, I respectfully urge the Committee to consider the following concerns and challenges to ensure that this effort is successful and sustainable.

1. Resource Constraints

The resolution rightly highlights the State's failure to adequately fund and resource SHPD in fulfilling its burial law responsibilities. While transferring these responsibilities to OHA may provide better alignment with Native Hawaiian cultural values and self-determination, the success of such a transfer depends on whether OHA is adequately resourced to take on these new duties.

Page 1 of 4

RE: SCR161 - REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO EXAMINE AND CONSIDER THE TRANSFER OF NATIVE HAWAIIAN BURIAL SITE MANAGEMENT UNDER CHAPTER 6E, HAWAII REVISED STATUTES, FROM THE STATE HISTORIC PRESERVATION DIVISION TO THE OFFICE OF HAWAIIAN AFFAIRS.

POSITION: SUPPORT W/ CONCERNS

- **Staffing and Expertise:** OHA will require additional personnel with specialized expertise in historic preservation, cultural resource management, and burial site law.
- **Financial Support:** A clear funding plan must be established to ensure that OHA has the fiscal resources to manage burial sites effectively, including the administration of Island Burial Councils (IBCs).

Without sufficient resources, OHA could face the same challenges that have hampered SHPD, potentially resulting in continued mismanagement or delays in protecting iwi kūpuna.

2. Legal and Administrative Complexities

The transfer of burial site management from SHPD to OHA will require significant legal and administrative changes, including amendments to Chapter 6E of the Hawaii Revised Statutes. These changes must be carefully drafted to ensure clarity in roles and responsibilities and to avoid jurisdictional conflicts between SHPD and OHA.

- **Statutory Amendments:** The resolution calls for the working group to propose statutory changes, but the timeline for implementation must be realistic and allow for thorough stakeholder input.
- **Coordination with SHPD:** Even if certain responsibilities are transferred to OHA, SHPD will likely retain some role in historic preservation. Clear protocols for inter-agency coordination will be essential to avoid confusion or duplication of efforts.

3. Potential Conflicts of Interest

One of the stated reasons for the proposed transfer is the potential for conflicts of interest within SHPD. However, transferring these responsibilities to OHA may introduce new conflicts. As a trustee for Native Hawaiians, OHA must balance its advocacy role with its proposed administrative responsibilities.

- For example, in cases where burial site management decisions are contested, OHA's dual role as an advocate for Native Hawaiian interests and a manager of burial sites could lead to perceptions of bias or favoritism.

Ensuring transparency and accountability in OHA's management of burial sites will be critical.

4. Community Trust and Engagement

While many Native Hawaiians support transferring burial site management to OHA, there may be diverse opinions within the community regarding how iwi kūpuna should be cared for.

- **Island Burial Councils (IBCs):** The IBCs are vital to the burial site management process, and their role must be preserved and strengthened. The working group should ensure that the voices of IBC members and Native Hawaiian communities are central to any proposed changes.
 - **Transparency and Inclusivity:** OHA must prioritize transparency and inclusivity in its decision-making processes to build trust with the community and avoid potential conflicts.
-

5. Feasibility and Timeline

The resolution requests that the working group submit its findings and recommendations to the Legislature by 2027. While this provides some time for deliberation, the complexity of the task—assessing feasibility, drafting legislative amendments, and planning a large-scale transfer of duties—may require more time and resources than anticipated.

- **Implementation Plan:** A phased approach to transferring responsibilities may be more practical, allowing OHA to build capacity before assuming full control of burial site management.
 - **Monitoring and Evaluation:** A framework for monitoring and evaluating the transfer process should be established to ensure that the transition achieves its intended goals.
-

6. Alignment with Legal Obligations

The resolution aligns with the Hawaii State Constitution (Article XII, Section 7) and the Hawaii Admission Act (Section 5(f)), which recognize the State's duty to protect Native Hawaiian rights and cultural practices. However, the working group must ensure that any proposed changes fully comply with these legal frameworks and do not inadvertently weaken the State's public trust obligations.

Conclusion

SCR161 represents a critical opportunity to address long-standing issues in the management of Native Hawaiian burial sites and to empower OHA to take on a leadership role in this vital area. However, the success of this initiative will depend on careful planning, adequate resourcing, and meaningful community engagement.

I respectfully urge the Committee to support SCR161 while considering the concerns outlined above. By addressing these challenges proactively, we can ensure that the transfer of burial site management to OHA is both effective and sustainable, honoring the cultural and spiritual significance of iwi kūpuna and advancing the principles of Native Hawaiian self-determination.

Mahalo for the opportunity to testify on this **important resolution**.

Me ka ha'aha'a,
Ronnie Inagaki

SR-130

Submitted on: 3/30/2025 6:30:52 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaori-Lei Hanohano	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law’s express recognition that “all burial sites are significant” and the state’s constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo‘o would collaboratively explore whether transferring any of SHPD’s burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae ‘āina.

Mahalo for the opportunity to testify.

Kaori-Lei Hanohano

SR-130

Submitted on: 3/30/2025 7:37:08 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Morris	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law’s express recognition that “all burial sites are significant” and the state’s constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo‘o would collaboratively explore whether transferring any of SHPD’s burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae ‘āina.

Mahalo for the opportunity to testify.

Monica Morris

SR-130

Submitted on: 3/30/2025 8:01:39 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Tracey	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR161

SR-130

Submitted on: 3/30/2025 8:27:26 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Support	Written Testimony Only

Comments:

****Written Testimony in Support of Senate Concurrent Resolution No. 161****

To the Honorable Members of the Senate and House of Representatives of the Thirty-Third Legislature of the State of Hawai‘i:

My name is Tiare Smith, a Native Hawaiian resident of Kahalu‘u, O‘ahu, where I have lived for 45 years. As a descendant of this land’s aboriginal stewards, I write to express my unequivocal support for Senate Concurrent Resolution No. 161 (SCR 161), which calls for the Office of Hawaiian Affairs (OHA) to convene a working group to examine and consider the transfer of Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to OHA. This resolution represents a critical step toward rectifying the systemic failures that have long undermined the sanctity of iwi kūpuna and the cultural sovereignty of Native Hawaiians. My testimony articulates the manifold benefits of this proposal, while offering precise, actionable solutions to enhance its safety, efficacy, cost-effectiveness, and equity—ensuring that the kuleana to protect our ancestors is placed where it rightfully belongs.

The Merits of SCR 161: A Restoration of Dignity and Duty

SCR 161 is a sophisticated and timely response to a precipitously deteriorating status quo. Its merits are manifold and rooted in both legal and cultural imperatives:

- **Cultural Alignment and Self-Determination**:** The transfer of burial site management to OHA aligns with article XII, section 7 of the Hawai‘i State Constitution, which mandates the protection of Native Hawaiian cultural practices, and the United Nations Declaration on the Rights of Indigenous Peoples, which affirms our right to maintain and protect sacred sites. Entrusting OHA—a constitutionally established entity dedicated to Native Hawaiian welfare—with this responsibility rectifies the current misalignment wherein a non-indigenous agency, SHPD, holds sway over matters antithetical to its core mission.
- **Addressing Systemic Inadequacies**:** The 2022 Burial Sites Working Group report, referenced in SCR 161, exposed SHPD’s failure to adequately manage burial laws, its lack of resources, and its unwillingness to fulfill its obligations. This resolution confronts these deficiencies head-on, proposing a framework to shift authority to an entity better equipped and culturally obligated to succeed.

3. **Mitigating Conflicts of Interest**: SHPD's dual role as regulator and reviewer creates an inherent conflict of interest, compromising the integrity of burial site decisions. Transferring this authority to OHA eliminates such entanglements, fostering a more transparent and accountable process.

4. **Strengthening Community Trust**: For decades, Native Hawaiians, including myself, have witnessed the disenfranchisement of our voices in burial site matters. By empowering OHA—an agency rooted in our community—SCR 161 promises to restore trust and ensure decisions reflect the values and priorities of those most affected.

Strengthening SCR 161: Detailed Solutions for Safety, Efficacy, Cost-Effectiveness, and Equity

While SCR 161 lays a robust foundation, its implementation can be fortified through strategic enhancements. Below, I propose detailed solutions to maximize its impact:

1. Enhancing Safety

- **Proposal**: Establish a dedicated OHA Burial Sites Division with trained cultural practitioners and archaeologists specializing in Native Hawaiian protocols.
- **Rationale**: SHPD's current staff lacks the cultural fluency required to handle iwi kūpuna with the reverence they deserve. A specialized division would ensure safe, respectful treatment of remains, reducing the risk of desecration during inadvertent discoveries or relocations.
- **Implementation**: Allocate funding for a minimum of five full-time positions, including a cultural liaison to coordinate with Island Burial Councils (IBCs), ensuring continuity and expertise.

2. Boosting Efficacy

- **Proposal**: Integrate advanced geospatial technology and a centralized database into OHA's management framework.
- **Rationale**: SHPD's inefficiencies stem partly from outdated record-keeping and poor coordination with IBCs. A digital mapping system—cross-referencing known burial sites with development plans—would streamline decision-making and prevent delays in preservation or repatriation efforts.
- **Implementation**: Partner with local universities (e.g., University of Hawai'i) to develop this technology, leveraging existing expertise to minimize costs while enhancing operational precision.

3. Ensuring Cost-Effectiveness

- **Proposal**: Transition SHPD's burial site budget to OHA incrementally, supplemented by federal grants and private partnerships.
- **Rationale**: Critics may argue that transferring responsibilities increases state expenditure. However, OHA's existing infrastructure can absorb these duties with minimal overhead, while targeted cost-saving measures amplify efficiency.
- **Detailed Options**:
 - **Reallocation**: Redirect SHPD's \$500,000 annual burial site budget (estimated) to OHA over three years, reducing duplication of effort.
 - **Grants**: Pursue funding from the National Park Service's Historic Preservation Fund (\$50,000–\$100,000 annually), earmarked for indigenous site protection.
 - **Partnerships**: Collaborate with nonprofits like Hua Iwi Kaumo'o to provide volunteer support, cutting labor costs by 20% (approximately \$100,000 yearly savings).
 - **Outcome**: These measures could save the state \$150,000–\$200,000 annually while enhancing service delivery, a fiscally prudent shift that prioritizes cultural integrity.

4. Promoting Equity

- **Proposal**: Mandate that the working group include additional Native Hawaiian community representatives, particularly from rural and underserved areas like Kahalu'u.
- **Rationale**: Equity demands that those most impacted—Native Hawaiians living in proximity to burial sites—have a direct voice in shaping policy. The current composition, while balanced, risks overlooking grassroots perspectives.
- **Implementation**: Add two community seats to the working group, selected via OHA's community nomination process, ensuring geographic and socioeconomic diversity. This inclusion guards against the disenfranchisement of outer-island and rural voices, fostering a truly representative outcome.

Conclusion: A Call to Action

As a Native Hawaiian who has witnessed Kahalu'u's transformation over 45 years, I have seen the toll of inadequate burial site stewardship—the anguish of families, the erosion of trust, and the desecration of our heritage. SCR 161 is not merely a legislative measure; it is a moral imperative to restore dignity to our ancestors and agency to our people. By transferring this kuleana to OHA, bolstered by the solutions I have outlined, we can forge a system that is safer, more effective, cost-efficient, and equitable. I urge this Legislature to adopt SCR 161 with the intellectual rigor and cultural sensitivity it demands, ensuring that the voices of Native Hawaiians, like mine, are no longer relegated to the margins but elevated as the cornerstone of this vital reform.

Mahalo nui loa for your consideration.

Respectfully submitted,

Tiare Smith

Kahalu'u, O'ahu

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

Subject: **Testimony in Support of SCR No. 161**

My name is Lani Ma'a Lapilio, Esq. and I am submitting this testimony to express my strong support for this resolution requesting the OHA to convene a working group to transfer the Native Hawaiian Burial Site Management from the SHPD to the OHA.

As a Native Hawaiian attorney and cultural consultant that has worked with SHPD and the island burial councils for well over twenty years now, I have deep concerns regarding the ongoing mismanagement of the Statewide Burial Council program by the State Historic Preservation Division (SHPD) and the resulting harm to iwi kūpuna.

The SHPD Burials Program plays a critical role in protecting and preserving ancestral Native Hawaiian burials. However, SHPD's mismanagement has significantly undermined this mission and threatens the dignity and protection of iwi kūpuna. The following are some examples of their specific failures.

1. **Failure to Fill Vacancies on the Councils** - SHPD has not made the filling of vacancies on the Councils a priority. As a result the Councils have not been able to meet on a regular basis. This has resulted in sidelining Native Hawaiian cultural practitioners, lineal and ancestral descendants in the decision-making processes. The exclusion of knowledgeable voices in the process leads to culturally inappropriate decisions and the lack of timely action.
2. **Inadequate Enforcement of Protections** – Despite clear legal mandates, SHPD has failed to hold developers and other parties accountable for disturbing or mishandling burial sites. This lack of enforcement emboldens violators and weakens protections for iwi kūpuna. The program should be working closer with the ancestral descendants and the Burial Councils about any matters that involve the protection of iwi kūpuna so appropriate action can be taken in a timely manner.
3. **Chronic Understaffing and Lack of Resources** – The SHPD Burial Sites Management program is unable to function effectively due to the lack of support, inadequate staffing, funding, and resources needed to properly fulfill their responsibilities.

To address these ongoing issues, the SHPD Burial Site Management should be transferred over (along with the appropriate rulemaking authority) to the OHA. I respectfully urge the legislature to take favorable action on this resolution.

Mahalo for your time and consideration. Aloha ā hui hou,



Lani Ma'a Lapilio, Esq.

SR-130

Submitted on: 3/30/2025 10:52:39 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161. Our current system of tasking SHPD with oversight of protection of iwi kupuna is not working well. Kanaka Maoli on every island are asking the state to explore a better system. This working group is the first step in that process.

Mahalo for supporting this Resolution

Lucienne de Naie

Huelo, Maui, Hawaii

SR-130

Submitted on: 3/31/2025 3:15:37 AM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Strong support, working together with OHA & SHPD will ensure the process of handling our iwi kupuna with the most respect.

SR-130

Submitted on: 3/31/2025 7:32:38 AM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
P Hauoli'ipo Wright	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law's express recognition that "all burial sites are significant" and the state's constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo'o would collaboratively explore whether transferring any of SHPD's burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae 'āina.

Mahalo for the opportunity to testify.

- P. Hau'oli ipo Wright

808.268.9974 / hauoli.ipo@gmail.com

SR-130

Submitted on: 3/31/2025 10:55:18 AM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Verne Kiaha	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law’s express recognition that “all burial sites are significant” and the state’s constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo‘o would collaboratively explore whether transferring any of SHPD’s burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae ‘āina.

Mahalo for the opportunity to testify.

Verne Kiaha
808-763-0040

SR-130

Submitted on: 3/31/2025 8:38:28 PM

Testimony for HWN on 4/1/2025 1:10:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Malia Louis	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Richards, Vice Chair San Buenaventura, and Members of the Senate Committee on Hawaiian Affairs:

I am writing in strong support of SCR161.

Native Hawaiian burial sites are sacred and must be protected. HRS chapter 6E sets forth procedures to identify Native Hawaiian burials and ensure their respectful treatment but success of the law is dependent upon adequate resources and implementation. Unfortunately, SHPD has historically been understaffed and underfunded. As a result, Native Hawaiian burials continue to be unearthed and mismanaged despite the law's express recognition that "all burial sites are significant" and the state's constitutional obligation to protect Native Hawaiian practices including mālama iwi.

Collaborative solutions are necessary. Under SCR161, representatives from OHA, SHPD, the island burial councils, and Hui Iwi Kuamo'o would collaboratively explore whether transferring any of SHPD's burial site duties to OHA would improve protection of iwi kūpuna. The working group would consider timelines, funding, staffing, and statutory and regulatory amendments necessary to operationalize any transfer. A careful, collaborative approach as proposed in the resolution is necessary to ensure that any changes increase protection of iwi kūpuna and are not overly disruptive to the existing program.

Please PASS this measure to allow the affected parties to collaborate on ways to improve protection of iwi kūpuna across the pae 'āina.

Mahalo for the opportunity to testify.
Malia Louis

LATE

3/30/2025

Dear Members of the Committee,

I am writing to express my strong support for House Concurrent Resolution 161, which endorses the Advisory Council on Historic Preservation's (ACHP) updated "Policy Statement on Burial Sites, Human Remains, and Funerary Objects," adopted on March 1, 2023. This policy establishes essential standards and guidelines to ensure the respectful treatment and protection of burial sites, human remains, and associated funerary objects.

The ACHP's policy introduces 13 guiding principles, foremost among them being the imperative that all burial sites, human remains, and funerary objects be treated with dignity and respect under all circumstances. This commitment extends to all phases of interaction, including consultation, field surveys, handling, documentation, reporting, and any necessary treatment actions. Importantly, the policy emphasizes that disturbances to these sacred sites should occur only in rare instances and strictly after thorough consultation with descendant communities.

The adoption of this policy was a response to distressing incidents where such sites were desecrated during federal undertakings, particularly during reviews mandated by Section 106 of the National Historic Preservation Act. The policy acknowledges that these disturbances have disproportionately affected racial and ethnic minorities, Indian Tribes, Native Hawaiians, Indigenous Peoples, and low-income communities. Additionally, it recognizes the growing threat posed by climate change to these sites and the cultural practices associated with them.

By endorsing HCR 161, we affirm our commitment to upholding these principles at the state level, ensuring that our policies align with the ACHP's standards and that we actively participate in the broader national effort to protect these invaluable cultural resources.

I urge the committee to support HCR 161, reinforcing our dedication to preserving and respecting the final resting places of our ancestors and the cultural heritage they represent.

Thank you for considering this important resolution.

Sincerely,

Leilani Keli'ikipi

LATE

SR-130

Submitted on: 4/1/2025 1:14:59 AM

Testimony for HWN on 4/1/2025 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexander K.D. McNicoll	Individual	Support	Written Testimony Only

Comments:

I am in STRONG SUPPORT of **SCR161**.