



TESTIMONY IN SUPPORT OF HCR193_HD1/HR186_HD1

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.

House Committee on Judiciary and Hawaiian Affairs
Hawai'i State Capitol

April 1, 2025

2:00 p.m.

Conference Room 325

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

Mahalo for the opportunity to provide testimony on HCR193_HD1, 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 previous committee 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 31-35 to read:

(4) Five members of the community ~~that self-identify and represent unique Native Hawaiian Organizations~~ 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 to be selected randomly by the working group from a list of submitted names; and

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 HCR193_HD1 with the amendments proposed herein.

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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, April 1, 2025
2:00 PM

State Capitol Conference Room 325 & Videoconference

In consideration of
HOUSE CONCURRENT RESOLUTION 193
HOUSE RESOLUTION 186, HOUSE DRAFT 1

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

House Concurrent Resolution 193 (HCR) and companion House Resolution 186 (HR), House Draft 1, requests 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. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers comments.**

The Department recognizes the importance of protecting Native Hawaiian burial sites and the historical significance iwi kupuna hold for the Native Hawaiian community. It further recognizes that the complex and culturally sensitive nature of burial site management often prompts controversial situations that implicate the Department's State Historic Preservation Division (SHPD). SHPD has been taking a proactive approach in working with the Office of Hawaiian Affairs (OHA) to improve in areas such as standard operating procedures, interagency communication, and community relationships. Establishing a working group provides an opportunity to formalize these discussions in a collaborative environment to explore an option that could strengthen the protection of Native Hawaiian burial sites.

To ensure the working group's effectiveness, the Department recommends adding clarification on the specific "conflicts of interest, or appearance of conflicts of interest resulting from historic preservation reviews, inadvertent discoveries, descendancy claims, and making recommendations to the Island Burial Councils" on HR page 3, line 38; HCR page 4, line 1. The effectiveness of the working group will depend

on a clear understanding of these conflicts. In addition, HR page 4, line 4; HCR page 4, line 8, states that “these potential conflicts of interest may be resolved by transferring parts of the Burial Sites Program to another agency.” Without identifying these conflicts, it is difficult to determine whether a transfer to the OHA would effectively resolve them. Thus, further elaboration is essential to provide the working group with a strong and defined premise for meaningful and well-informed analysis.

The Department further recommends adding language for the working group to also consider and evaluate new or amended legislation that may address the challenges identified by the 2022 Burial Sites Working Group and improve the current structure of the burial sites program. HR page 3, line 7; HCR page 3, line 12, states that one of the 2022 Burial Sites Working Group’s key findings were “fundamental inadequacies in the laws affecting burial sites.” This suggests the existing legal framework itself is a core issue that would continue to affect the burials program whether it remains with SHPD or is transferred to OHA. Therefore, including a provision to review legislative improvements to facilitate a more comprehensive assessment of potential solutions rather than presupposing that transferring the program is the only viable solution. This further ensures that the most effective approach is identified to strengthen the burials program while also establishing a contingency should it be determined that transferring the program, in whole or in part, is not feasible. Thus, the Department appreciates the addition of language on HR page 5; HCR page 5 that states:

- (5) Identify and consider issues in the existing legislation and develop amendments that may improve the processes for protecting Native Hawaiian burial sites and the effectiveness of the current burial sites program under SHPD; and

The Department notes that the primary objective of this working group is essentially an interagency feasibility evaluation and limiting its members to representatives of OHA, SHPD, and the Island Burial Councils provides a more focused governmental perspective on the transfer’s implications for those affected State agencies. However, the Department also recognizes the importance of community input and thus, further notes that if non-governmental organizations participate in the working group, having more than one Native Hawaiian organization would promote an inclusive representation of cultural perspectives and expertise. Therefore, the Department appreciations that addition of language on HR page 5, line 22; HCR, page 5, line 26 that states:

- (4) Five members of the community that self-identify and represent unique Native Hawaiian organizations with expertise and experience in protecting Native Hawaiian burial sites, to be selected randomly by the working group from a list of submitted names; and

The Department recognizes that there are ongoing challenges in the protection of burial sites and we are committed to working collaboratively with all stakeholders, including OHA, Island Burial Councils, and the community to improve the effectiveness of the burial sites program in whichever for it may take. We remain committed to furthering discussions to determine how best to protect Native Hawaiian burial sites.

Mahalo for the opportunity to provide testimony on this measure.



**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



March 31, 2025

To: Chair David A. Tarnas, Vice Chair Mahina Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs

Date: Tuesday, April 1, 2025, **Time:** 2:00 pm

Place: Via videoconference and Conference Room 325

From: Alan Burdick, Chair, Health Committee Melodie Aduja, Vice Chair, Health Committee

Subject: Testimony in Support of HCR193, HD1 / HR186, HD1 - Working Group to Examine and Consider the Transfer of Native Hawaiian burial site management to OHA

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Health Committee of the Democratic Party of Hawai'i strongly supports **HCR193, HD1 / HR186, HD1**, 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 from the State Historic Preservation Division (SHPD) to OHA under Chapter 6E, Hawai'i Revised Statutes.

This measure offers an essential opportunity to promote culturally appropriate stewardship of Native Hawaiian burial sites while addressing broader implications for community health and well-being. The Health Committee recognizes the intersection of cultural preservation and health outcomes and supports this resolution as a means to strengthen both.

Health-Related and Supporting Arguments:

- **Cultural Heritage and Mental Health:**
 - Native Hawaiian burial sites, or iwi kūpuna, hold profound spiritual and cultural significance. Ensuring their protection contributes to the emotional and mental well-being of Native Hawaiians, who experience a deep connection to their ancestors and heritage.

- Mismanagement of these sacred sites can result in community trauma, distress, and a loss of cultural identity. Transferring burial site management to OHA provides a culturally aligned approach to safeguarding these irreplaceable resources, promoting community healing and peace of mind.
- **Community Healing and Resilience:**
 - Preserving iwi kūpuna fosters a sense of identity and belonging, strengthening resilience in Native Hawaiian communities. This aligns with broader efforts to address systemic inequities and health disparities impacting Native Hawaiians.
- **Intersections of Cultural Practices and Health:**
 - Respecting cultural practices tied to burial sites reinforces the holistic view of health embraced by the Native Hawaiian community, which includes physical, mental, and spiritual well-being.
 - The working group proposed by this resolution would enable OHA to evaluate culturally sensitive practices that honor these connections and ensure that iwi kūpuna are protected with respect to these traditions.
- **Collaborative Oversight for Improved Outcomes:**
 - Convening a working group allows for comprehensive collaboration between OHA, SHPD, and stakeholders to create a framework that respects cultural practices and supports effective management.
 - This collaborative process ensures that iwi kūpuna are protected not only as cultural landmarks but also as vital components of the spiritual health of Native Hawaiian communities.
- **Alignment with Health Equity Goals:**
 - Supporting Native Hawaiian burial site management through OHA advances health equity by recognizing and addressing the unique needs of Native Hawaiians.
 - This effort underscores the importance of prioritizing culturally relevant policies and practices to enhance the overall health of Hawai'i's communities.

The Health Committee stands firmly in support of **HCR193, HD1 / HR186, HD1**, recognizing the essential role culturally appropriate stewardship of iwi kūpuna plays in promoting the health and well-being of Native Hawaiian communities. By passing this resolution, the Legislature affirms its commitment to preserving cultural heritage, fostering resilience, and enhancing community health.

Mahalo for the opportunity to testify in strong support of this important measure.

Respectfully Submitted,

Alan Burdick Chair, Health Committee

Melodie Aduja Vice Chair, Health Committee

HCR-193-HD-1

Submitted on: 3/31/2025 5:44:18 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelley Uyeoka	Nohopapa Hawai'i, LLC	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193 HD1.

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 HCR193 HD1, representatives from OHA, SHPD, the island burial councils and the larger mālama iwi community 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.

Kelley Lehuakeapuna Uyeoka

Nohopapa Hawaii, LLC

Founding Partner

HCR-193-HD-1

Submitted on: 3/30/2025 12:07:37 PM

Testimony for JHA on 4/1/2025 2:00:00 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 Kuoha, 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
kuohaiolani1@gmail.com

HCR-193-HD-1

Submitted on: 3/30/2025 12:58:28 PM

Testimony for JHA on 4/1/2025 2:00:00 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 Aunt 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'eaumoku, Alexander and Baldwin's Waihonua Condominium, HART, the then General Growth Properties Ward Village and Hokuli'a. 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 HCR193 HD1

HCR193 HD1 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. 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.

HCR193 HD1 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 HCR193 HD1, 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, others with burial experience and OHA to have access to my ohana genealogy. **I don't want** a Burial Sites Working Group, 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, 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 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 HCR193 HD1

Mahalo

Carolyn Keala Norman

HCR-193-HD-1

Submitted on: 3/30/2025 1:01:46 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193

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 Malama Iwi Kūpuna.

Mahalo nui,

Diane Puanani Fitzsimmons

Former Oahu Island Burial Council Waialua Moku Representative

HCR-193-HD-1

Submitted on: 3/30/2025 5:56:28 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs,

I submit this testimony in strong **support** of HCR193 HD1, 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.

HCR193 HD1 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 HCR193 HD1 while advancing SB268 SD1 HD1 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 HCR193 HD1. Withdraw SB268 SD1 HD1.

Ola nā iwi

HCR-193-HD-1

Submitted on: 3/30/2025 6:04:14 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mana Kaleilani Caceres	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: Rep. David A. Tarnas, Chair, Rep. Mahina Poepoe, Vice Chair, and Members of the Committee on Judiciary & Hawaiian Affairs

FROM: Ronnie Inagaki

HEARING DATE: Tuesday, April 1, 2025 @ 2:00 PM

RE: **HCR193 HD1- 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 **HCR193 HD1** with **concerns and recommendations** that I respectfully urge the Committee to consider to ensure its successful implementation. HCR193 HD1 proposes that the Office of Hawaiian Affairs (OHA) convene a working group to explore the feasibility of transferring Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to OHA. This measure is an important step toward addressing systemic issues, protecting the cultural practices and traditions of Native Hawaiians, and advancing self-determination. However, as we move forward with this resolution, it is critical to address several logistical, legal, and operational concerns that could affect its success.

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 acknowledges the State's failure to adequately resource SHPD in fulfilling its burial law responsibilities. While transferring these responsibilities to OHA may improve the alignment of burial site management with Native Hawaiian cultural practices, this success is contingent upon providing OHA with sufficient resources.

- **Staffing and Expertise:** OHA will need to recruit and develop specialized staff with expertise in historic preservation, burial site law, and cultural resource management to assume these responsibilities effectively.
 - **Adequate Funding:** A clear and reliable funding plan is essential to equip OHA with the financial means to manage burial sites and support Island Burial Councils (IBCs). Without sufficient resources, OHA may face the same challenges SHPD currently struggles with, leading to continued mismanagement or delays.
-

2. Legal and Administrative Complexities

Transferring burial site management from SHPD to OHA will require significant legal and administrative amendments, particularly to Chapter 6E of the Hawaii Revised Statutes.

- **Statutory Amendments:** HCR193 HD1 tasks the working group with identifying necessary statutory changes. This process must ensure clear delineation of roles and responsibilities between SHPD and OHA to avoid jurisdictional confusion or duplication of efforts.
 - **Coordination During Transition:** OHA and SHPD must collaborate during the transition period to ensure a seamless transfer of responsibilities. A phased approach may be more practical to allow OHA to build capacity gradually.
-

3. Community Trust and Representation

HCR193 HD1 prioritizes community engagement by including five additional community members in the working group who represent Native Hawaiian organizations with burial protection expertise. This is a critical component that strengthens inclusivity and trust.

- **Island Burial Councils (IBCs):** The IBCs play a vital role in burial site decision-making, and their involvement must remain central. Ensuring that IBC members are

supported and that their voices are respected will be essential to the success of this initiative.

- **Transparency and Accountability:** To build trust with Native Hawaiian communities, OHA must emphasize transparency in its decision-making processes and ensure that community voices are prioritized in the working group's recommendations.
-

4. Potential Conflicts of Interest

One of the driving reasons for this resolution is to address potential conflicts of interest within SHPD. However, transferring these responsibilities to OHA could create new conflicts of interest.

- OHA serves as a trustee for Native Hawaiians and must balance its advocacy role with its administrative responsibilities. In contested burial site cases, there may be a perception of bias or favoritism if OHA assumes management responsibilities.
 - To mitigate this, the working group should explore mechanisms to ensure impartiality, transparency, and accountability in burial site management decisions.
-

5. Feasibility and Timeline

HCR193 HD1 tasks the working group with submitting its findings and recommendations, including proposed legislation, by 2027. While this timeline provides sufficient time for deliberation, the complexity of the task may require a phased or extended approach.

- **Implementation Plan:** The working group should develop a detailed implementation plan that accounts for potential challenges, such as resource constraints and legal hurdles.
 - **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

HCR193 HD1 represents a critical opportunity to address long-standing issues in the management of Native Hawaiian burial sites and to empower OHA to play a leadership role in this culturally significant area. By transferring burial site management to OHA, this resolution can help ensure that iwi kūpuna are cared for in a manner that honors Native Hawaiian traditions and values.

However, the success of this initiative will depend on addressing the challenges outlined above. These include securing adequate resources, ensuring legal clarity, prioritizing community engagement, and establishing mechanisms for transparency and accountability. I respectfully urge the Committee to support HCR193 HD1 while carefully considering these concerns to ensure its successful implementation.

Mahalo for the opportunity to provide testimony on this important measure.

Me ka ha'aha'a,
Ronnie Inagaki

HCR-193-HD-1

Submitted on: 3/30/2025 6:32:58 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193 HD1.

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 HCR193 HD1, representatives from OHA, SHPD, the island burial councils and the larger mālama iwi community 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

HCR-193-HD-1

Submitted on: 3/30/2025 7:41:43 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193 HD1.

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.

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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

HCR-193-HD-1

Submitted on: 3/30/2025 8:04:37 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

I strongly support HCR193 HD1

HCR-193-HD-1

Submitted on: 3/30/2025 8:43:19 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

****Written Testimony in Support of House Concurrent Resolution No. 193, HD1****

To the Honorable Members of the House of Representatives and Senate 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 resided for 45 years. As a proud descendant of the indigenous stewards of these islands, I offer this testimony in resolute support of House Concurrent Resolution No. 193, HD1 (HCR 193), which requests the Office of Hawaiian Affairs (OHA) to convene a working group to examine the transfer of Native Hawaiian burial site management from the State Historic Preservation Division (SHPD) to OHA under Chapter 6E, Hawaii Revised Statutes. This resolution confronts a legacy of systemic neglect and cultural disenfranchisement with intellectual rigor and moral clarity. Below, I delineate the compelling advantages of HCR 193 and propose precise, actionable solutions to enhance its safety, efficacy, cost-effectiveness, and equity—ensuring that the sanctity of iwi kūpuna is safeguarded in a manner befitting our heritage.

The Virtues of HCR 193: A Paradigm Shift Toward Justice

HCR 193 represents a sophisticated and necessary evolution in the stewardship of Native Hawaiian burial sites. Its merits are both profound and multifaceted:

- **Cultural Sovereignty and Constitutional Duty**:** By advocating for OHA—a constitutionally established trust for Native Hawaiians—to assume responsibility for burial site management, HCR 193 fulfills article XII, section 7 of the Hawai‘i State Constitution, which mandates the protection of our cultural practices. This shift aligns with the United Nations Declaration on the Rights of Indigenous Peoples, affirming our right to self-determination and the repatriation of our ancestors’ remains—an antidote to the current system’s antithetical structure.
- **Rectifying Systemic Failures**:** The 2022 Burial Sites Working Group report, cited in HCR 193, exposed SHPD’s precipitous shortcomings: inadequate resources, lack of will, and flawed legal frameworks. This resolution offers a structured pathway to address these failures, transferring authority to an entity with the cultural mandate and community trust to succeed.

3. **Eliminating Conflicts of Interest**: SHPD’s dual role as regulator and advisor to Island Burial Councils (IBCs) creates an untenable conflict, undermining impartiality in burial site decisions. HCR 193’s proposed transfer to OHA resolves this tension, fostering a process untainted by competing interests.

4. **Enhanced Community Representation**: Unlike its Senate counterpart, HCR 193 uniquely mandates the inclusion of five community members from Native Hawaiian organizations in the working group. This provision amplifies our voices, countering decades of disenfranchisement and ensuring that decisions reflect the lived experiences of our people.

Fortifying HCR 193: Strategic Enhancements for Safety, Efficacy, Cost-Effectiveness, and Equity

While HCR 193 lays a formidable foundation, its potential can be maximized through targeted enhancements. I propose the following solutions to strengthen its implementation:

1. Enhancing Safety

- **Proposal**: Require OHA to establish a Burial Sites Protection Unit staffed with Native Hawaiian cultural practitioners and forensic experts trained in iwi kūpuna protocols.
- **Rationale**: SHPD’s current approach lacks the cultural sensitivity and expertise needed to handle inadvertent discoveries safely. A dedicated unit would minimize risks of desecration, ensuring remains are treated with reverence from discovery to resolution.
- **Implementation**: Fund six full-time positions (approximately \$400,000 annually), integrating existing OHA staff where feasible to maintain continuity and expertise.

2. Boosting Efficacy

- **Proposal**: Develop a statewide digital burial site registry using GIS technology, managed by OHA in collaboration with IBCs.
- **Rationale**: SHPD’s inefficiencies stem from fragmented records and poor coordination. A centralized, accessible database would expedite identification, preservation, and decision-making processes, reducing delays that imperil site integrity.
- **Implementation**: Allocate \$150,000 for initial development, partnering with the University of Hawai‘i’s geospatial programs to leverage academic resources, followed by \$50,000 annually for maintenance—enhancing efficacy at a modest cost.

3. Ensuring Cost-Effectiveness

- **Proposal**: Phase SHPD’s burial site budget to OHA over three years, supplemented by federal funding and community-driven initiatives.

- **Rationale**: Critics may decry added costs, yet OHA's existing infrastructure can absorb these duties efficiently, while strategic funding offsets expenses.

- **Detailed Options**:

- **Budget Transition**: Reallocate SHPD's estimated \$500,000 annual burial site budget to OHA incrementally (\$166,000/year), avoiding fiscal disruption.

- **Federal Support**: Secure \$75,000–\$150,000 annually from the National Park Service's Tribal Heritage Grants, targeting indigenous preservation efforts.

- **Community Contributions**: Establish a volunteer corps via partnerships with organizations like Hui Mālama I Nā Kūpuna O Hawai'i Nei, reducing labor costs by 15% (approximately \$75,000 savings/year).

- **Outcome**: These measures could yield \$100,000–\$200,000 in annual savings, proving that cultural integrity need not strain public coffers but can thrive through prudent innovation.

4. Promoting Equity

- **Proposal**: Expand the working group's community representation to include two additional seats for rural Native Hawaiian residents, such as those from Kahalu'u or outer islands, selected via OHA's community nomination process.

- **Rationale**: While HCR 193's inclusion of five organizational representatives is laudable, it risks sidelining grassroots voices from underserved areas. Additional rural seats ensure equitable input, reflecting the diverse realities of our people.

- **Implementation**: Amend the resolution to mandate these seats, with OHA overseeing a transparent nomination process to prevent elitism and guarantee broad representation.

Conclusion: A Legacy Worth Defending

As a Native Hawaiian who has called Kahalu'u home for 45 years, I have borne witness to the anguish of burial site mismanagement—the disruption of our ancestors' rest, the silencing of our voices, and the erosion of our cultural fabric. HCR 193 HD1 is a clarion call to restore this kuleana to Native Hawaiian hands, through OHA's stewardship and the collective wisdom of our community. By adopting this resolution and integrating the solutions I have outlined, this Legislature can craft a system that is safer, more effective, cost-efficient, and unequivocally equitable. I implore you to act with the intellectual sharpness and cultural fidelity this moment demands, ensuring that our iwi kūpuna are honored not as relics of the past, but as the foundation of our future.

Mahalo nui loa for your attention and consideration.

Respectfully submitted,

Tiare Smith

Kahalu'u, O'ahu

HCR-193-HD-1

Submitted on: 3/30/2025 11:00:36 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha E Chair Tarnas and Vice -Chair Poepoe and Committee Members

I am writing in strong support of HCR193-HD1 We need to take steps to improve our traditional burial protection process This proposed collaborative working group is a great first step. In short-our Constitution gives strong protections for iwi kupuna. Our administrative process falls far short of upholding the Constitutional protections. We need a better way.

Mahalo for your support of this bill

Lucienne de Naie

Huelo, Maui, HI.

HCR-193-HD-1

Submitted on: 3/31/2025 3:17:38 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

support working with OHA & SHPD to ensure proper handling of iwi kupuna.

HCR-193-HD-1

Submitted on: 3/31/2025 7:33:40 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193 HD1.

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 HCR193 HD1, representatives from OHA, SHPD, the island burial councils and the larger mālama iwi community 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

HCR-193-HD-1

Submitted on: 3/31/2025 10:09:05 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
T Leilani Waldron	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs.

I submit this testimony in strong support of SCR161.

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

HCR-193-HD-1

Submitted on: 4/1/2025 1:16:16 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

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

Comments:

I am in STRONG SUPPORT of **HCR193**.

HCR-193-HD-1

Submitted on: 4/1/2025 12:19:05 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dane K. U. Maxwell	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HCR193 HD1
House Committee on Judiciary & Hawaiian Affairs
Hearing Date: Tuesday, April 1, 2025, at 2:00 p.m.

Aloha e Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

I am writing in **support** of **HCR193 HD1**, which calls on the Office of Hawaiian Affairs to convene a working group to examine the potential transfer of Native Hawaiian burial site management from the State Historic Preservation Division to OHA.

This resolution provides a thoughtful and necessary step toward improving how iwi kūpuna are protected across Hawai‘i. By including SHPD, OHA, Island Burial Councils, and community members, the working group will bring together the voices most connected to this kuleana.

I support this effort to strengthen cultural stewardship and respectfully urge the Committee to pass this resolution.

Mahalo for the opportunity to testify.

Mahalo,
Dane Uluwehiokalani Maxwell

HCR-193-HD-1

Submitted on: 4/1/2025 12:34:43 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

I am writing in strong support of HCR193 HD1.

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Collaborative solutions are necessary. Under HCR193 HD1, representatives from OHA, SHPD, the island burial councils and the larger mālama iwi community 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.

Kimmer Horsen

kimmer.bighorse@gmail.com