REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING JURISDICTION OVER THE COORDINATION OF THE EVALUATION AND MANAGEMENT OF BURIAL SITES OF NATIVE HAWAIIAN ORIGIN FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE OFFICE OF HAWAIIAN AFFAIRS.

WHEREAS, the protection and preservation of prehistoric and historic native Hawaiian burial sites, helps to ensure that native Hawaiian ancestors are afforded dignity and respect; and

WHEREAS, in Hawaiian culture, ancestral bones, or iwi, possess the person's mana, or spiritual essence; after death, only the iwi were considered sacred because they contained the person's mana; and

WHEREAS, native Hawaiians interred the remains of the deceased at night to prevent enemies from locating them, and attempting to steal, degrade, or otherwise use the spiritual power contained in the remains; and

WHEREAS, for Hawaiians today, the proper treatment of ancestral bones remains essential to avoid insulting the person's spirit or bringing trauma and harm to living descendants; and

WHEREAS, the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (DLNR) is currently responsible for the coordination of the evaluation and management of burial sites under Chapter 6E, Hawaii Revised Statutes; and

WHEREAS, the vast responsibilities of SHPD's Burial Sites Program include the care, management, and protection of the estimated hundreds of thousands of unmarked ancestral native Hawaiian burial sites situated throughout the state; and
WHEREAS, issues before SHPD's Burial Sites Program can be contentious, highly emotive, and often involve complex aspects of landowner, familial, and cultural rights; and

WHEREAS, there have been concerns about the management and operations of SHPD, including frustrations concerning the Burial Sites Program; and

WHEREAS, the Office of Hawaiian Affairs (OHA) has expertise in Hawaiian culture and the location of burial sites of native Hawaiian origin; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that OHA is requested to study the feasibility of transferring the responsibilities of SHPD relating to the coordination of the evaluation and management of burial sites of native Hawaiian origin under Chapter 6E, Hawaii Revised Statutes, including management of the Island Burial Councils; and

BE IT FURTHER RESOLVED that the Legislature requests the study to include:

(1) The feasibility of transferring the inherent police powers of DLNR along with the responsibilities of enforcing burial site protection laws;

(2) The ability of OHA to access private, state, and county parcels to investigate inadvertent discoveries of human skeletal remains, including to classify the ethnicity of the remains, under current law; and

(3) The staffing, funding, and other resources necessary for OHA to undertake these responsibilities; and
BE IT FURTHER RESOLVED that OHA is requested to submit its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2011; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, Chairperson of the Board of Land and Natural Resources, Chairperson of each of the Island Burial Councils, and Mayor and Chairperson of the County Council of each county.

OFFERED BY:  

MAR 10 2010