WHEREAS, caves and lava tubes are among the types of places where Native Hawaiians historically buried their loved ones; and

WHEREAS, under traditional and customary practices, Native Hawaiians are obligated to ensure that human remains are undisturbed and receive proper care and respect; and

WHEREAS, the interment of Native Hawaiian remains in caves and lava tubes ensures the least disruption to loved ones; and

WHEREAS, section 6E-2, Hawaii Revised Statutes, defines "burial site" as "any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods are interred, and its immediate surrounding archaeological context, deemed a unique class of historic property and not otherwise included in section 6E-41"; and

WHEREAS, it is not clear whether the term "burial site," as defined by section 6E-2, Hawaii Revised Statutes, includes a cave or lava tube, or a portion of a cave or lava tube, where sufficient physical or cultural evidence suggests that the cave or lava tube, or a portion thereof, was used for or viewed as a burial site; and

WHEREAS, clarifying the definition of "burial site" would assist in protecting Native Hawaiian remains from desecration or improper handling, and help in preventing disputes regarding burial sites; and

WHEREAS, by working together, the State Historic Preservation Division of the Department of Land and Natural Resources and the Office of Hawaiian Affairs may be able to come
to an agreement as to whether the term "burial site" includes
all or a portion of a cave or lava tube that was used or viewed
as a burial site; 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 the State Historic Preservation Division of the
Department of Land and Natural Resources and the Office of
Hawaiian Affairs are requested to work together to address and
clarify the interpretation of the term "burial site," and
determine whether it includes all or a portion of a cave or lava
tube that was used or viewed as a burial site; and

BE IT FURTHER RESOLVED that the State Historic Preservation
Division of the Department of Land and Natural Resources and the
Office of Hawaiian Affairs are requested to submit a report on
the results of its meetings, including any proposed legislation
to the Legislature no later than twenty 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 Administrator of the State
Historic Preservation Division of the Department of Land and
Natural Resources and the Chairperson of the Board of Trustees
of the Office of Hawaiian Affairs.

OFFERED BY:  

[Signature]

MAR 10 2010