

MAR 14 2012

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
CONVENE A TASK FORCE TO RECOMMEND LEGISLATION ON CULTURAL  
MONITORING OF CONSTRUCTION AND DEVELOPMENT PROJECTS WITHIN  
THE STATE OF HAWAII.

1           WHEREAS, the State of Hawaii places a high priority on  
2 protecting and preserving its historic and cultural resources,  
3 which include iwi kupuna or Hawaiian burial remains; and  
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5           WHEREAS, existing state laws, particularly chapter 6E,  
6 Hawaii Revised Statutes, provide the legal framework for the  
7 protection and management of historic and cultural resources;  
8 and  
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10           WHEREAS, despite the fact that cultural monitoring of  
11 construction and development projects greatly increases the  
12 protection and preservation of historic and cultural resources  
13 in danger of disturbance or destruction from the projects,  
14 chapter 6E, Hawaii Revised Statutes, does not require cultural  
15 monitoring of construction and development projects; and  
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17           WHEREAS, Native Hawaiian organizations, community groups,  
18 and ohana claimants have advised developers of cultural impacts  
19 and sensitivities associated with projects and developments; and  
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21           WHEREAS, as the State Historic Preservation Division has  
22 been severely underfunded and understaffed for the past decade,  
23 the Legislature recommitted its support for historic  
24 preservation in 2011 when it approved seven new positions and  
25 the restoration of four positions within the State Historic  
26 Preservation Division; and  
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28           WHEREAS, prior to the commencement of construction and  
29 development of the Stryker Brigade facilities at Schofield  
30 Barracks, Oahu, the United States Army, in good faith, consulted  
31 with cultural monitors about the construction and development  
32 activities; and



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2 WHEREAS, in May 2010, archaeologists and cultural monitors  
3 contracted by the United States Army discovered suspected iwi  
4 kupuna on a Schofield Barracks construction site, and  
5 immediately thereafter implemented an inadvertent discovery  
6 plan, including protecting the iwi kupuna and notifying the  
7 State Historic Preservation Division and the Oahu Burial  
8 Council; and  
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10 WHEREAS, the use of cultural monitors in Hawaii is not as  
11 common as it is in other states within the United States or in  
12 countries in the Pacific region; and  
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14 WHEREAS, legislation implementing cultural monitoring for  
15 private sector and government developments and projects is  
16 urgently needed to ensure that historic and cultural resources  
17 are properly identified and appropriately treated; now,  
18 therefore,  
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20 BE IT RESOLVED by the Senate of the Twenty-sixth  
21 Legislature of the State of Hawaii, Regular Session of 2012, the  
22 House of Representatives concurring, that the Department of Land  
23 and Natural Resources is requested to convene a task force to  
24 recommend legislation on cultural monitoring of construction and  
25 development projects within the State of Hawaii; and  
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27 BE IT FURTHER RESOLVED that the membership of the task  
28 force is requested to include a representative of each of the  
29 following entities:  
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- 31 (1) United States Department of the Interior, Office of  
32 Hawaiian Relations;  
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34 (2) United States Department of the Interior, National  
35 Park Service;  
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37 (3) State Senate;  
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39 (4) State House of Representatives;  
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41 (5) Office of Hawaiian Affairs;  
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43 (6) Department of Land and Natural Resources, Historic  
44 Preservation Division;



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- (7) An archaeological consulting firm that performs cultural monitoring work;
- (8) An archaeological consulting firm that does not perform cultural monitoring work;
- (9) Association of Hawaiian Civic Clubs;
- (10) Royal Order of Kamehameha; and
- (11) Pacific Justice and Reconciliation Center; and

BE IT FURTHER RESOLVED that the task force members are requested to serve on a voluntary basis and to assume responsibility for any costs associated with their participation on the task force; and

BE IT FURTHER RESOLVED that members of the task force shall not be subject to chapter 84, Hawaii Revised Statutes, due solely to their participation on the task force; and


BE IT FURTHER RESOLVED that the task force submit its proposed legislation to the Legislature no later than twenty days prior to the convening of the Regular Session of 2013; and

BE IT FURTHER RESOLVED that the task force be dissolved on June 30, 2013; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the United States Department of the Interior, Office of Hawaiian Relations; United States Department of the Interior, National Park Service; President of the Senate; Speaker of the House of Representatives; Chairperson of the Board of Land and Natural Resources; Chairperson of the Board of Trustees of the Office of Hawaiian Affairs; Association of Hawaiian Civic Clubs; Royal Order of Kamehameha; and Pacific Justice and Reconciliation Center.

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