
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A BURIAL SITES WORKING GROUP TO
REVIEW AND RECOMMEND IMPROVEMENTS TO THE BURIAL SITES
PROGRAM WITHIN THE STATE HISTORIC PRESERVATION DIVISION.

1 WHEREAS, the Legislature acknowledges the State's duty to
2 native Hawaiians is firmly established in the state constitution
3 in article XII; and

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5 WHEREAS, the Legislature and the State also recognize their
6 unique trust relationship with native Hawaiians; and

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8 WHEREAS, the Department of Land and Natural Resources'
9 mission is to "[e]nhance, protect, conserve and manage Hawaii's
10 unique and limited natural, cultural and historic resources held
11 in public trust for current and future generations of the people
12 of Hawaii nei, and its visitors, in partnership with others from
13 the public and private sectors"; and

14
15 WHEREAS, within the Department of Land and Natural
16 Resources is the State Historic Preservation Division, which
17 strives to preserve and protect Hawaii's historic identity; and

18
19 WHEREAS, the Burial Sites Program and the Island Burial
20 Councils within the History and Culture branch, have the duty of
21 protecting and managing traditional Hawaiian burial sites over
22 fifty years old and most commonly unmarked according to ancient
23 cultural protocols; and

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25 WHEREAS, burial council members are reviewed and vetted by
26 the Department of Land and Natural Resources in consultation
27 with the Office of Hawaiian Affairs and appropriate Hawaiian
28 organizations, who submit a list of names and qualifications of
29 potential council members to the Governor, who nominates



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1 potential council members, subject to confirmation by the
2 Senate; and

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4 WHEREAS, council members take upon themselves the sworn
5 duties and obligations to care for iwi kūpuna (ancestral bones)
6 and moepū (funerary possessions); and

7
8 WHEREAS, the burial councils are charged with, among other
9 things, to oversee and determine whether previously identified
10 Native Hawaiian burial sites will be preserved in place or
11 relocated; and

12
13 WHEREAS, when there are inadvertent discoveries of iwi
14 kupuna, these burial sites are under the jurisdiction of State
15 Historic Preservation Division; and

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17 WHEREAS, the State Historic Preservation Division has been
18 the subject of numerous audits and was put on probation with the
19 National Parks Service, but has recently been moved from a high-
20 risk to a medium-risk recipient of federal funds; and

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22 WHEREAS, leaders of the Island Burial Councils have
23 criticized the State for the mismanagement of the Burial Sites
24 Program through a lack of communication and inadequate legal
25 counsel, among other grievances; and

26
27 WHEREAS, many within the Native Hawaiian community,
28 especially lineal descendants, have also expressed frustration
29 at the lack of action by the State Historic Preservation
30 Division; and

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32 WHEREAS, despite calls for assistance from burial council
33 members, the councils continue to be inadequately staffed and
34 under trained; and

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36 WHEREAS, members also claim that there has been a failure
37 to enforce burial site violations while not developing an
38 adequate inventory of Native Hawaiian burial sites; and

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40 WHEREAS, there is a significant divide between Native
41 Hawaiians and the State Historic Preservation Division, a branch



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1 of government meant to provide guidance on significant cultural
2 and historic issues; now, therefore,
3

4 BE IT RESOLVED by the House of Representatives of the
5 Thirty-first Legislature of the State of Hawaii, Regular Session
6 of 2021, the Senate concurring, that a Burial Sites Working
7 Group is requested to be established to review and recommend
8 improvements to the Burial Sites Program within the State
9 Historic Preservation Division; and
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11 BE IT FURTHER RESOLVED that the working group is requested
12 to determine ways to strengthen and improve historic resources
13 and protections; and
14

15 BE IT FURTHER RESOLVED that the working group include the
16 following members:
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- 18 (1) The Chairperson of the Board of Land and Natural
19 resources or their designee;
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- 21 (2) The Administrator of the State Historic Preservation
22 Division;
23
- 24 (3) Two staff members from the Office of Hawaiian Affairs,
25 to be selected by the Chief Executive Officer;
26 provided that one member shall be selected from the
27 Office's Compliance Enforcement Program;
28
- 29 (4) One representative from the Board of Trustees of the
30 Office of Hawaiian Affairs, to be selected by the
31 Chair of the Board;
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- 33 (5) One individual from each Island Burial Council, to be
34 selected by a majority vote of its respective members;
35
- 36 (6) One staff member from the Department of the Attorney
37 General, to be selected by the Attorney General;
38
- 39 (7) Two Native Hawaiian cultural practitioners, to be
40 selected by the Senate President; and



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1 (8) Two Native Hawaiian cultural practitioners, to be
2 selected by the Speaker of the House of
3 Representatives; and
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5 BE IT FURTHER RESOLVED that the working group examine the
6 Burial Sites Program and the Island Burial Councils to determine
7 their relationship to the State Historic Preservation Division
8 and their management; and
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10 BE IT FURTHER RESOLVED that the working group review
11 existing statutes and rules pertaining to the Burial Councils;
12 and
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14 BE IT FURTHER RESOLVED that the working group discuss ways
15 to fill current and future vacancies on each Island Burial
16 Council; and
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18 BE IT FURTHER RESOLVED that the working group examine all
19 State Historic Preservation Division staff duties and
20 responsibilities to better support the Island Burial Councils;
21 and
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23 BE IT FURTHER RESOLVED that the working group provide
24 recommendations on the development of a statewide survey and
25 inventory that documents historic properties where burial sites
26 exist or may exist, including properties owned by the State or
27 the counties; and
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29 BE IT FURTHER RESOLVED that the working group is requested
30 to submit a report of its findings and recommendations to the
31 Legislature no later than twenty days prior to the commencement
32 of Regular Session of 2022; and
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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted the Governor, Senate
36 President, Speaker of the House of Representatives, Attorney
37 General, Chairperson of the Board of Land and Natural Resources,
38 Chairperson of the Board of Trustees of the Office of Hawaiian
39 Affairs, Chief Executive Officer of the Office of Hawaiian
40 Affairs, Administrator of the State Historic Preservation
41 Division of the Department of Land and Natural Resources, and
42 each Chairperson of the Hawaii Island Burial Council, Kauai and




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1 Niihau Islands Burial Council, Maui and Lanai Islands Burial
2 Council, the Oahu Island Burial Council, and the Molokai Island
3 Burial Council.

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OFFERED BY:



MAR 12 2021

