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# 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  
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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  
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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 and Office of  
27 Hawaiian Affairs, which each submit a list of names and  
28 qualifications of potential council members to the Governor, who  
29 nominates potential council members, subject to confirmation by  
30 the Senate; and



1 WHEREAS, council members take upon themselves the sworn  
2 duties and obligations to care for iwi kūpuna (ancestral bones)  
3 and moepū (funerary possessions); and  
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5 WHEREAS, the burial councils are charged with, among other  
6 things, overseeing and determining whether previously identified  
7 Native Hawaiian burial sites will be preserved in place or  
8 relocated; and  
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10 WHEREAS, when there are inadvertent discoveries of iwi  
11 kūpuna, these burial sites are under the jurisdiction of the  
12 State Historic Preservation Division; and  
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14 WHEREAS, the State Historic Preservation Division has been  
15 the subject of numerous audits and was put on probation with the  
16 National Parks Service, but has recently been moved from a  
17 high-risk to a medium-risk recipient of federal funds; and  
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19 WHEREAS, leaders of the Island Burial Councils have  
20 criticized the State for the mismanagement of the Burial Sites  
21 Program through a lack of communication and inadequate legal  
22 counsel, among other grievances; and  
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24 WHEREAS, many within the Native Hawaiian community,  
25 especially lineal descendants, have also expressed frustration  
26 at the lack of action by the State Historic Preservation  
27 Division; and  
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29 WHEREAS, despite calls for assistance from burial council  
30 members, the councils continue to be inadequately staffed and  
31 under trained; and  
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33 WHEREAS, members also claim that there has been a failure  
34 to enforce burial site violations while not developing an  
35 adequate inventory of Native Hawaiian burial sites; and  
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37 WHEREAS, there is a significant divide between Native  
38 Hawaiians and the State Historic Preservation Division, a branch  
39 of government meant to provide guidance on significant cultural  
40 and historic issues; now, therefore,



1 BE IT RESOLVED by the House of Representatives of the  
2 Thirty-first Legislature of the State of Hawaii, Regular Session  
3 of 2021, the Senate concurring, that a Burial Sites Working  
4 Group is requested to be established to review and recommend  
5 improvements to the Burial Sites Program within the State  
6 Historic Preservation Division; and  
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8 BE IT FURTHER RESOLVED that the working group is requested  
9 to determine ways to strengthen and improve historic resources  
10 and protections; and  
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12 BE IT FURTHER RESOLVED that the working group include the  
13 following members:  
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- 15 (1) The Chairperson of the Board of Land and Natural  
16 resources or the Chairperson's designee;  
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- 18 (2) The Administrator of the State Historic Preservation  
19 Division;  
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- 21 (3) Two staff members from the Office of Hawaiian Affairs,  
22 to be selected by the Chief Executive Officer;  
23 provided that one member be selected from the Office's  
24 Compliance Enforcement Program;  
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- 26 (4) One representative from the Board of Trustees of the  
27 Office of Hawaiian Affairs, to be selected by the  
28 Chairperson of the Board;  
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- 30 (5) One individual from each Island Burial Council, to be  
31 selected by a majority vote of its respective members;  
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- 33 (6) One staff member from the Department of the Attorney  
34 General, to be selected by the Attorney General;  
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- 36 (7) One Native Hawaiian cultural practitioner, to be  
37 selected by the President of the Senate; and  
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- 39 (8) One Native Hawaiian cultural practitioner, to be  
40 selected by the Speaker of the House of  
41 Representatives; and



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

