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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
WATER AND LAND

Thursday, March 13, 2025
9:00 AM

House Conference Room 411 & Videoconference

In consideration of
SENATE BILL 268, SENATE DRAFT 1
RELATING TO ISLAND BURIAL COUNCILS

Senate Bill 268, Senate Draft 1 amends section 6E-43.5, Hawaii Revised Statutes (HRS), to decrease the size of the island burial councils from nine to seven members and removes the requirement for the councils to include representatives of development and large landowner interests. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department recognizes the ongoing challenge with filling each of the nine seats to which the Hawai'i (HIBC), Maui/Lāna'i (MLIBC), O'ahu (OIBC), and Kaua'i/Ni'ihau (KNIBC) Island Burial Councils are entitled. The Department notes that low membership has been causing issues with quorum, which in turn hinders the councils' ability to fulfill their responsibility of protecting Native Hawaiian burial sites. HRS section 6E-43.5(f) expressly defines quorum to do business as a majority of all members to which each council is entitled, therefore, Senate Bill 268 would subsequently reduce the number of members required for quorum to conduct business.

Mahalo for the opportunity to provide testimony on this measure.



TESTIMONY IN SUPPORT OF SB268_SD1
Relating to Island Burial Councils

House Committee on Water and Land

March 13, 2025

9:00 a.m.

Room 411

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Waer and Land:

Mahalo for setting SB268_SD1, which is part of the Office of Hawaiian Affairs' (OHA's) 2025 Legislative Package, for public hearing. OHA submits this testimony in **SUPPORT of SB268_SD1** to explain OHA's background and expertise in this area, and the purpose of this bill to amplify Native Hawaiian voices in the protection and care of iwi kūpuna.

Background

The Office of Hawaiian Affairs is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ Among its statutory duties, OHA is required to (1) serve as principal public agency in the State of Hawai'i responsible for the performance, development and coordination of programs and activities relating to native Hawaiians and Hawaiians; (2) assess the policies and practices of other agencies impacting native Hawaiians and Hawaiians; and (3) conduct advocacy efforts for native Hawaiians and Hawaiians.²

In fulfillment of its mandates, OHA has been deeply involved with protection of iwi kūpuna for decades. Under Hawai'i Revised Statutes (HRS) Chapter 6E, Hawai'i's Historic Preservation law, and implementing administrative rules, OHA is tasked with specific kuleana including nominating candidates to serve on the island burial councils (IBCs).³ OHA also regularly receives communications from its beneficiaries concerning illegal desecration of iwi, difficulties exerting their rights as cultural and lineal descendants, and other issues related to proper implementation of HRS Chapter 6E. OHA will intervene and advocate on behalf of beneficiaries to the IBCs, State Historic Preservation Division (SHPD), and private landowners, when appropriate, to encourage compliance with existing law, including the requirement to consult with cultural and lineal descendants.

¹ Haw. Const. Art. XII § 5

² Hawai'i Revised Statutes (HRS) § 10-3.

³ See HRS §§ 6E-3, 43, -43.5, 43.6; Hawai'i Administrative Rules (HAR) §§ 13-284-6(c); 13-275-6(c).

Moreover, OHA convened a Burial Sites Working Group (BSWG) in 2021 in response to House Resolution 113 (HR 113) and Senate Resolution 171 (SR 171) to look at systemic and recurring issues related to SHPD's implementation of HRS Chapter 6E.⁴ The BSWG published a Final Report in February 2023, with proposed statutory and regulatory amendments that would enhance protections for traditional burial sites, and ensure the IBCs are properly consulted concerning treatment, preservation, and disposition of such sites, among other matters.⁵ Based on these decades of work and research, OHA is aware of shortcomings in the current laws and rules, and where amendments would improve the historic preservation process.

SB268: Honoring the Purpose of the IBCs and Facilitating Effective Oversight

The amendments to HRS Chapter 6E that created the IBCs were passed in 1990, following the disinterment of over 1,100 men, women, and children in Kapalua, Maui in the location of the proposed Ritz-Carlton Hotel. As recognized by the legislature at the time, the public has a vital interest in the disposition of its interred persons, which is in the nature of a sacred trust for the benefit of all. Further, under the State of Hawai'i Constitution Article XII, section 7, the state has a specific trust duty to protect Native Hawaiian cultural practices, including those related to mālama iwi. The IBCs are an important means for the State to effectuate these important trust duties and to ensure protection of Native Hawaiian traditional and customary practices.

The current provision in HRS Chapter 6E allowing up to three representatives of development and large landowner interests on each council (other than Moloka'i which designates one landowner seat) does not align with the state's trust responsibility to protect traditional and cultural practices. While some landowner representatives have made meaningful contributions to IBC decisions, their participation as a designated landowner is not necessary. Culturally qualified individuals who happen to be large landowners can apply independently through established nomination processes, ensuring that council members are selected based on their cultural expertise and commitment to preserving burial sites. By centering cultural knowledge and expertise, and removing the seats reserved for developer and large landowner interests, this measure ensures that the councils can serve as representatives of Native Hawaiian cultural perspectives in the historic review process, as originally intended.

Moreover, removing the designated development/landowners seats would lower the number of council members required to meet quorum and conduct council business, increasing the effectiveness of the council system. IBCs are comprised of unpaid volunteers

⁴ Although a Joint Resolution between the Senate and House was never achieved, OHA decided to underwrite and establish the BSWG in reflection of OHA's historic preservation responsibilities in both rule and statute.

⁵ See Report of the Burial Sites Working Group to the Hawai'i State Legislature (Feb. 2023), [BSWG Report to the 2023 Legislature - Google Docs](#). As a clarification, the report was submitted to Senator Maile Shimabukuro and Representative Mark Nakashima, sponsors of the Senate and House Resolutions respectively, in December 2023, but does not appear in the 2023 Reports to the Legislature list that is available online.

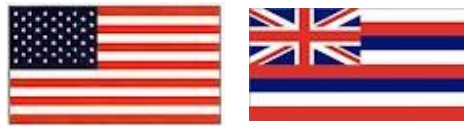
who meet for long hours and quorum has historically been a roadblock to IBC decision making, leaving important community issues—including the recognition of lineal and cultural descendants—unresolved. This bill would reduce the maximum number of council members from 9 to 7 for Hawai‘i, Maui/Lāna‘i, Moloka‘i, O‘ahu, and Kaua‘i/Ni‘ihau (the Moloka‘i council would remain at 5 members). Allowing IBCs to do business with a smaller number of members will help relieve the existing council backlog and ensure that descendants are able to provide their feedback and input into important decisions concerning protection and preservation of burial sites.

Finally, HRS Chapter 10H recognizes Native Hawaiians as the only indigenous, aboriginal, maoli people of Hawai‘i and commits to facilitating self-governance for Native Hawaiians. Across, the state, national, and international levels, control over the disposition of human remains and the right of indigenous peoples to the repatriation and control over their burials and ceremonial objects is an established legal principle. *See, e.g., United Nations, General Assembly, United Nations Declaration on the Rights of Indigenous Peoples*, at Articles 12 and 19 (Sep. 13, 2007), A/RES/61/295. By ensuring that representation on IBCs is limited to individuals with cultural qualifications, both the structure and the role of the IBCs will better align with the self-governance rights of Native Hawaiians as recognized under HRS Chapter 10H and international standards and norms concerning the rights of indigenous peoples.

In closing, HRS Chapter 6E recognizes that **all** burial sites are significant and should be preserved in place whenever possible, reflecting universal norms concerning the respectful treatment of deceased persons. The law also recognizes that traditional Native Hawaiian burials are uniquely vulnerable to disinterment and desecration, and requires consultation with lineal descendants, cultural practitioners, and Native Hawaiian organizations to guide decisions regarding preservation or relocation of disturbed burials. To fulfill this kuleana, IBCs must be composed of individuals with a deep understanding of the cultural, historical, and spiritual significance of iwi kupuna, and mālama iwi practices.

Mahalo again for the Committee’s consideration of this bill.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON WATER AND LAND

For hearing Thursday March 13, 2025

Re: SB 268, SD1 RELATING TO ISLAND BURIAL COUNCILS.
Decreases the size of the Island Burial Councils from nine to seven members. Removes the requirement for the councils to include members having development and large property owner interests. (SD1)

TESTIMONY IN OPPOSITION

This bill would decrease the size of the Island Burial Councils from 9 to 7 members and remove the requirement for the councils to include members having development and large property owner interests.

It is probably a good idea to reduce the size of the Burial Councils, because some of those Councils have had difficulty assembling a sufficient number of members to constitute a quorum.

It is certainly true that lineal descendants of dead people should have a major role in deciding whether their remains must stay in the place where they were buried or whether they can be respectfully moved to a different place where property development will not intrude upon them. So-called cultural descendants should have a lesser right to participate in such decision-making, but a greater right than the general public.

However, it is grossly inappropriate to exclude landowners or business owners from such decision-making, because their property rights deserve respect.

Among the descendants of the dead people there should be greater rights for the lineal descendants and lesser but still significant rights for the cultural descendants. In the same way, among the property and business owners, there should be greater rights for owners who are directly connected to the lands where the bodies are buried, and lesser but still significant rights for the general class of owners whose lands or businesses are not directly connected to those particular lands but who might be impacted by similar situations concerning their own lands in the future.

Land owners and business owners, as a general class within our society, have a right to participate in setting the rules and attitudes whereby laws affecting all property rights are enacted and then respected.

People lacking Hawaiian native blood are nevertheless citizens of Hawaii with a right to participate in making the decisions which govern us all. It would be blatantly racist to exclude them from participation on the Burial Councils.

The first sentence of the first Constitution of the Kingdom of Hawaii, proclaimed in 1840 by King Kamehameha III, contains the wisdom that should be applied: "Ua hana mai ke Akua i na lahuikanaka apau i ke koko ho'okahi, e noho like lakou ma ka honua nei me ke kuikahi a me ka pomaika'i." That sentence can be translated into modern English thusly: God has made of one blood all races of people to dwell upon this Earth in unity and blessedness. E hana kakou. Aloha kakou. Let's all work together and love each other.

Karl Rhodes, Chair of the Senate Judiciary Committee, said in his committee report SSCR873 regarding this bill: "Your Committee finds that the preservation and protection of iwi kupuna (ancestral remains) by island burial councils is of profound spiritual and cultural significance to Native Hawaiian people."

But then he disrespectfully dismissed the equally profound economic and political significance of the rights of individuals or corporations to be secure in their ownership of land and their ability to use it productively without interference from government-appointed bureaucrats catering to religious beliefs of a highly politicized ethnic group.

The First Amendment to our U.S. Constitution guarantees that there shall be no "establishment of religion"; but it is indeed a violation of that guarantee when a government agency is empowered to appoint all of its decision-makers from a group of activists who are presumed to all be adherents to a specific religious belief that the spirits of their dead ancestors continue to reside in their bones or other bodily remains or personal artifacts. The takings clause of the Fifth Amendment guarantees that private property cannot be taken by government without just compensation; and courts have repeatedly held that government agencies which enact regulations that prohibit ordinary uses of the land, or severely restrict such uses, have indeed thereby engaged in a taking.

Mr. Rhodes wrote "The stewardship of iwi kupuna should not be governed by those with monetary interests, but rather by

representatives with a deep understanding of the spiritual and cultural responsibilities of their roles."

But then Mr. Rhodes failed to display any "deep understanding of the spiritual and cultural" significance of land ownership which was established in Hawaii under King Kamehameha III who began the Great Mahele in 1848; and Mr. Rhodes failed to mention that the ownership and stewardship of land is a fundamental right under our U.S. Constitution.

The currently existing "requirement for representatives with development and large property owner interests" to be members of the island burial councils is the only way to guarantee that property rights will not be arbitrarily and summarily ignored by such burial councils catering to religious beliefs of an activist ethnic group pursuing an ill-defined agenda of "social justice" and "equity."

If SB268 is enacted, then at some time a few years from now the Attorney General of the State of Hawaii will once again be compelled to defend an indefensible law which will probably be upheld by the Hawaii Supreme Court but overturned on appeal to the U.S. Supreme Court, costing millions of dollars in legal fees and years of political upheaval. Do we not recall the case *Hawaii v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009)? After years of litigation the Hawaii Supreme Court ruled unanimously, 5-0 to uphold a law that the State of Hawaii is prohibited from selling any parcel of ceded lands without permission from OHA; but then the U.S. Supreme Court ruled unanimously 9-0 to nullify the Hawaii Supreme Court's decision. That case should be an example to this committee why you must defeat SB268 so Hawaii is not again embarrassed as we were in *Rice v. Cayetano* and again in *Hawaii v. OHA*.

SB-268-SD-1

Submitted on: 3/11/2025 7:10:58 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelley Uyeoka	Huliauapa'a	Oppose	Written Testimony Only

Comments:

Aloha, after further consideration and review of this bill, we oppose it.

Mahalo,

Huliauapa'a

SB-268-SD-1

Submitted on: 3/11/2025 7:17:11 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelley Uyeoka	Nohopapa Hawai'i, LLC	Oppose	Written Testimony Only

Comments:

As a Hawaiian owned and operated cultural heritage management firm in Hawai'i, we oppose this bill.

Mahalo,

Nohopapa Hawai'i

SB-268-SD-1

Submitted on: 3/12/2025 9:25:09 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elaine SanJose	Kahua O Kakou, Hui (Corp) Humu'ula Kala'i'eha LLC	Support	Remotely Via Zoom

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

I am a Lineal Descendant to separate properties where my Kupuna iwi resting place takes place and have been denied access to bithe grave sites. Denied access to visit pay my respects, to take flowers to place on their gravesites, or even introduce them to my five living grandchildren. Where or who do we go too in situations like these, especially with the number of Burial Council members now you want to remove two of them?! This will even make it much more harder for us to seek help and protecting our Kupuna Iwi.

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Aloha pumehana,

Elton John SanJose

Mailing address:P.O. Box 6329 Hilo, HI 96720

Mobile number: 808-747-1048

Email address: humuularanch1847@gmail.com

SB-268-SD-1

Submitted on: 3/12/2025 3:27:19 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Halealoha Ayau	Hui Iwi Kuamo'o	Oppose	In Person

Comments:

Aloha to this Honorable Committee, its Chair and Vice Chair,

I strongly oppose this proposed legislation. It is ill conceived and infantile in its approach.

The working relationship between the Native Hawaiian community with LURF and its membership is an important cornerstone of HRS Chapter 6E, section 43, 43.5 and 43.6. I was one of three authors of the original legislation that became Act 306 (Session 1990). The other two authors were Dr Daviana McGregor and Dr Don Hibbard. I am a licensed attorney who helped negotiate the legislation that formally established the island burial councils. OHA was not a part of this effort.

OHA was advised of the high risk low benefits of this proposed legislation by myself and learned staff of OHA. And yet they proceeded. I have conducted repatriation and reburial work for the past 35 years.

I am here to respectfully caution the legislature not to undermine the working relationship between landowners and developers and the regional representatives on the burial councils, and thereby to kill SB 268.

Obnoxiously OHA cites our Burial Sites Working Group Report for authority to support this proposed legislation even though the report does not recommend such action. Instead, it recommends several other actions OHA could have pursued but did not. I served as the Vice Chair for the Working Group.

OHA says the Burial Councils are an expression of Hawaiian self-determination, while it cowers in the corner refusing to accept responsibility for the burial sites program. In June 2021, OHA published an op ed article authored by myself and my dear colleague Dr Kēhaunani Abad, entitled "Place the Kuleana with OHA" in reference to the Burial Sites Program (see, <https://kawaiola.news/hai-manao-opinion/place-the-kuleana-with-oha/>). We argued eloquently as to why OHA must take the Burial Sites Program and administer it under Hawaiian control as SHPD and the State of Hawaii as a whole has failed us in its mismanagement which is the focus of the report from the Burial Sites Working Group. We emphasized our sincere belief and support that OHA was ready to auamo (carry) this heavy kuleana to mālama iwi kūpuna. OHA responded as follows:

"Editor's Note

Caring for our iwi kūpuna is an important kuleana for Native Hawaiians. In recognition of this, the Office of Hawaiian Affairs has cautiously supported past proposals to house certain historic preservation functions within the agency. However, noted concerns include the need to use a substantial amount of Native Hawaiian trust funds to carry out a state responsibility that requires considerable staff time, expertise, and resources not currently available to the agency; the need to appropriately tailor the scope of OHA's jurisdiction, given that burial and historic preservation laws also cover non-Hawaiian burials and historic sites; and the need to give OHA clear site inspection and enforcement authorities, as well as the ability to independently administer and uphold protections for iwi kūpuna and associated artifacts and sites."

Make up your mind OHA, are you folks all end or not to care for the ancestors? Refusing the kuleana to manage the burial sites program does not promote self-determination, it only promotes cowardice. I stand by my words.

Ola nā iwi, the bones live,

Edward Halealoha Ayau

Executive Director, Hui Iwi Kuamo'o

SB-268-SD-1

Submitted on: 3/11/2025 12:50:43 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
P Hauoli'ipo Wright	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

P. Hauoli ipo Wright

808-268-9974 / hauoli.ipo@gmail.com

SB-268-SD-1

Submitted on: 3/11/2025 12:54:04 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawena Lauriano	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

I am writing today to support SB268 SD1. This bill would allow Island Burial Councils to fulfill their kuleana of protecting and caring for iwi kūpuna. Not only does removing the Landowner/Developer seat allow Native Hawaiian cultural practices and knowledge to be centered, it would also increase efficiency within in the Councils who already have a difficult time making quorum. Mahalo for your time and consideration.

Me ke aloha ‘āina,
Kawena

SB-268-SD-1

Submitted on: 3/11/2025 12:56:43 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt L	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

The short of it is: stop taking away from us, the Hawaiian People, and start doing what you said you were going to do.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Matt L

SB-268-SD-1

Submitted on: 3/11/2025 12:57:57 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
jonathan jay	Individual	Support	Written Testimony Only

Comments:

amplify native voices on burial councils- eliminate developers.

SB-268-SD-1

Submitted on: 3/11/2025 12:58:33 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Moniz	Individual	Support	Written Testimony Only

Comments:

Facilitates the intent of the legislation. Protect the iwi.

SB-268-SD-1

Submitted on: 3/11/2025 1:03:15 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimo Cashman	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Kimo Cashman, PhD
kimocashman@gmail.com

SB-268-SD-1

Submitted on: 3/11/2025 1:04:36 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tien Doan	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition to SB 268_SD1

I am writing to express my opposition to SB 268_SD1, which proposes changes to the composition and size of the Island Burial Councils. While I understand the intent behind the bill is to strengthen cultural perspectives, I believe that eliminating the seats reserved for development and large landowner interests could have unintended consequences.

The current structure of the Island Burial Councils, which includes up to three seats for development and large landowner interests, provides a balanced representation of diverse perspectives. This balance is crucial for ensuring that all stakeholders have a voice in the decision-making process, which can lead to more comprehensive and sustainable outcomes. Removing these seats could limit the ability of the councils to consider the broader implications of their decisions on land use and development, potentially hindering collaboration and understanding between cultural practitioners and landowners.

Moreover, reducing the size of the councils from nine to seven members could impact their ability to function effectively. A smaller council may face challenges in achieving quorum and maintaining a diverse range of viewpoints, which are essential for informed decision-making.

I urge you to consider these points and explore alternative solutions that strengthen cultural perspectives without compromising the inclusivity and effectiveness of the Island Burial Councils. It is important to find a balance that respects and protects Native Hawaiian cultural practices while also considering the interests of all parties involved.

Thank you for considering my perspective on this matter.

Sincerely,

Tien Doan

SB-268-SD-1

Submitted on: 3/11/2025 1:10:06 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
SEAN SPENCER	Individual	Support	Written Testimony Only

Comments:

I support [SB268 SD1](#)

SB-268-SD-1

Submitted on: 3/11/2025 1:11:05 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
tifani stegehuis	Individual	Support	Written Testimony Only

Comments:

Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I am writing in support of SB 268_SD1 for the following reasons:

****Promoting mālama iwi practices:**** SB 268_SD1 enhances the ability of Island Burial Councils to achieve their primary goal of protecting and caring for iwi kūpuna. By focusing on cultural knowledge and expertise, and eliminating the requirement for developer and large landowner seats on each council, this bill ensures that the councils will reflect Native Hawaiian cultural perspectives.

****Boosting burial council effectiveness:**** SB 268_SD1 will also reduce the number of individuals required for the councils to convene by removing the landowner seats. Historically, achieving quorum has been challenging, leaving key community issues – such as recognizing lineal and cultural descendants – unresolved. Allowing the councils to operate with fewer members will alleviate this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

****Fulfilling the state's trust duties:**** The State of Hawai‘i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are a crucial way for the state to uphold its trust responsibilities by ensuring Native Hawaiian cultural perspectives are properly represented in council decisions and empowering Native Hawaiian decision-making over burial sites.

As a Native Hawaiian, this is profoundly significant to me. Our unwavering goal as a people and community must be to preserve and perpetuate our people, culture, lands, and history for the prosperity and future of our Hawaiian Islands. SB 268_SD1 is not just a bill—it's a vital step in safeguarding our heritage and ensuring that Native Hawaiian voices are heard and respected.

Mahalo for the opportunity to testify in support of this critical measure. I strongly urge the committee to pass SB 268_SD1 without delay.

Mahalo loa,
Tifani Stegehuis
808-498-5575
Kailua-Kona, Hawai‘i Island

SB-268-SD-1

Submitted on: 3/11/2025 1:13:49 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lea Kamakawiwoole	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

‘owau me ka mahalo

Lea Kamakawiwoole

SB-268-SD-1

Submitted on: 3/11/2025 1:14:15 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristen Floyd	Individual	Support	Written Testimony Only

Comments:

My name is Kristen Floyd, I am Native Hawaiian and I am in strong SUPPORT of this bill. Island burial councils are extremely important to the Native Hawaiian community and it takes an immeasurable level of understanding of the culture and history of Hawaii in order to give appropriate insight towards actions being done with our iwi kupuna. We should be filling these seats with people who have that knowledge and experience to navigate the situations the burial council come across, not landowners and development interests. We need people who will put the families, the culture, the history and the RESPECT of burials at the forefront of their decisions, not money or financial interests. Landowners and developers will only be thinking about their money, their timeline, their schedules and their investments rather than the people and the culture. In instances when they need input from these individuals, burial councils can seek advice or assistance on a case by case basis but to offer them a seat at the table indefinitely is not needed. Keep our Burial Council seat for those who are truly there to malama (care for) our iwi kupuna. The biased opinion of the landowners and developers are not needed when deciding what's best for iwi kupuna, they do not understand how sensitive these situations can be nor do they care. They often have their own agenda and only care about the dollar signs. People like these do not belong on the council.

SB-268-SD-1

Submitted on: 3/11/2025 1:24:45 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

I am writing in strong support of SB 268_SD1 for the following reasons:

SB 268_SD1 will enhance the Island Burial Councils' ability to fulfill their essential role in protecting and mālama iwi kūpuna (ancestral remains). By eliminating reserved seats for developers and large landowners on the councils, this bill prioritizes the cultural expertise and perspectives of Native Hawaiian practitioners and lineal descendants. This adjustment ensures that the councils remain focused on their core mission: the respectful treatment and preservation of Native Hawaiian burial sites.

SB 268_SD1 will improve the efficiency of Island Burial Councils by reducing the required quorum for meetings. Historically, the presence of large landowner seats made it challenging for councils to convene and address critical community issues, including the recognition and protection of burial sites. By removing these landowner seats and reducing the council size from 9 to 7 members (with the Moloka'i council remaining at 5), this bill ensures that councils will be able to meet more easily, reducing delays and ensuring that the voices of lineal and cultural descendants are heard and represented.

The State of Hawai'i holds a constitutional responsibility to protect Native Hawaiian traditional and cultural practices, including the care and preservation of iwi kūpuna. Island Burial Councils are a key component of the state's fulfillment of its trust duties. By ensuring that councils better reflect Native Hawaiian cultural perspectives, SB 268_SD1 empowers Native Hawaiians with decision-making authority over their ancestral burial sites, aligning with the state's obligation to support and protect these practices.

Mahalo nui loa for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Me ka ha'aha'a,
J. Kēhau Lucas
No Wailuku, Maui

SB-268-SD-1

Submitted on: 3/11/2025 1:28:26 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Geesey	Individual	Support	Written Testimony Only

Comments:

Aloha we don't need developers on these councils.

Mahalo for your consideration.

SB-268-SD-1

Submitted on: 3/11/2025 1:37:34 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

I support SB 268_SD1 and ask for your support too. Mahalo.

SB-268-SD-1

Submitted on: 3/11/2025 1:38:40 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dorinna Cortez	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Dorinna Cortez

(808) 987-9685

25-3565 Opalipali St

Hilo, HI 96720

SB-268-SD-1

Submitted on: 3/11/2025 2:00:07 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronnie N Inagaki	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB268 SD1**COMMITTEE ON WATER & LAND****Representative Mark J. Hashem, Chair****Representative Rachele F. Lamosao, Vice ChairHearing****Date:** March 11, 2025**Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Committee,**

My name is Ronnie Inagaki, and I am submitting testimony in strong support of SB268 SD1, which seeks to align the composition and purpose of the Island Burial Councils with the cultural values and traditions of Native Hawaiians related to *malama iwi kupuna*. This measure is critically important for ensuring that the councils are better equipped to fulfill their primary kuleana of protecting and preserving the sacred iwi kupuna, which hold profound spiritual and cultural significance for the Native Hawaiian community.

Reasons for Support**1. Strengthening Cultural Integrity**

By prioritizing council members with a deep understanding of Native Hawaiian culture, history, and burial practices, this bill ensures that decisions regarding the care and protection of iwi kupuna are rooted in respect for Native Hawaiian traditions. This kuleana can only be appropriately upheld by those who are intimately familiar with and committed to these cultural values.

2. Removing Conflicts of Interest

The removal of representatives from development and large property owner interests is a necessary step to refocus the councils on their primary purpose: protecting iwi kupuna. Allowing representatives with conflicting priorities, such as profit-driven development, to sit on the councils risks compromising the integrity and focus of these sacred deliberations.

3. Reducing Council Size for Efficiency

Reducing the size of the councils from nine to seven members (or five for Moloka'i) allows for more streamlined decision-making while maintaining adequate representation

of regional and cultural interests. The smaller size also makes it easier to ensure that all members are aligned with the core values and responsibilities of the councils.

4. Consistent with Native Hawaiian Principles

The proposed changes reflect the values of *malama iwi kupuna*—a responsibility deeply embedded in Native Hawaiian beliefs. This bill honors those principles by ensuring that council members have the cultural knowledge required to make informed, respectful decisions regarding burial sites and ancestral remains.

Recommendations to Strengthen the Bill

While I strongly support SB268 SD1, I respectfully offer the following recommendations to enhance its implementation and impact:

1. Clarify the Selection Process for Council Members

- To ensure fairness and transparency, the criteria and process for appointing culturally knowledgeable representatives should be clearly defined. Collaboration with the Office of Hawaiian Affairs (OHA) in this process should be emphasized to ensure that appointments are rooted in cultural expertise and community trust.

2. Include Training and Resources for Council Members

- To strengthen the capacity of council members, the Department of Land and Natural Resources (DLNR) should provide training on burial-related laws, procedures, and cultural protocols. This will ensure members can navigate both cultural and legal considerations effectively.

3. Expand Community Outreach and Consultation

- To maintain transparency and build trust, the burial councils should engage in regular outreach with Native Hawaiian communities, including those in rural and underserved areas. This would ensure that regional concerns and voices are adequately represented and heard.

4. Address Potential Administrative Impacts

- The reduction in council size may result in a heavier workload for remaining members. To address this, DLNR should assess whether additional administrative support or resources are needed to help the councils fulfill their responsibilities efficiently.

Conclusion

SB268 SD1 represents a significant step forward in respecting and protecting Native Hawaiian cultural practices related to *malama iwi kupuna*. By restructuring the Island Burial Councils to focus on cultural knowledge and removing conflicting interests, this bill ensures that the councils remain true to their sacred purpose. I urge the Committee on Water & Land to pass this measure with the above recommendations to further strengthen its intent and effectiveness. Mahalo for the opportunity to testify in support of this important legislation.

Respectfully,

Ronnie Inagaki

SB-268-SD-1

Submitted on: 3/11/2025 2:33:31 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jackie Lynne P Burke	Individual	Oppose	Written Testimony Only

Comments:

I am in oppoisition . The nature of our island community is unique especially cncerning Hawaiians. Only those with ancestral roots, those of Hawaiians desecendants can fully understand and comprehend the important our of grave site and cultral decline. To allow outsiders is diesrespecdtful and a slap in the face.

Jackie Burke

SB-268-SD-1

Submitted on: 3/11/2025 2:47:11 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shon K Kapu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Shon Kapu
sk23@hawaii.edu

SB-268-SD-1

Submitted on: 3/11/2025 3:06:03 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Simone Kamaunu	Individual	Support	Written Testimony Only

Comments:

Committee on Hawaiian Affairs
Hawai‘i State Legislature
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Subject: Strong Support for SB 268 – Relating to Island Burial Councils

Aloha e nā Chair Members ame Committee,

I am writing in strong support of **SB 268**, which seeks to strengthen and support the Island Burial Councils. As a Native Hawaiian and a dedicated advocate for the protection of our cultural heritage, I recognize the vital role these councils play in safeguarding the final resting places of our kūpuna.

The Island Burial Councils are responsible for upholding the dignity of our ancestral remains, ensuring that iwi kūpuna are treated with the respect and care they deserve. However, these councils often face challenges due to limited resources, vacancies, and lack of adequate support. SB 268 is necessary to address these issues by providing the necessary tools and funding to enable the councils to effectively fulfill their kuleana.

Protecting our iwi kūpuna is not just a Hawaiian issue—it is a matter of human dignity and cultural preservation. Our ancestors laid the foundation for who we are today, and it is our collective responsibility to honor and protect them. By passing SB 268, we reaffirm our commitment to preserving Native Hawaiian cultural practices and ensuring that our sacred sites are not disturbed or desecrated.

I urge the committee to pass SB 268 and take this crucial step toward strengthening the Island Burial Councils. Mahalo for your time and consideration.

Me ka ‘onipa‘a,

Simone‘ Māhealani Kamaunu

SB-268-SD-1

Submitted on: 3/11/2025 3:18:56 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Support	Written Testimony Only

Comments:

****TESTIMONY IN SUPPORT OF S.B. NO. 268, S.D. 1****

Aloha mai kākou,

My name is Tiare Smith, a proud Native Hawaiian and resident of Kahalu‘u, O‘ahu, where I have lived for 45 years. As a descendant of this ‘āina, I carry the kuleana of honoring our iwi kūpuna—our ancestral remains—which embody the spiritual and cultural foundation of our people. I offer this testimony in steadfast support of Senate Bill 268 (SB 268), a measure that aligns the composition of our island burial councils with the sacred values of mālama iwi kūpuna, strengthens their efficacy, and fulfills the state’s trust obligations to Native Hawaiians. This bill represents a critical step toward rectifying systemic imbalances that have, for too long, diluted the councils’ purpose and disenfranchised our cultural priorities.

Perpetuation of Mālama Iwi Practices

The perpetuation of mālama iwi kūpuna is not merely a tradition; it is a profound responsibility rooted in our cosmology, connecting past, present, and future generations to the land. SB 268 advances this kuleana by reducing council membership from nine to seven (or five for Moloka‘i) and excising the mandated inclusion of development and large landowner representatives. This recalibration ensures that council deliberations remain unencumbered by interests antithetical to the spiritual and cultural imperatives of burial protection. For 45 years, I have witnessed the precipitous erosion of sacred sites on O‘ahu due to development pressures. By prioritizing representatives with deep knowledge of Hawaiian burial beliefs, customs, and practices, SB 268 safeguards the sanctity of our iwi kūpuna against such encroachments.

Increasing the Effectiveness of Burial Councils

The current inclusion of development and landowner voices has often precipitated discordant decision-making, undermining the councils’ ability to act decisively in the interest of iwi kūpuna. SB 268 enhances effectiveness by streamlining membership to focus exclusively on regional representatives versed in Hawaiian culture and history. This shift eliminates extraneous perspectives that dilute focus, enabling councils to render decisions with greater clarity and authority. For instance, a council unburdened by competing economic agendas can more swiftly adjudicate burial treatment plans, reducing delays that exacerbate community distress and site desecration.

Implementing the State's Trust Duties

The State of Hawai'i bears a constitutional mandate to protect Native Hawaiian cultural resources—a trust duty affirmed in Article XII, Section 7 of the Hawai'i Constitution. SB 268 operationalizes this obligation by ensuring that burial councils reflect the values of the communities they serve, rather than those who may profit from land exploitation. As a resident of Kahalu'u, I have seen the state's failure to uphold this duty manifest in the alienation of our people from their ancestral heritage. This bill rectifies that breach, reinforcing the state's role as a steward of our cultural legacy.

Safety, Efficacy, and Cost-Effectiveness

Beyond its cultural merits, SB 268 promotes safety, efficacy, and fiscal prudence. Smaller councils reduce administrative overhead—fewer members mean lower travel reimbursements, meeting costs, and staff support expenses. For example, reducing O'ahu's council from nine to seven members could save approximately \$5,000-\$10,000 annually in reimbursements alone, based on current rates for inter-island travel and per diem allowances. These savings could be redirected to fund digital archiving of burial site records or community education programs on mālama iwi, amplifying efficacy without additional taxpayer burden. Moreover, streamlined councils mitigate the risk of protracted disputes with developers, enhancing the safety of iwi kūpuna by expediting protective measures.

Equity and Restorative Justice

Equity demands that those most affected by burial council decisions—Native Hawaiians—hold primacy in shaping their outcomes. The existing structure, with its mandated developer representation, perpetuates a colonial imbalance that privileges economic gain over cultural integrity. SB 268 dismantles this inequity, ensuring that council composition mirrors the values of our 'ohana and lāhui. As a Native Hawaiian woman who has called Kahalu'u home for nearly half a century, I view this bill as a restorative act, one that reclaims our voice in a process too long co-opted by external interests.

Detailed Solutions for Alignment

To maximize SB 268's impact, I propose the following:

1. ****Cultural Training Mandate****: Require all council members to undergo rigorous training in mālama iwi practices, administered by organizations like Hui Mālama I Nā Kūpuna O Hawai'i Nei, at an estimated cost of \$2,000 per member—offset by the savings from reduced membership.
2. ****Community Liaison Program****: Allocate \$15,000 annually (redeployed from administrative savings) to appoint part-time liaisons who engage 'ohana in burial site decisions, ensuring grassroots input and transparency.

3. ****Digital Infrastructure****: Invest \$20,000 one-time (from reallocated funds) in a statewide database for burial site documentation, enhancing council efficiency and public access while minimizing physical site disturbances.

These solutions reinforce SB 268's intent, balancing cultural perpetuation with cost-effective innovation.

Conclusion

For 45 years, I have stood as a witness to both the resilience and the vulnerability of our Native Hawaiian heritage in Kahalu'u. SB 268 is a clarion call to honor our iwi kūpuna with the dignity they deserve. I urge this committee to pass this bill, not merely as a legislative act, but as a covenant with our ancestors and a promise to our descendants. Let us ensure that the island burial councils embody the aloha 'āina that defines us as a people.

Mahalo nui loa for your consideration.

Me ka ha'aha'a,

Tiare Smith

Kahalu'u, O'ahu

SB-268-SD-1

Submitted on: 3/11/2025 3:40:02 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Constance Keoahunui Uale Warrington	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

The Island Burial Councils were created in 1990 to give Native Hawaiian cultural practitioners and lineal descendants a role in protecting iwi kūpuna through the historic review process (HRS Chapter 6E) and to prevent future desecration.

The State of Hawai‘i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

SB 268_SD1 would decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Mahalo for the opportunity to testify in support of this important measure. I respectfully ask and urge the committee to pass SB 268_SD1.

Me ka ha‘aha‘a,

Constance Keoahunui Uale Warrington

1562 Ala Aolua Loop, Honolulu, HI 96819

SB-268-SD-1

Submitted on: 3/11/2025 3:44:40 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johne Constance Colahan	Individual	Support	Written Testimony Only

Comments:

I am submitting my testimony to be heard from the representatives of OHA.

SB-268-SD-1

Submitted on: 3/11/2025 3:51:55 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

SB-268-SD-1

Submitted on: 3/11/2025 3:52:40 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theodora Furtado	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Theodora Furtado

teefurtado@msn.com

SB-268-SD-1

Submitted on: 3/11/2025 4:24:31 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mana Kaleilani Caceres	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

I strongly oppose SB 268_SD1 for the following reasons:

Eliminating Landowner and Developer Accountability

Under HRS §6E-43.5(b), Kānaka ‘Ōiwi already hold a secured majority on the Island Burial Councils (IBCs), with no less than a 2-to-1 ratio over landowner and developer representatives. Removing these seats does not increase Native Hawaiian decision-making power—it removes a critical mechanism for education, engagement, and accountability for those with direct influence over burial sites. Eliminating these voices may make it easier to disregard burial protections rather than strengthening them.

Addressing the Real Problems: State Failures, Not Council Composition

The 2023 Burial Sites Working Group report identified the real barriers to protecting iwi kūpuna:

Delays in appointing IBC members

Lack of enforcement against burial law violations

Inadequate state support for IBC operations

Reducing council size will not fix these systemic failures. Instead, it could worsen quorum issues if vacancies remain unfilled. Rather than removing seats, the focus should be on ensuring the State upholds its responsibilities to properly support IBCs.

The State Must Enforce Burial Protections, Not Weaken Councils

Rather than amending HRS §6E-43.5(b), the more effective solution is ensuring that OHA and the State take a direct stewardship role in enforcing burial protections. SB 268_SD1 does nothing to resolve these issues—it only weakens the council structure while iwi kūpuna remain at risk.

For these reasons, I respectfully urge the committee to reject SB 268_SD1.

Mahalo for the opportunity to testify.

Mana Kaleilani Cáceres

Couldnttakethemana@gmail.com

SB-268-SD-1

Submitted on: 3/11/2025 4:30:47 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gordon B. Lindsey	Individual	Support	Written Testimony Only

Comments:

I support sb268 sd1

SB-268-SD-1

Submitted on: 3/11/2025 4:53:39 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah King	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state’s trust duties: The State of Hawai‘i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

I also believe that it would be a conflict of interest to allow “development and large landowner interests” a seat.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Deborah W. King

808.369.6370

SB-268-SD-1

Submitted on: 3/11/2025 5:50:47 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kekama	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Scott W. K. Amona

swamona@gmail.com

SB-268-SD-1

Submitted on: 3/11/2025 5:51:05 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kastle Soliai	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Kastle Soliai

SB-268-SD-1

Submitted on: 3/11/2025 6:08:01 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lilinoe De Gruy	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Sincerely,

Lilinoe De Gruy

03/11/2025

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I am writing to express my support for SB 268_SD1 for several reasons:

1. Enhancing mālama iwi practices: SB 268_SD1 empowers Island Burial Councils to fulfill better their essential mission of protecting and caring for iwi kūpuna. By prioritizing cultural knowledge and expertise and eliminating the mandatory reserved seats for developers and large landowners, this bill ensures that the councils reflect Native Hawaiian cultural perspectives.
2. Improving the functionality of burial councils: This measure also reduces the number of members needed for councils to convene by removing landowner seats. Traditionally, quorum requirements have hindered councils from meeting, leaving unresolved critical community matters, such as recognizing lineal and cultural descendants. Allowing councils to operate with fewer members will help alleviate this backlog and ensure that descendants can actively participate in safeguarding burial sites.
3. Upholding the state's trust obligations: The State of Hawai'i has a constitutional duty to protect the traditional and cultural practices of Native Hawaiians, including those related to mālama iwi. Island Burial Councils play a vital role in fulfilling this obligation by ensuring that Native Hawaiian cultural viewpoints are truly represented in council decisions and by supporting Native Hawaiian authority over their burial sites.

Mahalo Nui for considering my testimony in support of this important legislation. I strongly urge the committee to pass SB 268_SD1.

Millie Ho
(808) 294-9700

Eileen Cain
720 Mahi'ai St., Apt. E
Honolulu, Hawai'i 96826-5635
eileencaïn808@gmail.com
March 11, 2025

Aloha, Members of the **House Committee on Water and Land**
Hawai'i State House of Representatives

I am testifying in **STRONG SUPPORT of HB 268 SD1.**

My name is Eileen Cain and I have been a resident of Honolulu for nearly 50 years. Although I am haole (caucasian), I believe that the Hawaiian 'ohana need to thrive here in their native homeland.

Decisions about 'iwi kupuna should be made by the indigenous people of this land, not others. For too long, developers and large landowners have wielded far too much power over these islands and native people's rights. Developers and large landowners should not be allowed to have a say in how these 'iwi are taken care of. It is not their place. No seats should be reserved for them on burial councils.

HB268 SD1 can help to right a wrong that has been continuing for more than a century. It is not just a "historic" wrong – it is a current and ongoing wrong, and we all need to ensure justice for the Hawaiian people.

I urge the Committee to **PASS HB268 SD1.** Mahalo for the opportunity to testify.

Mahalo for your attention to this matter.

Aloha,

Eileen Cain

SB-268-SD-1

Submitted on: 3/11/2025 9:03:47 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kalani	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

I am writing in **strong support of SB 268_SD1** for the following reasons:

Strengthening the Protection of Iwi Kūpuna

SB 268_SD1 ensures that the Island Burial Councils (IBCs) can better fulfill their critical role in safeguarding and caring for **iwi kūpuna**. By prioritizing cultural knowledge and removing the requirement for developer and large landowner seats, this bill centers Native Hawaiian perspectives in burial site decisions—where they rightfully belong.

Improving Council Functionality and Effectiveness

Historically, **quorum challenges** have hindered the work of IBCs, delaying essential decisions on the recognition of lineal and cultural descendants and the protection of burial sites. By adjusting council composition, SB 268_SD1 facilitates more **efficient meetings** and timely action on pressing issues.

Fulfilling the State's Constitutional Responsibilities

Hawai'i's constitution mandates the protection of Native Hawaiian cultural and traditional practices, including **mālama iwi**. SB 268_SD1 strengthens the state's ability to uphold this duty by ensuring that decision-making authority over burial sites remains in the hands of those who hold the deepest cultural and ancestral connection to them.

I urge the committee to **pass SB 268_SD1** to protect and perpetuate Native Hawaiian burial practices and ensure that Island Burial Councils can effectively carry out their essential work.

Mahalo for your time and consideration.

SB-268-SD-1

Submitted on: 3/11/2025 10:02:30 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lauren Kepa‘a-Tam Sing	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

Mahalo for the opportunity to provide testimony regarding proposed legislation SB268 SD1.

I strongly oppose SB268 SD1, which seeks to reduce the number of Island Burial Council (IBC) members from nine to seven and remove the designated seats for large landowners and developers. While the intent of this bill may be to strengthen cultural oversight of burial protections and improve quorum, it fails to address the underlying issues with respect to protecting iwi kūpuna.

Under HRS §6E-43.5(b), the IBC is already structured to ensure Kānaka ‘Ōiwi representation holds the majority, with an existing ratio of no less than 2 to 1 over appointed development and landowner representatives. The removal of these seats does not increase Kānaka ‘Ōiwi decision-making power, as that authority is already secured. Instead, it eliminates an opportunity to hold landowners accountable and removes a critical space for them to directly engage with lineal and cultural descendants and be educated in the appropriate treatment of iwi kūpuna. The core issue is not the number or composition of the IBC, it is the systemic failure of the State of Hawai‘i to properly enforce burial laws and support the IBC effectively.

The Burial Sites Working Group (BSWG) 2023 report identified the challenges facing the IBC system which includes delays in appointing new members, lack of enforcement against burial law violations, and inadequate support for IBC members as the most significant barriers to protecting iwi kūpuna. Reducing council size will not solve these issues and may worsen quorum issues if vacancies remain unfilled. This will have a devastating effect on iwi kūpuna who will be forced to unnecessarily suffer in limbo, and directly impact not only the well being of the affected kūpuna, but also the spiritual health of the lāhui. The intention of this legislation is allegedly framed to advocate for the care of iwi kūpuna. However, I regret to inform you that if SB268 SD1 is not thoughtfully and analytically reconsidered, this harmful legislation will undoubtedly threaten iwi kūpuna throughout ko Hawai‘i pae ‘āina.

Rather than amending HRS §6E-43.5(b), a more effective approach may be for OHA to take on a direct stewardship role in the protection of iwi kūpuna, ensuring councils are properly supported and enforcing compliance with burial protection laws. SB268 SD 1 does not cure the core

problems, it only reduces the number of IBC members without addressing the chronic failures that continue to leave iwi kūpuna vulnerable.

Mahalo for the opportunity to submit testimony.

Ola nā iwi.

SB-268-SD-1

Submitted on: 3/11/2025 11:31:51 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Casera Lord	Individual	Support	Written Testimony Only

Comments:

It's stupid that we have to even fight for this this is obviously what should be already an established standard

SB-268-SD-1

Submitted on: 3/12/2025 12:11:21 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state’s trust duties: The State of Hawai‘i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Keala Fung, Honolulu

SB-268-SD-1

Submitted on: 3/12/2025 1:31:54 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lei Ayat-Verdadero	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons: Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives. Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues - including the recognition of lineal and cultural descendants - unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this.

Mahalo,

Lei Ayat-Verdadero

SB-268-SD-1

Submitted on: 3/12/2025 3:09:03 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Napua Froman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB268 because:

"The councils were created to give Native Hawaiian cultural practitioners and lineal descendants a role in protecting iwi kūpuna"

I believe this bill will be effective in helping to protect iwi kupuna.

Mahalo,

Napua Froman

SB-268-SD-1

Submitted on: 3/12/2025 6:26:11 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
János Samu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to be able to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

János Samu
janoss@aol.com

SB-268-SD-1

Submitted on: 3/12/2025 6:49:48 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kameananiokalani Blackman	Individual	Support	Written Testimony Only

Comments:

Aloha kākou. Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I am writing in support SB 268_SD1 for the following reasons:

Perpetuation of protecting and caring for the bones of our ancestors, our mālama iwi practices for iwi kūpuna:

SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission which is to protect and mālama iwi kūpuna. Protecting and caring for iwi kūpuna is an integral part of protecting and caring for the land and water and vice versa here in Hawai‘i. This is good and responsible stewardship practices. By prioritizing cultural knowledge and expertise rooted in a deep responsibility to caring for iwi kūpuna, ‘āina, and wai, and removing the requirement that developer and large landowner interests have reserved seats on each council, SB 268_SD1 ensures that the councils will represent and serve Native Hawaiian cultural perspectives as they were created for in 1990.

Increasing and strengthening the effectiveness of burial councils:

By removing the landowner seats, SB 268_SD1 would therefore decrease the number of individuals necessary for the councils to meet. The quorum requirements have historically made it challenging for councils to convene which leaves very important community issues, such as the recognition of lineal and cultural descendants, unanswered and unresolved. With fewer members, this will allow councils to do the great work they are tasked with that will aid in relieving this backlog. This will also guarantee that we descendants have a voice in the protection and preservation of our burial sites - of our iwi kūpuna.

Implementing the state’s trust duties:

Protecting Native Hawaiian traditional and cultural practices, including those related to mālama iwi, is a constitutional mandate of the State of Hawai‘i. It is mandatory. Island Burial Councils are an essential means for the state to accomplish its trust duties and obligations by ensuring that Native Hawaiians' cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites and our iwi kūpuna.

Mahalo nui loa for the opportunity to testify in support of this very important measure. With great respect and humility, I urge the committee to pass SB 268_SD1.

Kamea Blackman

olanaiwi@gmail.com

SB-268-SD-1

Submitted on: 3/12/2025 6:53:26 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kalama Ku'ikahi	Individual	Support	Written Testimony Only

Comments:

I support this bill and the removing of developers and large landowner interests from the Island burial council. Care for our iwi kupuna should not be influenced by developer and landowner greed or interests

Kēhaunani Cachola Abad, PhD

keabad@gmail.com • 91-1168 Kūhaimoana Place, 'Ewa Beach, Hawai'i 96706 • (808) 366-5235

Senate Judiciary and Hawaiian Affairs Committee

Honorable Chair David A. Tarnas
Honorable Vice Chair Mahina Poepoe
Honorable committee members

Senate Ways and Means Committee

Honorable Chair Lorraine Inouye
Honorable Vice Chair Brandon J.C. Elefante
Honorable committee members

SB 268 Relating to Island Burial Councils

March 12, 2025

Aloha nō e honorable Chairs, Vice Chairs, and committee members. Mahalo nui for the opportunity to testify. I **strongly oppose SB 268** because it would undermine the effectiveness of the Island Burial Councils (IBCs) by reducing their size and removing landowner representation—changes that would harm, rather than help, the protection of iwi kūpuna.

This testimony is provided in my personal capacity and is informed by having served twelve years on the O'ahu Island Burial Council, many years as a member of Hui Mālama i Nā Kūpuna o Hawai'i Nei, and having been a member of the Burial Sites Working Group (BSWG), established by the 2021 Hawai'i State Legislature via HR 113 and SR 171. The BSWG was formed to investigate the treatment of burials and offer recommendations for improvements, which were provided in this [BSWG Report to the 2023 Legislature](http://www.bit.ly/bswg2023) (www.bit.ly/bswg2023), which I had the honor of developing as its primary author.

Maintaining the complementary composition of IBCs

Keeping the current IBC composition helps prevent prolonged, costly, and painful conflicts. Rather than strengthening the protection of iwi kūpuna, removing landowner representation would likely lead to more contentious and protracted disputes, as landowners would be less engaged in collaborative decision-making from the outset.

The current statutory composition of the Island Burial Councils (IBCs) includes representatives from development and large landowner interests, ensuring that deliberations consider cultural, historical, and practical aspects of burial site management. Long-term stewardship of these sites is a shared responsibility among cultural practitioners, landowners, and developers. Landowners and developers bring essential resources and expertise to the table, playing a critical role in identifying, preserving, and protecting burial sites.

Significantly, a majority of the IBC seats are currently held by moku representatives, which allows for cultural concerns to hold greater weight in deliberations by virtue of the votes held by regional cultural practitioners.

Ensuring quorum and effective decision making

Reducing the number of council members and excluding landowners and developers could lead to challenges in meeting quorum requirements, thereby delaying critical decisions related to burial sites.

Typically, those representing landowners and developers are able to attend meetings and take on tasks in their official work capacities, making them reliable IBC members who can be counted on to fulfill their IBC kuleana.

On the other hand, moku representatives are volunteers who have to navigate their work and home lives to make the time to attend IBC meetings and to fulfill kuleana outside of those contexts, which understandably has been a challenge for some members, at times resulting in a lack of quorum and delayed decision-making.

Maintaining the current council size and composition helps ensure that meetings can proceed as scheduled and that work can move along smoothly, allowing timely and effective management of IBC kuleana.

Aligning with BSWG findings

The Burial Sites Working Group Report heard and recorded many hours of testimony at various IBC meetings across the pae ‘āina, all of which are summarized and linked to in the aforementioned BSWG report. At no point did the testifiers or BSWG members identify landowner participation as a problem, nor did testifiers suggest that their removal would enhance protections for iwi kūpuna. **Any use of the 2023 BSWG report to justify SB 268 misrepresents its findings.**

Conclusion

For these reasons, I respectfully urge your committees to **reject SB 268**. Preserving the current structure of the Island Burial Councils helps foster shared understandings, collaboration, and kuleana needed to effectively and responsibly protect iwi kūpuna and wahi kūpuna.

Mahalo nui loa for your time and consideration.

SB-268-SD-1

Submitted on: 3/12/2025 7:40:20 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hualani Moore	Individual	Support	Written Testimony Only

Comments:

There have been too many instances of developer interests overriding our cultural imperative to protect the iwi of our kupuna, historically and currently. We need to end this structural conflict of interest on the Burial Councils. One way would be to remove developers from the councils; another would be to prohibit members from representing or working in development for a period before and after. I support this bill.

SB-268-SD-1

Submitted on: 3/12/2025 7:52:51 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Oppose	Written Testimony Only

Comments:

To protect the 'iwi kupuna the amount of members on the council should not decrease and how dare you allow developers to be on the council, that is HEWA! Their interest is opposite of protecting these sacred sites and many don't appreciate Hawaiian vaules. I strongly oppose this bill!!

SB-268-SD-1

Submitted on: 3/12/2025 8:44:51 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mia Sado-Magbual	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mia Kaulana Sado-Magbual

Mauiwahine54@hotmail.com

808-357-3633

SB-268-SD-1

Submitted on: 3/12/2025 8:47:33 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Rosenstock	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Linda Rosenstock

lindarosenstock@comcast.net

SB-268-SD-1

Submitted on: 3/12/2025 8:49:08 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B Puni Kekauoha	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land:

I strongly support SB 268_SD1 for the following reasons:

Perpetuation of mālama iwi practices: SB 268_SD1 strengthens the ability of Island Burial Councils to fulfill their primary mission: to protect and mālama iwi kūpuna. By centering cultural knowledge and expertise, and removing the requirement that developer and large landowner interests have reserved seats on each council, this bill ensures the councils will represent Native Hawaiian cultural perspectives.

Increasing the effectiveness of burial councils: SB 268_SD1 would also decrease the number of individuals necessary for the councils to meet by removing the landowner seats. Historically, quorum requirements have made it difficult for councils to convene, leaving important community issues – including the recognition of lineal and cultural descendants – unresolved. Allowing councils to do business with fewer members will help relieve this backlog and ensure that descendants have a voice in the protection and preservation of burial sites.

Implementing the state's trust duties: The State of Hawai'i has a constitutional mandate to protect Native Hawaiian traditional and cultural practices, including those related to mālama iwi. Island Burial Councils are an important means for the state to effectuate its trust duties by ensuring that Native Hawaiians cultural perspectives are properly reflected in council decisions, and by empowering Native Hawaiian decision-making authority over Native Hawaiian burial sites.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

Mahalo for the opportunity to testify in support of this important measure. I respectfully urge the committee to pass SB 268_SD1.

B. Puni Kekauoha

Hawaiian Homestead beneficiary, Papakolea Region

SB-268-SD-1

Submitted on: 3/12/2025 8:59:44 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lia-Tui Sarong	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

I support this bill SB 268_SD1. Removing reserved seats for developer and land owner interests aligns with primary goal of the Island Burial Councils which is to protect and mālama ‘iwi kūpuna. The special interests chair seems misplaced in the first place because it likely has a conflict of interest with the purpose of the council. The council is also a way that the State fulfills its constitutional mandate to protect Native Hawaiian traditional and cultural practices. So thus in the removal of special interest chairs that have conflict of interest we can strengthen the ability of the council has to protect and mālama ‘iwi kūpuna and the fulfillment of the States responsibility to Native Hawaiians. With less seats, community issues can be more easily resolved since there will be less problems with chairs being unable to convene.

Mahalo for this opportunity to testify. Aloha.

SB-268-SD-1

Submitted on: 3/12/2025 9:42:20 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keiko Gonzalez	Individual	Oppose	Written Testimony Only

Comments:

Aloha mai kāua,

This testimony supersedes my previous testimony in support of this measure. In light of recent revelations, I now strongly oppose this bill for the following reasons:

1. Kamehameha Schools would lose its seat. KS has ‘āina and other resources and appoints pono people to the council. KS and Hawaiians would lose a good voice there.
2. It will be hard to get quorum without the landowner seats, which threatens the necessity of the burial council and could cause it to be defunct. The burial council is an important organization that we need to protect our iwi kupuna and the ‘ohana who descend from them.
3. If the problem is with a specific landowner (like Dowling on Maui), the solution is to check him at the burial council level, not remove all the other people on the council (like Chuck Eirhorn and KS on O‘ahu who are active on the council and strive for pono).

I humbly ask that you oppose this bill and help to ensure that the important work of the burial council continues for ‘ohana Hawai‘i for generations to come.

Me ke aloha,

Keiko Gonzalez (He‘eia, O‘ahu)

SB-268-SD-1

Submitted on: 3/12/2025 10:52:01 AM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

SB-268-SD-1

Submitted on: 3/12/2025 12:23:32 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jerrean Kaikaina	Individual	Support	Written Testimony Only

Comments:

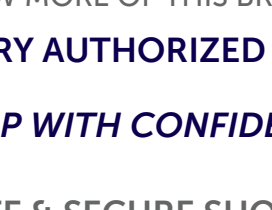
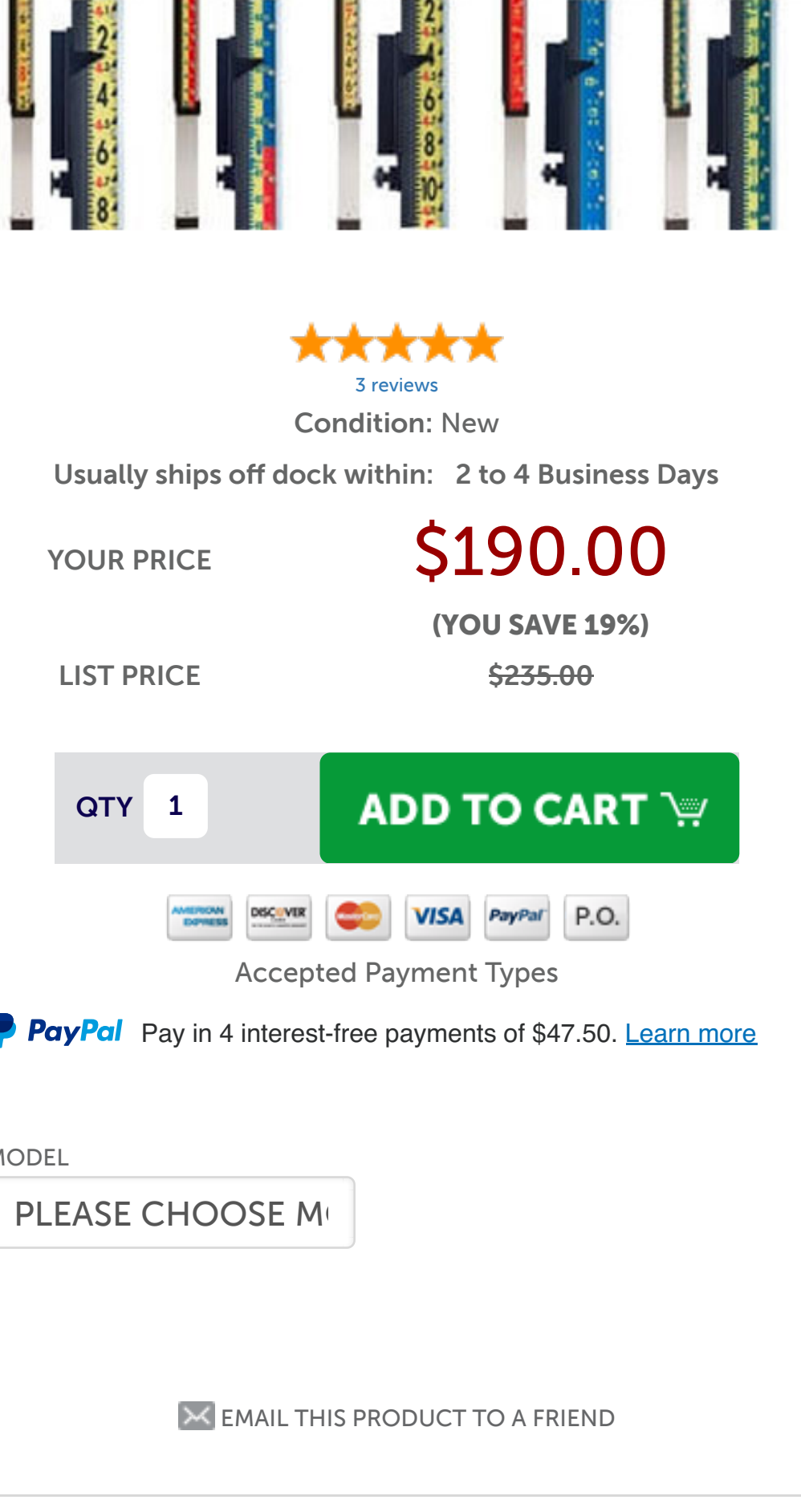
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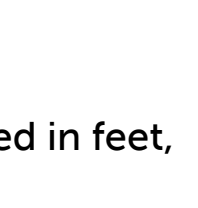
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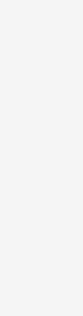
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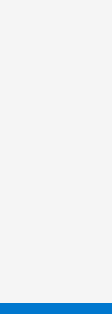
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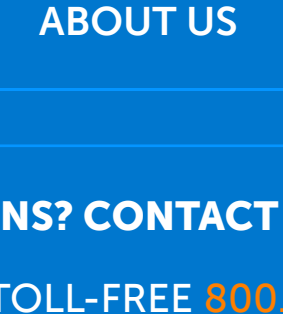
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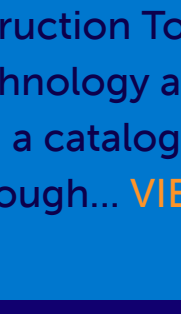
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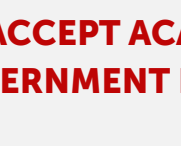
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SB-268-SD-1

Submitted on: 3/12/2025 9:57:40 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Roslyn Cummings	Individual	Comments	In Person

Comments:

AFFIDAVIT OF PUBLIC DECLARATION IN OPPOSITION TO SB268

Protecting Pale Iwi Waiwai, Ho‘oilina Rights, and Fiduciary Obligations to Na Kupuna

To Be Served Upon the State of Hawai‘i and the United States Federal Government

Roslyn Cummings

Mana Lomi Practitioner, Ho‘oilina, Hoa‘āina, Na Kanaka

c/o 2569 Pu‘u Rd

Kalaheo, Hawai‘i (Zip Exempt – 96741)

Date: 03/12/2024

TO:

- Honorable Members of the Hawai‘i State Legislature
- Hawai‘i State Department of Land and Natural Resources
- Office of Hawaiian Affairs
- State of Hawai‘i Office of the Attorney General
- United States Department of State, Office of the Secretary of State

**SUBJECT: AFFIDAVIT OF OPPOSITION TO SB268 – ENSURING TRUST
ACCOUNTABILITY, CULTURAL INTEGRITY, AND PROTECTION OF IWI KŪPUNA**

Aloha Honorable Senators and Members of the Hawai‘i State Legislature,

I submit this formal public affidavit of opposition to SB268, which threatens the integrity and fiduciary obligations of Island Burial Councils to protect and preserve iwi kūpuna and uphold the trust responsibilities inherent in Hawaiian Kingdom law, customary practice, and international legal protections.

As a Mana Lomi Practitioner, Ho‘oilina, Hoa‘āina, and Na Kanaka, I have firsthand knowledge of the ongoing corruption, mismanagement, and commercial exploitation of iwi kūpuna through the current structure of the Island Burial Councils. The continued failure of public officials to uphold their fiduciary trust obligations has resulted in violations of international treaty law, trust law, and the inherent rights of ho‘oilina.

SB268 does not go far enough in addressing these issues. While reducing council seats from nine to seven and removing development and large property owner interests is a necessary step, it does not resolve the systemic fiduciary breaches that continue to endanger our iwi kūpuna.

I. FIDUCIARY DUTY AND TRUST OBLIGATIONS OF PUBLIC OFFICIALS

Island Burial Councils and elected officials are trustees with fiduciary responsibilities to uphold the following legal obligations:

Hawaiian Kingdom Trust Law – The 1848 Māhele and 1850 Kuleana Act established private land trusts, including protections for iwi kūpuna. Any action that neglects or disregards the duty to protect these sacred remains constitutes a breach of trust.

Public Fiduciary Duty – As defined under Hawai‘i Revised Statutes (HRS) §10-3, §6E-43, and §6E-43.5, elected officials and burial councils must act solely in the interest of iwi kūpuna and ho‘oilina, without private or political influence.

U.S. Trust Obligations Under the 1849 Treaty – The 1849 Treaty of Friendship, Commerce, and Navigation between the Hawaiian Kingdom and the United States remains in force under U.S.

Constitutional Law (Article VI, Supremacy Clause), mandating that the U.S. and its agencies uphold the protection of Hawaiian Kingdom lands and cultural sites.

International Trust Protections – The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Universal Declaration of Human Rights (UDHR, Article 17 & 18) affirm the rights of ho‘oilina to protect iwi kūpuna and ancestral burial sites from desecration.

Breach of Fiduciary Duty Consequences – Any public official or burial council member who fails in their fiduciary duty to iwi kūpuna is liable under:

- 18 U.S.C. § 241 – Conspiracy Against Rights
- 18 U.S.C. § 242 – Deprivation of Rights Under Color of Law
- 42 U.S.C. § 1983 – Civil Action for Deprivation of Rights
- 28 U.S.C. § 2671 – Federal Tort Claims Act (for violations of trust law by U.S. agencies)

II. SYSTEMIC TRUST VIOLATIONS UNDER CURRENT BURIAL COUNCIL STRUCTURE

As a ho‘oilina with direct experience dealing with Island Burial Councils, I have witnessed the following fiduciary breaches:

1. Desecration and Mismanagement of Iwi Kūpuna Waiwai

- Iwi kūpuna Waiwai are often disregarded, displaced, and mishandled under the influence of developers and private landowners who hold seats on the councils.
- The existing system allows for political and commercial interference rather than prioritizing the kuleana of protecting our ancestors.

2. Failure to Act in the Interest of Ho‘oilina and Na Kupuna

- Ho‘oilina have been ignored, dismissed, or removed from burial discussions, allowing state and private interests to dictate decisions regarding iwi kūpuna waiwai.
- Burial council proceedings often lack transparency, fail to notify descendants, and act without full transparency, incompetence to the law.

3. Use of Burial Councils as a Tool for Land Development

- There is a long history of burial councils granting exemptions for developers, prioritizing corporate interests over cultural preservation.
- This is a direct breach of fiduciary duty and violates the original intent of burial councils as protectors of iwi kūpuna.

III. NECESSARY AMENDMENTS TO SB268

If the State of Hawai‘i intends to enforce SB268, the following critical amendments must be made to uphold fiduciary obligations and trust protections:

1. Exclusive Representation by Ho‘oilina and Hoa‘āina

- Burial Councils must be composed solely of those with genealogical ties to the land and iwi kūpuna, ensuring that only those with cultural and ancestral responsibility are decision-makers.

2. Prohibition of Political and Private Interests on Burial Councils

- No individual representing developers, large landowners, corporate interests, or state agencies should have a seat on the council.

3. Transparency and Mandatory Ho‘oilina Consultation

- Ho‘oilina and hoa‘āina must be consulted before any burial decision is made. This ensures iwi kūpuna remain under the stewardship of those who are legally and spiritually bound to their protection.

4. Independent Oversight Committee to Investigate Fiduciary Breaches

- A separate governing body must be created to oversee burial councils and investigate fiduciary violations, ensuring accountability for any desecration or mismanagement of iwi kūpuna.

IV. FINAL NOTICE OF OPPOSITION TO SB268

Failure to implement these amendments will result in further action to hold the State of Hawai‘i accountable for violations of trust law.

Continued political manipulation of Island Burial Councils will lead to formal complaints with the U.S. Department of Justice, the Federal Courts, and international human rights organizations.

Public officials who fail to uphold fiduciary obligations will be subject to personal and official liability under federal trust laws.

This public affidavit serves as an official declaration of opposition to SB268 and will be entered into the public record to hold state agencies and burial councils accountable for their fiduciary duties.

V. AFFIRMATION OF PUBLIC TESTIMONY

I, Roslyn Cummings, submit this formal public testimony in opposition to SB268, to be entered into the record before the Hawai‘i State Legislature.

Submitted on: 03/12/2025

By:

Roslyn Cummings

Mana Lomi Practitioner

Ho‘oilina, Hoa‘āina, Na Kanaka

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SB-268-SD-1

Submitted on: 3/12/2025 11:14:15 PM

Testimony for WAL on 3/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Makoa Caceres	Individual	Oppose	In Person

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water and Land,

I am here before you today in strong opposition of SB 268_D1.

The Island Burial Councils do, in fact, have a quorum issue. However, eliminating the requirement for development and large property owner representatives present on the council and reducing the size of the council is like trying to fix a bullet wound to the shoulder with a band-aid, and putting the band-aid on the wrong arm. All it's doing is pretending to address the problem, while ignoring the systematic failures that are actually causing it. I, myself, submitted my application to the O'ahu Island Burial Council in 2023. My application sat for over a year until OHA reviewed it and made a recommendation to the governor's office. In the meantime, the OIBC failed to meet quorum. OHA's and SHPD's inability to review and appoint members in a timely manner is the root of the quorum issue, not the presence of representatives for large landowners. In fact, these large landowner representatives provide much needed balance to the council. Their presence creates a unique and critical opportunity for members of the public, recognized descendants, and other IBC members to engage directly with individuals who have experience with iwi kūpuna issues who typically sit on the opposite side of the table. In my experience as a recognized cultural descendant for over 10 years, large landowners representatives such as Kamana'o Mills and Chuck Ehrhorn have been the biggest allies and advocates in mālama iwi kūpuna work. Furthermore, their removal from the councils and the reduction in council members will only worsen quorum issues.

I ask that this body, at minimum, ensure the band-aid is put on the right arm. Vote no on this Senate Bill, and seek ways that will actually help to empower those who work to advocate and protect our iwi kūpuna.

Mahalo nui,

Makoa Kaleilani Kamohali'i Caceres