
HOUSE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING
GROUP TO REVIEW THE SYSTEM AND PROCEDURES FOR THE REVIEW OF
NATIVE HAWAIIAN BURIAL SITES.

1 WHEREAS, it is important to protect and preserve
2 prehistoric and historic native Hawaiian burial sites, to ensure
3 that native Hawaiian ancestors are afforded dignity and respect;
4 and
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6 WHEREAS, in Hawaiian culture, ancestral bones, or iwi,
7 possess the person's *mana*, or spiritual essence; after death,
8 only the iwi were considered sacred because they contained the
9 person's *mana* or spiritual essence; and
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11 WHEREAS, native Hawaiians interred the remains of the
12 deceased at night to prevent enemies from locating them, in an
13 attempt to steal, degrade, or otherwise use the spiritual power
14 contained in the remains; and
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16 WHEREAS, for Hawaiians today, the proper treatment of
17 ancestral bones remains essential to avoid insulting the
18 person's spirit or bringing trauma and harm to living
19 descendants; and
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21 WHEREAS, it is the wish of many Hawaiians that ancestral
22 burial sites be left in place and undisturbed; however,
23 construction in Hawaii has often resulted in the inadvertent
24 finding of iwi, the bones of ancestral Hawaiians; and
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26 WHEREAS, because the disinterring of ancient Hawaiian
27 burial sites has such far-reaching implications for Hawaiians
28 based upon the importance of the proper treatment of the
29 ancestral iwi, the Island Burial Councils were created in 1990
30 within the Historic Preservation Division of the Department of
31 Land and Natural Resources, and were authorized to determine



1 whether to preserve in place or relocate previously identified
2 Hawaiian burial sites and to make recommendations on the
3 treatment of inadvertently discovered native Hawaiian skeletal
4 remains; and

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6 WHEREAS, in ancient Hawaii, caves and lava tubes were
7 sometimes used as burial sites because of their remote
8 locations; and

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10 WHEREAS, although current law does not expressly include
11 burial caves in the definition of a burial site in section 6E-2,
12 Hawaii Revised Statutes (HRS), section 6D-8, HRS, requires
13 anyone traversing a cave who discovers a burial site to
14 immediately leave the cave and report the discovery as soon as
15 possible to the Department of Land and Natural Resources, which
16 is required to follow the procedures relating to an inadvertent
17 discovery of a "burial site," as set forth in section 6E-43.6,
18 HRS; now, therefore,

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20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-fifth Legislature of the State of Hawaii, Regular Session
22 of 2009, the Senate concurring, that the Office of Hawaiian
23 Affairs is requested to convene a working group to review the
24 existing system and procedures for the review and preservation
25 of native Hawaiian burial sites, including the inadvertent
26 discovery of such sites; and

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28 BE IT FURTHER RESOLVED that the working group include a
29 representative of the Kamakakuokalani Center for Hawaiian
30 Studies at the University of Hawaii, Kanaka Council, Historic
31 Preservation Division of the Department of Land and Natural
32 Resources, the Island Burial Councils, University of Hawaii at
33 Hilo, and Hui Malama I Na Kupuna O Hawaii Nei; and

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35 BE IT FURTHER RESOLVED that the working group's review
36 include:

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38 (1) Procedures relating to the recovery, reburial,
39 preservation, and protection of ancestral Hawaiian
40 remains, including known native Hawaiian burial sites
41 and inadvertently discovered sites, particularly
42 during construction;
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1 (2) Consideration and discussion of the definition of the
2 term "burial cave" proposed in House Bill No. 1662
3 (2009), which states that a ""burial cave" means a
4 cave or lava tube, or a portion of a cave or lava
5 tube, where sufficient physical or cultural evidence
6 suggests that the cave or lava tube, or a portion of
7 the cave or lava tube, was used for or viewed as a
8 burial site;" and
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10 (3) Consideration and discussion of concerns relating to
11 the State Historic Preservation Division, including
12 personnel, leadership, and resource issues, and the
13 problems highlighted by the Wal-Mart, Hokulia, Ward,
14 and Naue situations;
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16 and
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18 BE IT FURTHER RESOLVED that the working group submit its
19 findings and recommendations, including any proposed
20 legislation, to the Legislature no later than 20 days prior to
21 the convening of the Regular Session of 2010; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Chairperson of the
25 Board of Trustees of the Office of Hawaiian Affairs,
26 Administrator of the State Historic Preservation Division of the
27 Department of Land and Natural Resources, Director of the
28 Kamakakuokalani Center for Hawaiian Studies at the University of
29 Hawaii, Chairperson of each island burial council, Director of
30 the Kanaka Council Moku o Keawe, Chancellor of the University of
31 Hawaii at Hilo, and Hui Malama I Na Kupuna O Hawaii Nei.

