
HOUSE RESOLUTION

REQUESTING THE ESTABLISHMENT OF A BURIAL SITES WORKING GROUP TO
REVIEW AND RECOMMEND IMPROVEMENTS TO THE ISLAND BURIAL
COUNCILS.

1 WHEREAS, the Legislature acknowledges the State's duty to
2 native Hawaiians is firmly established in the state constitution
3 in article XII; and
4

5 WHEREAS, the Legislature and the State also recognize their
6 unique trust relationship with Native Hawaiians; and
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8 WHEREAS, the Department of Land and Natural Resources'
9 mission is to "[e]nhance, protect, conserve and manage Hawaii's
10 unique and limited natural, cultural and historic resources
11 held in public trust for current and future generations of the
12 people of Hawaii nei, and its visitors, in partnership with
13 others from the public and private sectors"; and
14

15 WHEREAS, within the Department of Land and Natural
16 Resources is the State Historic Preservation Division, which
17 strives to preserve and protect Hawaii's historic identity; and
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19 WHEREAS, the Island Burial Councils within the State
20 Historic Preservation Division's History and Culture Branch have
21 the duty of protecting and managing traditional Native Hawaiian
22 burial sites over fifty years old that are most commonly found
23 unmarked according to ancient cultural protocols; and
24

25 WHEREAS, Island Burial Council members are reviewed and
26 vetted by the Office of Hawaiian Affairs, who submits a list of
27 names and qualifications of potential council members to the
28 Governor, who nominates these individuals to sit on the
29 councils, subject to confirmation by the Senate; and
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1 WHEREAS, council members take upon themselves the sworn
2 duties and obligations to care for iwi kūpuna (ancestral bones)
3 and moepū (funerary possessions); and
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5 WHEREAS, the Island Burial Councils are charged with, among
6 other things, overseeing and determining whether previously
7 identified Native Hawaiian burial sites will be preserved in
8 place or relocated; and
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10 WHEREAS, when there are inadvertent discoveries of iwi
11 kūpuna, these burial sites are under the jurisdiction of the
12 State Historic Preservation Division; and
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14 WHEREAS, the State Historic Preservation Division has been
15 the subject of numerous audits and was put on probation with the
16 National Parks Service, but has recently been moved from a
17 high-risk to a medium-risk recipient of federal funds; and
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19 WHEREAS, many within the Native Hawaiian community,
20 especially lineal descendants, have also expressed frustration
21 at the lack of action by the State Historic Preservation
22 Division; and
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24 WHEREAS, despite calls for assistance from Island Burial
25 Council members, the councils continue to be inadequately
26 staffed and undertrained; and
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28 WHEREAS, members also claim that there has been a failure
29 to enforce burial site violations while not developing an
30 adequate inventory of Native Hawaiian burial sites; and
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32 WHEREAS, there is a significant divide between Native
33 Hawaiians and the State Historic Preservation Division, a branch
34 of government meant to provide guidance on significant cultural
35 and historical issues; and
36

37 WHEREAS, section 10-1(b), Hawaii Revised Statutes, states
38 that "[i]t shall be the duty and responsibility of all state
39 departments and instrumentalities of state government providing
40 services and programs which affect native Hawaiians and
41 Hawaiians to actively work toward the goals of this chapter and



1 to cooperate with and assist wherever possible the office of
2 Hawaiian affairs"; and

3
4 WHEREAS, section 10-3, Hawaii Revised Statutes, states that
5 the Office of Hawaiian Affairs shall work toward the betterment
6 of native Hawaiians and Hawaiians by "[a]ssessing the policies
7 and practices of other agencies impacting on native Hawaiians
8 and Hawaiians, and conducting advocacy efforts for native
9 Hawaiians and Hawaiians"; now, therefore,

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11 BE IT RESOLVED by the House of Representatives of the
12 Thirty-first Legislature of the State of Hawaii, Regular Session
13 of 2021, that the Office of Hawaiian Affairs is requested to
14 convene and conduct the facilitation of a working group to
15 review and recommend improvements to the workings of the Island
16 Burial Councils, which are administratively attached to the
17 State Historic Preservation Division, and how to implement them;
18 and

19
20 BE IT FURTHER RESOLVED that the working group is requested
21 to determine ways to strengthen protections and improve
22 resources for Native Hawaiian burials; and

23
24 BE IT FURTHER RESOLVED that the working group include the
25 following members:

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- 27 (1) The Chief of the History and Culture Branch of the
- 28 State Historic Preservation Division or the Chief's
- 29 designee;
- 30
- 31 (2) The Chief of the Division of Conservation and
- 32 Resources Enforcement of the Department of Land and
- 33 Natural Resources or the Chief's designee;
- 34
- 35 (3) The Chief Executive Officer of the Office of Hawaiian
- 36 Affairs or the Chief Executive Officer's designee;



- 1 (4) One individual from each Island Burial Council, to be
- 2 selected by a majority vote of its respective members;
- 3
- 4 (5) One staff member from the Department of the Attorney
- 5 General, to be selected by the Attorney General;
- 6
- 7 (6) The Dean of the William S. Richardson School of Law or
- 8 the Dean's designee;
- 9
- 10 (7) One Native Hawaiian cultural practitioner, to be
- 11 selected by Huliauapa'a; and
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- 13 (8) One island burial lineal descendant, to be selected by
- 14 Huliauapa'a; and
- 15

16 BE IT FURTHER RESOLVED that the working group is requested
 17 to examine ways to improve the implementation of the Island
 18 Burial Councils' duties and responsibilities and to better
 19 understand and determine their relationship to the State
 20 Historic Preservation Division and its management; and

21
 22 BE IT FURTHER RESOLVED that the working group is requested
 23 to review existing statutes and administrative rules pertaining
 24 to the Island Burial Councils and ways to develop their
 25 implementation; and

26
 27 BE IT FURTHER RESOLVED that the working group is requested
 28 to provide recommendations on the development of a statewide
 29 survey and inventory that documents historic properties where
 30 burial sites exist or may exist, including properties owned by
 31 the State or the counties; and

32
 33 BE IT FURTHER RESOLVED that the working group is requested
 34 to submit a report of its findings and recommendations to the
 35 Legislature no later than twenty days prior to the convening of
 36 the Regular Session of 2022; and

37
 38 BE IT FURTHER RESOLVED that certified copies of this
 39 Resolution be transmitted to the Governor; Attorney General;
 40 Chief Executive Officer of the Office of Hawaiian Affairs; Chief
 41 of the Division of Conservation and Resources Enforcement of the



1 Department of Land and Natural Resources; Chief of the History
2 and Culture Branch of the State Historic Preservation Division
3 of the Department of Land and Natural Resources; Dean of the
4 William S. Richardson School of Law; Chairpersons of the Hawai'i
5 Island Burial Council, Kaua'i/Ni'ihau Island Burial Council,
6 Maui/Lana'i Island Burial Council, O'ahu Island Burial Council,
7 and Moloka'i Island Burial Council; and President of Huliauapa'a.
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