

JAN 20 2023

A BILL FOR AN ACT

RELATING TO BURIAL SITES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that traditional Hawaiian
2 burials play a critical role in Hawaiian culture. A recognized
3 traditional Hawaiian practice for treatment of human remains
4 involves reducing the remains to its skeletal remains, known as
5 ‘iwi, and interring the ‘iwi in a kapa or lauhala container. The
6 cultural significance of ‘iwi is deeply rooted in Native Hawaiian
7 oral traditions, language, and culture. Native Hawaiian burial
8 traditions acknowledge the natural cycles of life and death.
9 ‘Iwi are vital to the perpetuation of living Native Hawaiians, as
10 they are the lasting embodiment of ancestors and a continuous
11 genealogical link from past, present, and future generations.

12 The legislature further finds that coastal erosion is an
13 increasing threat to Hawaiian burial sites. The effects of
14 climate change pose a significant threat to ‘iwi exposed or
15 likely to be exposed by coastal erosion caused by rising sea
16 levels. Recent extreme weather events such as torrential rains
17 and king tides have catalyzed coastal erosion in low-lying



1 areas, which increase the likelihood of landslides and high
2 surface runoff. Unidentified 'iwi in coastal areas are at severe
3 risk of being exposed and compromised by coastal erosion that
4 may impact burial sites as early as 2030.

5 Accordingly, the purpose of this Act is to create a
6 department of land and natural resources inter-division program
7 between the state historic preservation division, land division,
8 office of conservation and coastal lands, and island burial
9 councils, in partnership with the office of Hawaiian affairs to
10 address the location of Hawaiian burial sites and safe movement
11 and restoration of 'iwi that are exposed or likely to be exposed
12 due to coastal erosion.

13 SECTION 2. (a) The state historic preservation division
14 of the department of land and natural resources shall establish
15 an inter-division program to address the location, movement,
16 relocation, and restoration of Hawaiian burial sites that are
17 exposed or likely to be exposed by coastal erosion due to
18 climate change. The state historic preservation division shall
19 collaborate with the land division, office of conservation and
20 coastal lands, island burial councils, and office of Hawaiian
21 affairs in the development of the program.



- 1 (b) The inter-division program shall:
- 2 (1) Examine the fiscal impacts of the movement and
- 3 relocation of ‘iwi affected by coastal erosion to
- 4 locations inland that maintain lineal genealogical or
- 5 cultural connections;
- 6 (2) Take appropriate steps to move and relocate ‘iwi from
- 7 impacted burial sites to areas further inland within
- 8 the same moku;
- 9 (3) Provide guidance and technical assistance to
- 10 communities, organizations, and other stakeholders
- 11 with lineal genealogical or cultural connections to
- 12 the impacted ‘iwi; and
- 13 (4) Develop policies and procedures to protect impacted
- 14 ‘iwi and burial sites that have not been relocated or
- 15 those that have been relocated.
- 16 (c) The state historic preservation division may adopt
- 17 rules in accordance with chapter 91, Hawaii Revised Statutes, to
- 18 carry out the purposes of this section.
- 19 (d) The inter-division program shall collaborate with
- 20 interested stakeholders, including appropriate Hawaiian
- 21 organizations, property owners, community organizations, and



1 other state and county government agencies and private
2 organizations concerned with the location and movement of 'iwi
3 from areas impacted by coastal erosion caused by climate change.

4 (e) The state historic preservation division shall submit
5 a report of its findings and recommendations, including any
6 proposed legislation, to the legislature no later than twenty
7 days prior to the convening of the regular session of 2024.

8 SECTION 3. For 'iwi found, the office of Hawaiian affairs
9 shall cover costs related to the movement and relocation of 'iwi
10 impacted by coastal erosion. For non-Hawaiian human remains,
11 the department of land and natural resources shall utilize funds
12 expended in this Act to move and relocate remains in areas
13 impacted by coastal erosion.

14 SECTION 4. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2023-2024 and
17 the same sum or so much thereof as may be necessary for fiscal
18 year 2024-2025 for the development of policies and procedures to
19 advance the purposes of this Act and for the movement and
20 restoration of non-Hawaiian burial sites impacted by coastal
21 erosion or likely to be impacted by coastal erosion.



1 The sums appropriated shall be expended by the department
2 of land and natural resources for the purposes of this Act.

3 SECTION 5. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: *Archie L. Inouye*



S.B. NO. 734

Report Title:

Burial Sites; Coastal Erosion; State Historic Preservation Division; Office of Hawaiian Affairs; Appropriation

Description:

Establishes an inter-division program between the State Historic Preservation Division, Land Division, Office of Conservation and Coastal Lands, Island Burial Councils, and the Office of Hawaiian Affairs that addresses the location, movement, and restoration of Hawaiian burial sites, or 'iwi, exposed or likely to be exposed to coastal erosion. Appropriates funds.

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