

**SB-2591**

Submitted on: 2/6/2024 11:54:27 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michele Hoopii	Testifying for Maui-Lanai Island Burial Council Member-Wailuku Rep	Oppose	Written Testimony Only

Comments:

I OPPOSE for the following reason - the authors of the proposed legislative changes DOES NOT represent the community's views nor the current Maui-Lana'i Island Burial Council as a whole but rather past council representation of a select few.

February 8, 2024  
Senate Committee on Hawaiian Affairs  
Senate Committee on Water and Land  
Thursday, February 8, 2024 at 1:15 pm

Aloha Chairs Shimabukuro and Inouye, Vice Chairs Fevella and Elefante, and members of the Committees:

For the bills on the agenda for February 8, 2024, I respectfully provide the following testimony based on my experience as a community housing developer for the last 30+ years and serving on the Maui Lana‘i Island Burial Council.

SB 2591: I **oppose** this bill since it opens the door to legal and personal injury liability issues of having an individual access private property.

Thank you for your consideration.

Best regards,

Everett Dowling  
Member of the Maui Lanai Islands Burial Council

**SB-2591**

Submitted on: 2/7/2024 12:57:20 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Vernon	Testifying for Maui Lanaʻi Island Burial Council	Oppose	Written Testimony Only

Comments:

Aloha e Chair Shimabukuru,

I'm providing testimony as Vice-Chair of the MLIBC to oppose SB2591.

Many concerns should be vetted from the Report of the Burials Sites Working Group.

[- Page 10, Table 2 - Testimonies. These testimonies should be reviewed thoroughly to see if it is truthful, creditable and the whole story is given.

- Preventing Housing, smart growth, creating contested cases and settlements will broaden more opportunities in this Bill from Iwi advocates

Sorry I running out of time to add more of my concerns.

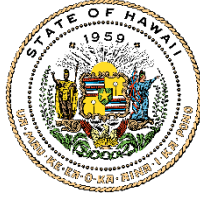
Mahalos,

Vice-Chair MLIBC

Vernon Kalanikau

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANGE  
Chairperson

Before the Senate Committee on  
HAWAIIAN AFFAIRS  
and  
WATER AND LAND

Thursday, February 08, 2024  
1:15 PM

State Capitol Room 224 & Via Videoconference

In consideration of  
SENATE BILL 2591  
RELATING TO BURIAL SITES

Senate Bill 2591 proposes to amend section 6E-10(e), Hawaii Revised Statutes (HRS), to allow to that individuals and 'ohana members of lineal or cultural descent to individuals buried on privately owned property may access burial sites for the purposes of identifying, monitoring, or recording burial sites, or to conduct cultural practices related to burial sites. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers comments.**

Section 6E-10(e), HRS, authorizes staff of the Department's State Historic Preservation Division (SHPD) in their official capacities to enter private lands to identify historic and cultural places, with the property owner's permission. It also allows SHPD to seek a court order to authorize such access if the property owner denies access.

Section 2 of Senate Bill 2591 expands the above authority to private individuals, as follows:

An individual seeking to identify, record, or monitor burial sites on privately owned lands, or to conduct cultural practices related to burial sites on privately owned lands, may request access to the parcel through the department; provided that the individual can demonstrate lineal or cultural descent to individuals known through oral or written records to have been buried on the property.

Private landowners shall provide reasonable access to the individual and may require that the individual be accompanied by a member of the department.

Private individuals are also authorized to seek a court order to gain access to private lands if the property owner declines permission.

The Department believes that it is appropriate for the State to encourage property owners to allow access to their lands to identify burial sites and to carry out cultural practices relating to burial sites. The Department believes, however, that the best approach is for descendants to seek access from the property owner on a purely voluntary basis.

The Department currently does not have the resources to have staff accompany descendants when they access private lands as set forth in this bill.

Mahalo for the opportunity to testify on this measure.



**SB2591**

**RELATING TO BURIAL SITES**

Senate Committee on Hawaiian Affairs

Senate Committee on Water & Land

February 8, 2024

1:15 p.m.

Room 224

The Office of Hawaiian Affairs **SUPPORTS** SB2591, which would allow individuals and ohana members to access burial sites on privately owned lands via permission granted from the Department of Land and Natural Resources to identify, monitor, or record burials sites, or to conduct cultural practices related to burial sites. **OHA supports this clarification in the law as to better align with the State of Hawai‘i Constitution, Article XII, Section 7, that already allows traditional and customary practices (i.e., malama iwi kupuna) on private lands, and to enable famial access to burial sites.**

As you may be aware, a Burial Sites Working Group (BSWG) was formed by OHA in 2021 in response to House Resolution 113 (HR 113) and Senate Resolution 171 (SR 171) to look at the systemic issues surrounding the island burial councils and State Historic Preservation Division (SHPD). 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. The BSWG held their inaugural meeting on Thursday, September 23, 2021. It was envisioned that a report would be made to the 2022 Legislature. However, given the volunteer nature of the group, unforeseen obstacles, and the sheer enormity of the issues presented across all islands, substantial delays ensued. Nevertheless the BSWG report was finished by the dedicated members of the group in 2023 and subsequently provided to the legislature. The measure presented before you now is one of the recommendations from the report.

As stated within Appendix B of the BSWG report: “Absent the access provided for in the proposed language, there is no way for 'ohana to appropriately include known burials within the HRS **§6E-43(g)(2)** conceived burial sites inventory that would enable all stakeholders to take proactive measures to ensure current and future protection of burials on privately owned lands. The proposed changes would ensure that burials on privately owned lands can be included on appropriate burial site inventories to protect them in the future and facilitate 'ohana members to establish themselves as lineal or cultural descendants to the burials.”

Too often OHA has seen private landowners deny burial access to recognized descendants even though these rights are protected by the State of Hawai‘i Constitution. Even with letters from OHA and the State Historic Preservation Division (SHPD) calling for access, OHA has witnessed pushback from private landowners in some cases. Thus, this measure should help alleviate this issue that has at times ended up in costly litigation.

For the above reasons, OHA urges the Committee to **PASS** SB2591. Mahalo for the opportunity to testify on this measure.

# **PACIFIC RIM LAND INC.**

ESTABLISHED 1988

## **TESTIMONY**

Senate Committee on Hawaiian Affairs  
Senate Committee on Water and Land  
Thursday, February 8, 2024 at 1:15 pm  
Conference room 224 and Videoconference

Aloha Chairs Shimabukuro and Inouye, Vice Chairs Fevella and Elefante, and members of the Committees:

For the bills on the agenda for February 8, 2024, I respectfully provide the following testimony on behalf of Pacific Rim Land, Inc., a Goodfellow family company, which is a private real estate investment, development, and management company founded in 1988.

### **SB No. 2591**

I oppose this bill. As written, cultural descendants would be allowed to access private property of burial sites. The construction of this bill needs to be reworded since individuals would not be identifying, recording, or monitoring burial sites. These activities should be left to licensed archeologists. Moreover, if SB 2592 changes to allow cultural descendants from the entire island to access private property, this may lead to abuse of the intention of this legislation.

It would be reasonable for cultural practices related to burials on private property to be narrowed to lineal descendants and the department for inventory purposes.

Sincerely,  
Leilani Pulmano  
Vice President, Pacific Rim Land



**SB-2591**

Submitted on: 2/2/2024 5:13:56 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

support, However, notice should be given upon entry to the private property.

**SB-2591**

Submitted on: 2/2/2024 6:13:02 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

Families should always have access to their kupuna and ancestors.

**SB-2591**

Submitted on: 2/3/2024 4:07:10 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bianca Isaki	Individual	Support	Written Testimony Only

Comments:

Aloha Senators - please support SB2591. This will help sustain a Kanaka Maoli traditions and customs of protecting and honoring iwi kupuna wherever they remain.

Yours,

Bianca Isaki

**SB-2591**

Submitted on: 2/4/2024 9:45:26 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cindy freitas	Individual	Support	Written Testimony Only

Comments:

I'm in Support of SB 2591

**SB-2591**

Submitted on: 2/6/2024 4:46:09 AM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hannah K Anae	Individual	Support	Written Testimony Only

Comments:

Kanu 'ia was always accessible and its location was common knowledge to everyone for many generations until things started changing after Contact.

**SB-2591**

Submitted on: 2/6/2024 6:45:52 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in support of SB2591.

Hawaiians pre-missionaries and pre-Captian Cook lived all over our island chain, often in kauhale (villages) with other families and friends. In these kauhale areas, loved ones were buried. Since introduction of the Western system of land ownership, and subsequent privatization of land ownership, developments have occurred on top of, or near, buried bones known as iwi. The iwi were in place prior to the developments and have the right to be left in place, as well as visited by and cared for by lineal descendants or family friends.

Thus, I support the right for lineal descendants to have access to these iwi or burials, while the land may be privately “owned.” Thus, I support this bill.

Mahalo for your time and consideration.

Keoni Shizuma

**SB-2591**

Submitted on: 2/4/2024 8:51:56 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

support

**SB-2591**

Submitted on: 2/6/2024 8:47:20 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rona Ikehara-Quebral	Individual	Support	Written Testimony Only

Comments:

Aloha, I support SB2591 because descendants should have the right to visit their ancestral burial sites and care for them accordingly. Mahalo for supporting this bill.



**SB-2591**

Submitted on: 2/7/2024 6:10:59 AM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Foster Ampong	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2591

**SB-2591**

Submitted on: 2/7/2024 9:54:28 AM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keomailani Hanapi Hirata	Individual	Comments	In Person

Comments:

Aloha 'aina kakou,

My name is Keomailani Hanapi Hirata, I am a keiki o ka aina o Molokai.

I will be testifying, in person, to SB2591.

Mahalo

**SB-2591**

Submitted on: 2/7/2024 1:14:52 PM

Testimony for HWN on 2/8/2024 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kilihea Inaba	Individual	Support	Written Testimony Only

Comments:

Aloha Senators,

This testimony is in support of SB2591, which grants lineal or cultural descendants access to burial sites on privately owned property for the aforementioned reasons. This is critical in allowing kanaka their rights to malama burial sites and conduct culturally significant practices related to the burials.

As stated, it seems that the private landowner can refuse entry and that the cultural or lineal descendant would need to make a complaint. It would be beneficial to the descendants that there be a maximum amount of time for the district environmental court to respond to the complaint so that access to the burials are not further delayed. We know that the timely manner of access is a standing issue.

Mahalo for your consideration,

Kilihea Inaba

Kaloko, Kona, Hawai'i