

SB-2592

Submitted on: 2/6/2024 11:54:18 PM

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

Submitted By	Organization	Testifier Position	Testify
Michele Hoopii	Testifying for Maui-Lanai Island Burial Council - 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 2592: I **oppose** this bill since it allows others outside of the ahupua'a to have the same say as those in the same ahupua'a of the burial. Although the last statement in the bill notes that "greater deference being afforded to lineal descendants and claimants who are most closely associated with the relevant burial site", we are already seeing certain groups and lawyers weaponizing these types of rules using the court system to shut out the voices of lineal descendants. It seems disrespectful to force those within the same ahupua'a as the burial to now share their same rights with those who are outside of that area.

Thank you for your consideration.

Best regards,

Everett Dowling
Member of the Maui Lanai Islands Burial Council

SB-2592

Submitted on: 2/7/2024 12:58:28 PM

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

Submitted By	Organization	Testifier Position	Testify
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 SB2592.

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



SB2592

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** SB2592, which would require the Department of Land and Natural Resources (DLNR) to amend the definition of “cultural descendant”, in the Hawai‘i Administrative Rules (HAR), to more accurately capture relationships between individuals and families. **OHA supports a modestly expanded definition of cultural descendant to include Native Hawaiians from neighboring ahupua‘a and ‘ili as to more accurately reflect the connected lifeways of ancestral Hawaiians.**

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: “Because our kūpuna were not bound to an ahupua'a or a given ali'i of an area, they were free to move about and relocate, as desired and accommodated by ali'i of other ‘āina. Kāne and wāhine would also move to the ‘āina of a person they built a family with. Such practices created a wider range of genealogical connections among people that expanded beyond the boundaries of ahupua‘a. Hence, the recommended expanded language would better capture the actual relationships of individuals and ‘ohana to one another that would more typically encompass areas larger than an ahupua‘a. The current language, if applied strictly, creates limits that **will** likely not appropriately capture actual relationships of individuals and families to Native Hawaiian remains encountered.

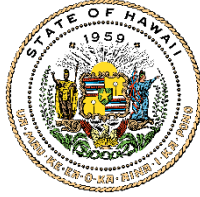
“The suggested broader definition would more accurately capture a fuller range of relationships of individuals and ‘ohana to Native Hawaiian remains including relationships that expand beyond the limited boundaries of ahupua‘a. Further, in actual practice, [Island

Burial Councils] IBCs often informally follow a moku rather than ahupua'a guide in reviewing cultural descendant claims."

For the above reasons, OHA urges the Committee to **PASS** SB2592. Mahalo for the opportunity to testify on this measure.

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
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RYAN K.P. KANAKA'OLE
FIRST DEPUTY

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ACTING DEPUTY DIRECTOR - WATER

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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 2592
RELATING TO BURIAL SITES

Senate Bill 2592 would direct the Department of Land and Natural Resources (Department) to amend the definition of "cultural descendant" in section 13-300-2, Hawai'i Administrative Rules (HAR). **The Department acknowledges the intent of this measure and offers comments.**

Section 2 of this bill presents the proposed amendment to the definition of cultural descendant, which is very largely the existing text in the administrative rule cited above. Presenting the amendment in redline-strike it reads:

"Cultural descendant" means with respect to non-Native Hawaiian skeletal remains, a claimant recognized by the department as being the same ethnicity, or with respect to Native Hawaiian skeletal remains, a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried or both, in the same or neighboring ahupua`a including 'ili lele, or district in which certain Native Hawaiian skeletal remains are located or originated from or in the same moku in which the remains are located or originated from, with greater deference being afforded to lineal descendants and claimants who are most closely associated with the relevant burial site."

The amendment proposed in this bill appears to arise from a belief that Island Burial Councils (IBC) are too restrictive in the nature of the geographic evidence they can and do accept and, as a result, who the IBCs recognize as cultural descendants; that IBCs recognize only claims from individuals who can demonstrate that their families historically lived in the ahupua`a where a particular set of Native Hawaiians were encountered. This is not the case; the IBCs consider and accept evidence that family came from areas larger than the ahupua`a. The Department does not believe that specific reference to neighboring ahupua`a or moku expands in any meaningful way the individuals an IBC might recognize as culturally affiliated.

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. 2592

I oppose this bill. It broadens the definition of "cultural descendants" to include any Native Hawaiian with genealogical ties to the entire island to have the same consultation status as a Native Hawaiian whose ancestors were in the ahupua'a or district of the iwi kupuna. This would not lead to a better outcome for the iwi kupuna.

Sincerely,
Leilani Pulmano
Vice President, Pacific Rim Land

SB-2592

Submitted on: 2/2/2024 5:16:06 PM

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

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

Comments:

support, must keep our pilina with our kupuna.

SB-2592

Submitted on: 2/4/2024 9:59:06 PM

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

Submitted By	Organization	Testifier Position	Testify
cindy freitas	Individual	Support	Written Testimony Only

Comments:

I'm in Support of SB 2592

SB-2592

Submitted on: 2/6/2024 5:02:48 AM

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

Submitted By	Organization	Testifier Position	Testify
Hannah K Anae	Individual	Support	Written Testimony Only

Comments:

As people are forced to move around it does not change where their family may be buried, and it does not change their right to represent their iwi kūpuna.

SB-2592

Submitted on: 2/6/2024 9:01:00 PM

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

Submitted By	Organization	Testifier Position	Testify
Rona Ikehara-Quebral	Individual	Support	Written Testimony Only

Comments:

Aloha, I very much support SB2592, which clarifies the relationships of parties involved, particularly the wording “with greater deference being afforded to lineal descendants and claimants who are most closely associated with the relevant burial site.” Mahalo for supporting this bill!

SB-2592

Submitted on: 2/7/2024 6:24:42 AM

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

Submitted By	Organization	Testifier Position	Testify
Foster Ampong	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2592 because if passed into law, the integrity in the process to verify descendency applicants genealogy to iwi kupubna is compromised.

SB-2592

Submitted on: 2/7/2024 9:55:04 AM

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

Submitted By	Organization	Testifier Position	Testify
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 SB2592.

Mahalo