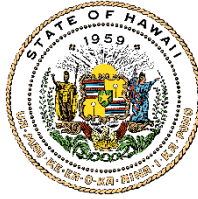


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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND
and
HAWAIIAN AFFAIRS
Friday, February 07, 2025
1:16 PM
State Capitol Conference Room 229 & Videoconference

In consideration of
SENATE BILL 1266
RELATING TO BURIAL SITES

Senate Bill 1266 establishes an inter-division program within the Department of Land and Natural Resources consisting of certain agencies to address the location, movement, and restoration of Hawaiian burial sites or iwi, exposed or likely to be exposed by coastal erosion. **The Department of Land and Natural Resources (Department) supports this measure and offers comments.**

The Department recognizes that coastal erosion has been an ongoing issue leading to detrimental impacts on iwi kūpuna buried along the shoreline and further acknowledges that climate change will perpetuate and exacerbate the problem. The Department's State Historic Preservation Division (SHPD) regularly responds to the inadvertent discovery of iwi exposed by erosion, many of which are located in "hotspot" areas known for recurring finds.

On Hawai'i Island, the shoreline along Old Kona Airport is a prime "hotspot" example, accounting for a large majority of the inadvertent discoveries reported to SHPD's Hilo office. As a popular beach park, the heavy foot traffic and recreational activity it experiences further compromises the integrity of iwi. Similar circumstances occurring in the Hāmākuapoko corridor on Maui recently prompted the County's Department of 'Ōiwi Resources to take coordinated action with SHPD to address the large number of iwi that are exposed along coastline cliffs and beaches—especially during the winter months when large swells slam Maui's north facing shores. These concerns also extend to O'ahu where SHPD staff met

with State House Representative, Darius Kila, earlier this year to discuss iwi being continuously exposed on the Wai‘anae coast. In each of these areas, the Department has been faced with the same challenge of determining the extent of the burial(s), mitigation efforts that may preserve the iwi, and any appropriate locations for reinterment should it be necessary. Therefore, SB1266 also provides an opportunity for the Department to improve its operation of the burials sites program by actively exploring these discussions and identifying feasible responses.

Regarding the proposed timeframe, while the Department recognizes the urgency of the situation, it believes the deadline specified in Section 2(e) of this bill requiring a report to the Legislature “no later than twenty days prior to the convening of the regular session of 2026,” may not provide sufficient time to conduct a thorough evaluation and present its findings, recommendations, and proposed legislation. Therefore, the Department requests an extension of the deadline to 2027. This will allow appropriate time for consultations with the various agencies and community outlined in the bill, conducting any necessary surveys or fieldwork, and preparing the report.

The Department further notes that adequate funding would be necessary for the effective initiation and implementation the program. The Department estimates \$750,000, allocated between FY 2025-2026 and 2026-2027, would be sufficient to cover expenses related to hiring a legal fellow to draft rules in accordance with Section 2(c) of this bill, purchasing any necessary equipment and producing materials for distribution, as well as contracting a consultant to assist with organizing and moderating community meetings and developing the final report.

Mahalo for the opportunity to provide testimony on this measure.



TESTIMONY IN SUPPORT OF SB12266 WITH COMMENTS
Relating to Historic Preservation

LATE

Senate Committee on Water and Land
Senate Committee on Hawaiian Affairs

February 7, 2025

1:16 p.m.

Room 415

Aloha e Chairs Inouye and Richards, Vice Chairs Elefante and San Buenaventura, and Members of the Senate Committees on Water and Land and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) submits this testimony in **SUPPORT of SB1266** with comments. OHA supports proactive approaches to better protecting iwi kūpuna and this bill presents one such proactive approach by proposing an interdivision working group to thoughtfully and deliberately consider how to protect iwi kūpuna that are endangered by ongoing coastal erosion.

OHA supports the creation of an inter-division working group comprised of OHA, the Department of Land and Natural Resources' state historic preservation (SHPD) and land divisions, office of conservation and coastal lands, island burial councils (IBCs) and the Aha Moku to address the urgent problem of coastal erosion. An inter-division working group including OHA, the IBCs, and the Aha Moku is appropriate to ensure adequate input from a cross-section of the Native Hawaiian community, including lineal and cultural descendants as set forth in SB1266.

OHA is currently assessing the resources necessary to sustain and properly protect and preserve iwi kūpuna through moku internment sites across the pae 'āina. However, OHA would like to note that SHPD should maintain ongoing fiscal kuleana for handling and storing iwi under its jurisdiction as OHA develops and ramps up its reinternment program. The expertise of other named agencies and councils to help estimate fiscal costs and identify available lands that could be used for reinternment, and address other details of such a reinternment program, is welcome.

Protection of iwi kūpuna is of the deepest concern to OHA and its beneficiaries. OHA regularly receives communications from beneficiaries concerning illegal desecration of iwi and difficulties exerting their rights as cultural and lineal descendants in the historic review process. OHA also has extensive technical expertise related to implementation of Hawaii Revised Statutes (HRS) chapter 6E, archaeological surveying and monitoring techniques, and culturally appropriate preservation and handling of iwi. Under HRS chapter 6E and implementing administrative rules, OHA is tasked with specific kuleana including nominating candidates to serve on the island burial councils (IBCs).¹ OHA will

¹ See HRS §§ 6E-3, 43, -43.5, 43.6; Hawai'i Administrative Rules (HAR) §§ 13-284-6(c); 13-275-6(c).

intervene and advocate on behalf of its beneficiaries before the IBCs and SHPD, and also work cooperatively with the councils and the agency as the opportunity arises.

Mahalo nui for the Committees' consideration of this bill. OHA notes that iwi kūpuna threatened by coastal erosion are just one class of threatened iwi and requests that the Committees also continue to consider solutions for iwi kūpuna threatened by human activity, consistent with the State's trust duties. OHA respectfully urges the committee to **PASS SB18**.