



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON WAYS AND MEANS
Tuesday, April 7, 2026, 10:31 AM
State Capitol, Conference Room 211

in consideration of
HB 2104, HD 2, SD 1
RELATING TO ISLAND BURIAL COUNCILS.

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means.

The Office of Planning and Sustainable Development (OPSD) **supports and offers comments HB 2104, HD 2, SD 1**, which extends the time to fill vacancies that occur during an Island Burial Council member's term. Provides per diem compensation in the form of a stipend for Island Burial Council members representing geographic regions. Adjusts the Island Burial Councils' quorum for business to be a majority of the appointed council members, but no fewer than three members.

The issue of Island Burial Councils frequently lacking quorum, and the subsequent meeting cancellations that follow, was a concern raised in the Chapter 6E Historic Preservation Permitted Interaction Group (PIG) of the SPEED Taskforce. **OPSD respectfully refers** committee members to review the data on island burial council vacancies and meeting cancellations contained in the final report of Set 1 of the SPEED PIGs, which highlights the severity of these administrative hurdles.

When councils cannot meet or act promptly, the State Historic Preservation Division (SHPD) and project applicants face prolonged uncertainty regarding permissible treatment options for previously identified burial sites. This lack of predictability significantly slows the development of critical infrastructure and residential projects, directly impeding the State's ability to address the urgent need for housing. OPSD believes that the quorum requirement change to a majority of appointed council members addresses the quorum issue in an immediate and practical way, ensuring that these bodies can continue their essential work without undue delay.

While HB 2104, HD 2, SD 1 is a necessary step forward, **OPSD notes** that additional action will be required to reform the confirmation process for council members and effectively

bring the island burial councils to a level where they are fully operational and sustainable. We emphasize that any further actions or policy refinements should be conducted in close collaboration with existing island burial council members and descendants to ensure that administrative efficiency is balanced with cultural sensitivity and community trust.

OPSD supports the changes to quorum requirements but takes no position on the measure's inclusion of stipends for island burial council members.

Thank you for the opportunity to testify on this measure.



TESTIMONY IN STRONG SUPPORT OF HOUSE BILL 2104 HD2 SD1
RELATING TO ISLAND BURIAL COUNCILS

Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai
(Senate Committee on Ways and Means)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

‘Apelila 7, 2026

10:31 AM

Lumi 211

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means:

Mahalo for setting HB2104 HD1 SD1 for public hearing, which is part of the Office of Hawaiian Affairs (OHA's) 2026 Legislative Package. OHA submits this testimony in **STRONG SUPPORT of HB2104 HD2 SD1**, which aims to strengthen the operation of Island Burial Councils (IBCs) by addressing the long-standing barriers hindering the ability of IBCs to regularly meet and do business.

Background

The Office of Hawaiian Affairs is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ Among its statutory duties, OHA is required to (1) serve as principal public agency in the State of Hawai‘i responsible for the performance, development and coordination of programs and activities relating to native Hawaiians and Hawaiians; (2) assess the policies and practices of other agencies impacting native Hawaiians and Hawaiians; and (3) conduct advocacy efforts for native Hawaiians and Hawaiians.²

In fulfillment of our mandates, OHA has been deeply involved with the protection of iwi kūpuna for decades. Under Hawai‘i Revised Statutes (HRS) Chapter 6E and its implementing administrative rules, OHA is tasked with specific kuleana including

¹ Haw. Const. Art. XII § 5

² HRS § 10-3.

nominating moku candidates to serve on the island burial councils (IBCs) and consulting on sites that are important to Native Hawaiians.³ OHA also regularly receives calls and emails from beneficiaries about the desecration of iwi, difficulties exerting their rights as cultural and lineal descendants, and other issues related to proper implementation of HRS Chapter 6E. In response, OHA will intervene and advocate on behalf of beneficiaries to the IBCs, State Historic Preservation Division (SHPD), and private landowners, to encourage compliance with existing law, including the requirement to consult with cultural and lineal descendants.

In establishing the IBCs in 1990, the Legislature expressly recognized that the public has a vital interest in the disposition of its interred persons and characterized it as a sacred trust responsibility. Further, under the State of Hawai'i Constitution Article XII, section 7, the state has a specific trust duty to protect Native Hawaiian cultural practices, including those related to mālama iwi kūpuna. The IBCs are a vital means for the State to effectuate these important trust duties and to ensure protection of Native Hawaiian traditional and customary practices. Accordingly, functioning IBCs benefit both the Native Hawaiian community and project proponents by providing timely, transparent guidance that helps avoid conflict, litigation risk, and delays.

HB2104 HD1 SD1: Addressing IBC barriers to service and maintaining a quorum

Despite their importance, IBCs have faced persistent challenges meeting quorum and maintaining full membership, limiting their ability to carry out their statutory responsibilities. Vacancies often remain unfilled and quorum requirements based on a majority of all seats—rather than a majority of appointed members—have made it particularly difficult for councils to act. These issues have been well documented over time and were recently identified by the State's Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force (2025) as structural and resource constraints limiting the IBCs ability to fulfill their role consistently, thereby causing project stalls and delays.⁴ Amending the quorum requirement is a practical reform to reduce IBC decision-making delays.

Moreover, IBCs rely on uncompensated volunteer service, which places a disproportionate burden on Native Hawaiians who are selected specifically for their cultural knowledge and expertise. Regional (moku) representatives require significant expertise in cultural history and Native Hawaiian burial customs—they are appointed as

³ See HRS §§ 6E-3, 6E-43, 6E-43.5, 6E-43.6; HAR §§ 13-284-6(c), 13-275-6(c).

⁴ See [*Final Report of the Permitted Interaction Groups for Chapter 6E/Historic Preservation, Individual Wastewater Systems, and Building Permits*](#), SPEED Task Force, p. 14 (Dec. 2025).

cultural experts carrying out a public trust responsibility. Yet, in practice, IBC members must take time off work and incur childcare and other out-of-pocket expenses in order to serve. As a result, qualified candidates are often deterred from applying, withdraw from service, or simply find it impossible to attend meetings consistently.

In the process of OHA's nomination duties, we have witnessed several well qualified candidates withdraw due to financial barriers. The State's SPEED Task Force likewise identified reliance on volunteer service as factor undermining IBC effectiveness.⁵ Authorizing modest stipends directly addresses this barrier by supporting recruitment, retention, and consistent participation, while recognizing the time and expertise contributed by moku representative council members.

OHA notes that the HD2 amendments departed from the bill's original intent by limiting OHA's ability to provide stipends as a flat-rate payment. OHA's intent is to compensate moku representatives for their time and to offset costs associated with their service that are not covered by existing reimbursements, which are narrowly applied to direct expenses such as travel. The OHA Board of Trustees (BOT) approved this measure with a proposed stipend of up to \$200 per meeting, to be paid from OHA funds, with no appropriation request attached. As drafted, the HD2 amendments are overly restrictive on OHA's use of its funds. OHA maintains that the BOT should retain discretion to determine appropriate compensation for council members. All BOT decisions are subject to Sunshine Law requirements, ensuring transparency and opportunities for beneficiary input on any stipend structure.

Further, the proposed stipend model aligns with practices used by county level boards and commissions in other jurisdictions, where stipends for meeting attendance support recruitment and retention and reduce barriers for working class, BIPOC, rural, and single parent community members.⁶ These stipends are typically provided in addition to reimbursement for expenses, similar to Hawai'i's jury duty compensation framework, which provides both a daily payment and travel reimbursement.⁷

Accordingly, OHA requests an amendment to restore the bill's original intent and clarify the compensation exception to resolve the Attorney General's concerns.

⁵*Id.*

⁶ See e.g., Marin County, CA (<https://www.marincounty.gov/departments/board/boards-and-commissions/stipends-members-boards-and-commissions>); Larimer County, CO (<https://www.larimer.gov/boards/stipend-program>).

⁷ See HRS § 612-8. Jurors are paid \$30 for each day of attendance at court, and additionally receive travel and lodging reimbursement.

Specifically, OHA recommends deleting the language on page 3, line 21 through page 4 line 6, and inserting the following at page 3, line 18:

"The council members shall serve without compensation, ~~but~~ except that council members appointed to represent geographic regions may receive a stipend for each day of attendance at a duly noticed meeting, paid from funds available to the office of Hawaiian affairs. The stipend amount, process, and eligibility requirements shall be determined by the board of trustees of the office of Hawaiian affairs. In addition, council members shall be reimbursed for necessary expenses incurred during the performance of their duties."

In conclusion, HB2104 HD1 SD1 offers practical amendments to strengthen Island Burial Council function and ensure the framework established under HRS Chapter 6E operates as intended. By addressing barriers to participation and quorum, the bill supports meaningful descendant involvement, improves administrative efficiency, and promotes greater public confidence in the historic review process.

Mahalo for the opportunity to testify. For the reasons stated above, OHA respectfully urges this committee to **PASS HB2104 HD2 SD1** with our suggested amendments.



**Ko'olauloa
HAWAIIAN CIVIC CLUB**

**P.O. Box 532
Hau'ula, Hawaii 96717**

April 6, 2026

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

WE are writing in **support of HB2104 HD2 SD1** for the following reasons:

- **Ensuring That Island Burial Councils Conduct Business:**

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than being merely symbolic. IBCs often struggle to fill all entitled seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of *appointed* members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

- **A Modest Stipend Option Supports Recruitment and Participation:**

IBC members currently serve without compensation, creating barriers for community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

- **Strong Island Burial Councils Benefit All Parties:**

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the state's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

We humbly ask the Committee to **Pass HB2104 HD2 SD1**.

Mahalo for the opportunity to testify.

Raynae "Tessie" Fonoimoana

Raynae "Tessie" Fonoimoana, Pelekikena
& the Membership of the Ko'olauloa Hawaiian Civic Club



Ko`olau Foundation

P. O. Box 4749 / 46-005 Kawa St., #205
Kane`ohe, HI 96744

April 6, 2026

To: Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Moriwaki, Vice Chair
And Members, Committee on Ways and Means

From: Mahealani Cypher, President
Ko`olau Foundation

Re: H.B. 2104, H.D.2, S.D.1 – RELATING TO ISLAND BURIAL COUNCILS

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members:

The Ko`olau Foundation supports H.B. 2104, HD2, SD1, which provides for some improvements in the island burial council program that would facilitate meetings, quorum and membership sustainability for these important cultural activities.

The Ko`olau Foundation advocates for the preservation of Hawaiian culture, history, heritage and practices. Our concerns for protecting iwi kupuna, burial remains, are the kuleana of these councils, which have been struggling to maintain quorums and hold meetings over recent years.

Taking on this kind of kuleana, to advocate for iwi kupuna, is a serious one that many Native Hawaiians are hesitant to accept because it can be a lifetime commitment for some.

We urge your favorable consideration and passage of this bill.

Mahalo nui for this opportunity to share our mana`o.

HB-2104-SD-1

Submitted on: 4/3/2026 8:13:42 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2104 HB RELATING TO ISLAND BURIAL COUNCILS.

HB-2104-SD-1

Submitted on: 4/4/2026 12:52:53 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Phillippe Fernandez-Brennan	Individual	Support	Written Testimony Only

Comments:

Sample Testimony in Support of HB2104 HD2 SD1

Feel free to adapt the template below for your own submission:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

I respectfully submit testimony in support of HB2104 HD2 SD1.

Improving Functionality of Island Burial Councils

Updating quorum requirements is essential to ensure Island Burial Councils (IBCs) can consistently carry out their responsibilities. Many councils face persistent vacancies, and because current quorum rules factor in unfilled seats, meetings are often unable to proceed. Basing quorum on seated members would resolve this issue and allow councils to operate more reliably.

Supporting Participation Through Stipends

Service on IBCs is currently unpaid, which can limit who is able to participate. Providing the option for the Office of Hawaiian Affairs (OHA) to offer stipends to moku representatives would ease financial strain, broaden participation, and recognize the time and expertise contributed by Native Hawaiian members.

Balanced Benefits for Cultural Stewardship and Project Clarity

Consistent and active Island Burial Councils help protect iwi kūpuna while also offering timely direction to developers and agencies. This balance reduces avoidable delays and ensures that burial discoveries are handled with cultural sensitivity and clear guidance. Strong councils ultimately benefit families, cultural practitioners, and project proponents alike.

For these reasons, I urge the Committee to support and pass HB2104 HD2 SD1.

Mahalo for your time and consideration.

Phillippe Fernandez-Brennan, Ph.D.

HB-2104-SD-1

Submitted on: 4/4/2026 1:06:27 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Leilani Keli'ikipi	Individual	Support	Written Testimony Only

Comments:

TESTIMONY – IN SUPPORT OF HB2104 HD2 SD1

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Leilani Keli'ikipi. I am originally from Wai‘anae and Nānākuli, O‘ahu, and have lived on Maui for over 20 years, most recently for the past 8 years in Lāhaina on kuleana lands. I am writing in strong support of HB2104 HD2 SD1.

As someone raised with deep respect for our ‘āina and our kūpuna, this bill is not just policy—it is about protecting our identity, our history, and our responsibility as Native Hawaiians.

Protecting Iwi Kūpuna is a Sacred Responsibility

Island Burial Councils (IBCs) play a critical role in ensuring that iwi kūpuna are treated with dignity and cultural integrity. When these councils cannot meet due to quorum issues or lack of participation, decisions affecting our ancestors are delayed or made without proper Native Hawaiian representation. That is unacceptable.

In places like Lāhaina—where our lands hold generations of history—this issue is real and urgent. Development continues, yet the systems meant to protect our kūpuna are not functioning consistently.

Remove Barriers So Councils Can Function

Reforming quorum requirements to reflect appointed members rather than vacant seats is a necessary and practical fix. Councils should not be paralyzed simply because positions remain unfilled. This bill allows IBCs to actually do the work they were created to do.

Compensation Supports Participation and Equity

Allowing stipends for council members through the Office of Hawaiian Affairs recognizes the time, knowledge, and cultural responsibility required for this role.

Many qualified individuals cannot afford to volunteer their time due to work, family, and financial obligations. Providing optional stipends removes this barrier and strengthens participation from those who carry the 'ike and kuleana to serve.

Functioning Councils Protect Culture and Prevent Conflict

When IBCs are active and responsive:

Cultural decisions are made by those who understand the land and history

Families and descendants are given a voice

Developers receive clear, timely guidance

Conflicts and delays are reduced

This benefits not only Native Hawaiians, but all parties involved.

In closing our kūpuna deserve more than a system that struggles to meet—they deserve a system that works.

HB2104 HD2 SD1 is a necessary step toward restoring function, respect, and accountability in the protection of iwi kūpuna.

I respectfully urge the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Leilani Keli'ikipi

HB-2104-SD-1

Submitted on: 4/4/2026 1:13:57 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Inam Rahman	Individual	Support	Written Testimony Only

Comments:

Testimony in Support with Safeguards for HB2104 HD2 SD1

Relating to Island Burial Councils

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Dr. Inam Rahman, a physician and community advocate from West O‘ahu. I am writing in strong support of HB2104 HD2 SD1, with recommendations to ensure effective and accountable implementation.

Island Burial Councils (IBCs) play a vital and irreplaceable role in ensuring that iwi kūpuna are treated with dignity, respect, and cultural understanding. They are a cornerstone of Native Hawaiian stewardship and self-determination. However, structural barriers in current law have too often prevented these councils from meeting consistently, resulting in delays, uncertainty, and exclusion of important cultural voices.

This measure offers practical and necessary improvements.

First, reforming quorum requirements to reflect a majority of appointed members is a common-sense step that will allow councils to function even when vacancies exist. At the same time, continued efforts should be made to fill all vacancies to ensure broad community representation and diversity of perspectives.

Second, allowing the option for stipends can help remove financial barriers to participation and expand the pool of qualified and committed members. To maintain public trust, I recommend that any stipend structure be modest, transparent, and tied to active participation, with clear guidelines and reporting to ensure accountability.

Third, extending timelines for filling midterm vacancies will improve continuity and stability in council operations, reducing disruptions in decision-making.

Strong, functional Island Burial Councils benefit all stakeholders. They ensure culturally grounded, place-based decisions for iwi kūpuna while also providing timely and predictable guidance for landowners and project proponents. In many cases, this clarity can prevent unnecessary delays and reduce conflict.

As a physician, I have learned that systems function best when they are both compassionate and practical. This bill moves us in that direction—strengthening cultural stewardship while improving operational effectiveness.

Accordingly, I respectfully urge the Committee to PASS HB2104 HD2 SD1, with attention to the safeguards noted above to ensure transparency, accountability, and sustained community representation.

Mahalo for the opportunity to testify.

Warm regards,

Dr. Inam Rahman, MD

Waipahū, Hawaii

HB-2104-SD-1

Submitted on: 4/4/2026 1:45:07 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Lise Vaughan Sekona	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2104 HD2 SD1 relating to the Island Burial Councils.

The Island Burial Councils play a critical and irreplaceable role in protecting iwi kūpuna and preserving Native Hawaiian burial sites. These sacred places are not only cultural resources, but living connections to our ancestors, our ‘ike, and our identity as po‘e Hawai‘i. The Councils serve as a vital community-based voice, ensuring that decisions impacting burial sites are made with cultural sensitivity, ‘ike kūpuna, and respect.

This measure is important because it strengthens the ability of the Island Burial Councils to effectively carry out their kuleana. Protecting iwi kūpuna is not optional—it is a responsibility. When burial sites are disturbed or overlooked, the harm is not only physical but spiritual and cultural, impacting families and communities for generations. HB2104 HD2 SD1 affirms the State’s commitment to honoring Native Hawaiian cultural practices and upholding its trust responsibility. It helps ensure that decisions are not driven solely by development timelines, but by a balanced approach that respects heritage and community voice.

For these reasons, I respectfully urge your strong support for HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

HB-2104-SD-1

Submitted on: 4/4/2026 3:50:34 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
muhtadia rice	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1.

Quorum reform is essential to ensure that Island Burial Councils can function as intended. Many councils struggle to fill all authorized seats, and current quorum rules count vacancies, often preventing meetings from taking place. Adjusting quorum to reflect a majority of appointed members offers a practical solution that allows councils to carry out their statutory responsibilities.

Providing an option for stipends would also strengthen participation. Island Burial Council members currently serve without compensation, which can create barriers for individuals balancing work, family, and community responsibilities. Allowing the Office of Hawaiian Affairs to offer stipends to moku representatives would help reduce vacancies, support consistent engagement, and recognize the value of service provided by Native Hawaiian community members.

Fully functioning Island Burial Councils benefit all parties. When councils are able to meet and act reliably, they help prevent unnecessary project delays while upholding the State's trust responsibility to protect ancestral remains. Effective councils ensure that families and cultural descendants can fulfill their kuleana to care for iwi kūpuna, while also providing project proponents with clear, timely, and culturally grounded guidance when burials are encountered.

For these reasons, I respectfully urge the Committee to PASS HB2104 HD2 SD1.

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am U'ilani Naipo, and I am writing in **firm support of HB2104 HD2 SD1** for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of *appointed* members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to **PASS HB2104 HD2 SD1**.

Mahalo for the opportunity to testify.

- *U'ilani Naipo*

Marine Advocate for Place-based Governance, Traditional and Customary Practices, and Nearshore & Marine Stewardship

HB-2104-SD-1

Submitted on: 4/4/2026 8:53:54 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Wayne Harada	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Wayne “Palala” Harada, a kanaka ‘ōiwi from Kaua‘i and current Vice Chair of the Kaua‘i–Ni‘ihau Island Burial Council. I am writing in strong support of HB2104 HD2 SD1.

Through my service on the Island Burial Council, I have seen firsthand the challenges that prevent councils from functioning in the way they were intended. Too often, meetings are canceled due to quorum requirements that count vacant seats, leaving important decisions about iwi kūpuna delayed or left unresolved. These are not just procedural issues, but matters that directly impact our ability as Native Hawaiians to fulfill our kuleana to our ancestors.

This bill provides practical and necessary changes. Reforming quorum requirements to reflect only appointed members will allow councils to meet consistently and carry out their responsibilities. Allowing stipends for moku representatives recognizes the time, ‘ike, and commitment required to serve, and removes financial barriers that prevent many qualified cultural practitioners from participating. These are not incentives, but support systems that ensure our councils are filled with the right people who carry the ‘ike kupuna and commitment to mālama iwi kūpuna.

Island Burial Councils are one of the few formal spaces where Native Hawaiian voices, particularly lineal and cultural descendants, have decision-making authority over ancestral remains. When councils cannot meet, those voices are silenced. When councils are strong and functioning, decisions are grounded in place, culture, and relationship, benefiting not only our lāhui but also landowners and project proponents seeking clear and respectful guidance.

Passing this measure strengthens the integrity of the process, honors our kūpuna, and upholds the State’s responsibility to protect Native Hawaiian burial sites.

I respectfully urge the Committee to PASS HB2104 HD2 SD1.

Mahalo nui for the opportunity to testify.

Wayne “Palala” Harada
Kaua‘i–Ni‘ihau Island Burial Council

HB-2104-SD-1

Submitted on: 4/4/2026 8:56:45 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Molly Mamaril from Kaimukī, O‘ahu and **I am writing in support of HB2104 HD2 SD1 for the following reasons:**

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State’s trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Molly Mamaril

HB-2104-SD-1

Submitted on: 4/4/2026 11:02:14 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Spencer	Individual	Support	Written Testimony Only

Comments:

I strongly support **HB2104 HD2 SD1** for two primary reasons:

- **Quorum Reform:** Redefining a quorum as a majority of *appointed* members—rather than including vacancies—is a practical fix that ensures Island Burial Councils (IBCs) can consistently meet and fulfill their duties.
- **Stipend Option:** Allowing OHA to provide stipends for moku representatives removes financial barriers, encourages participation, and acknowledges the valuable service of Native Hawaiian council members.

Please pass HB2104 HD2 SD1.

Aloha,

Sean K. Spencer

HB-2104-SD-1

Submitted on: 4/5/2026 8:48:29 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawaiohawaiki Anakalea-Kila	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Kawaiohawaiki Anakalea-Kila

808-628-1117

HB-2104-SD-1

Submitted on: 4/5/2026 12:25:51 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Megaan M. Clark	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Quorum reform Ensures Island Burial Councils Convene and Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which often prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple and practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives makes IBC service more accessible, reduces vacancies, encourages participation, and acknowledges the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for this opportunity to testify.

Sincerely,

Megaan M. Clark

HB-2104-SD-1

Submitted on: 4/5/2026 2:05:04 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Lee Miller	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Vanessa Lee Miller

piihonua@yahoo.com

HB-2104-SD-1

Submitted on: 4/5/2026 2:33:00 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jerrean Kaikaina	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in **support of HB2104 HD2 SD1** for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of *appointed* members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State’s trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to **PASS HB2104 HD2 SD1**.

Mahalo for the opportunity to testify.

Jerrean Kaikaina

Waianae, HI

HB-2104-SD-1

Submitted on: 4/5/2026 3:23:29 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Rogers	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State’s trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Malia Rogers

rogers.malia@gmail.com

HB-2104-SD-1

Submitted on: 4/5/2026 9:16:02 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Aldene Albinio	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

I am writing in support of HB2104 HD2 SD1 for these reasons:

Island Burial Councils need to be able to do their work. Right now, many councils cannot meet because the quorum count includes vacant seats. Since these seats are often hard to fill, councils can become unable to act. Changing the quorum requirement to a majority of appointed members is a practical fix that will help councils carry out their duties.

A stipend option would also help recruitment and participation. Island Burial Council members currently serve without pay, which can make it hard for people to balance this responsibility with work and family obligations. Allowing OHA to provide stipends to moku representatives would make service more accessible, help reduce vacancies, and recognize the important work these Native Hawaiian council members provide.

Strong and dependable Island Burial Councils benefit everyone. When councils are able to function well, they can help prevent unnecessary project delays while also protecting ancestral remains. They also help families and cultural descendants fulfill their kuleana to care for iwi kūpuna and give project proponents clear, timely, and culturally respectful guidance when burials are found.

For these reasons, I respectfully ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Aldene Albinio

HB-2104-SD-1

Submitted on: 4/5/2026 9:33:03 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Pua Rossi-Fukino	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Puali‘ili‘imaikalani Rossi-Fukino. I am a Kanaka ‘Ōiwi, born and raised on the island of Kaua‘i. I write in strong support of HB2104 HD2 SD1.

Ensuring Island Burial Councils can effectively conduct business is essential. Current quorum requirements include vacant seats, which often prevent Councils from meeting and carrying out their responsibilities. Adjusting quorum to reflect a majority of appointed members is a practical and necessary solution that will allow these Councils to function as intended.

Additionally, providing an option for stipends supports recruitment and sustained participation. Island Burial Council members currently serve without compensation, which can create barriers for individuals balancing work, family, and community responsibilities. Allowing stipends for moku representatives would make service more accessible, help reduce vacancies, and recognize the important contributions of Native Hawaiian community members who take on this kuleana.

Strong and reliable Island Burial Councils benefit all parties. When Councils are able to operate consistently, they help prevent unnecessary project delays while upholding the State’s responsibility to protect ancestral remains. Functioning Councils also ensure that families and cultural descendants can care for iwi kūpuna appropriately, while providing clear and timely guidance to project proponents when burials are encountered.

For these reasons, I respectfully urge the Committee to PASS HB2104 HD2 SD1.

Mahalo nui for the opportunity to testify.

Puali‘ili‘imaikalani Rossi-Fukino

Kapa‘a, Kaua‘i

HB-2104-SD-1

Submitted on: 4/5/2026 9:34:15 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharise Dudoit	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Sharise Nalani Dudoit

HB-2104-SD-1

Submitted on: 4/6/2026 6:13:47 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kapiolani Spencer	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Kapi‘olani Spencer. I am a cultural and lineal descendant, an ‘Ōlelo Hawai‘i educator, and a protector and advocate for kūpuna iwi and our natural lands and resources.

I am in strong support of HB2104 HD2 SD1.

Island Burial Councils are not merely advisory bodies, they are a legally necessary mechanism through which Native Hawaiians exercise constitutionally protected rights and fulfill our kuleana to care for our ancestors.

Under Article XII, Section 7 of the Hawai‘i State Constitution, the State is mandated to protect the traditional and customary rights of Native Hawaiians. The protection and stewardship of iwi kūpuna is among the most fundamental of these rights.

Further, HRS Chapter 6E requires the preservation and protection of burial sites, and under the Public Trust Doctrine, the State bears a fiduciary duty to actively safeguard Native Hawaiian cultural resources.

These are not discretionary responsibilities, they are binding legal obligations.

- ◆ Historical and Legal Foundation

Long before the establishment of the State of Hawai‘i, kānāwai Hawai‘i strictly protected burial sites. The disturbance of iwi kūpuna was prohibited and understood as a profound violation of both law and kapu.

This bill does not create new authority, it strengthens the State’s ability to uphold protections that have existed since the time of our kūpuna and were never lawfully extinguished.

- ◆ Legal Precedent and State Obligation

In *Ka Pa‘akai o ka ‘Āina v. Land Use Commission*, the Hawai‘i Supreme Court made clear that the State must:

Identify traditional and customary practices

Protect those practices

Ensure meaningful participation of Native Hawaiians in decision-making

If Island Burial Councils cannot convene, the State is failing all three requirements.

This exposes the State to legal vulnerability and potential liability for failing to uphold constitutional protections and statutory mandates.

- ◆ Functional Councils Are Required for Compliance

When quorum requirements prevent meetings, the result is not neutrality, it is systemic exclusion of lineal and cultural descendants.

A council that cannot meet:

Cannot protect iwi kūpuna

Cannot fulfill statutory duties

Cannot satisfy constitutional requirements

Reforming quorum to reflect appointed members is a necessary correction to ensure lawful function.

- ◆ Equity, Access, and Representation

Allowing stipends removes financial barriers that prevent participation by those with the deepest ‘ike and genealogical connection to place.

Without participation, there is no representation.

Without representation, decisions risk becoming procedurally valid but culturally and legally deficient.

* Iwi kūpuna are not artifacts. They are protected under both *kānāwai Hawai‘i* and the laws of this State.

Failure to ensure functioning Island Burial Councils is not simply an administrative issue, it is a failure of constitutional duty, a breach of public trust, and a continuation of harm to Native Hawaiian rights and identity.

The State must not place itself in a position where its inaction results in the desecration of ancestral remains or the silencing of those entrusted to protect them.

He ali'i ka 'āina, he kauwā ke kanaka.

To protect iwi kūpuna is to uphold the law, honor our ancestors, and fulfill the State's highest obligations.

I respectfully urge you to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to provide testimony,

Kapi'olani Spencer

(808) 358-7533

kapiolanispencer4@gmail.com

HB-2104-SD-1

Submitted on: 4/6/2026 7:31:16 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
P Hauoli'ipo Wright	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

- P. Hau'oli ipo Wright / 808.268.9974

HB-2104-SD-1

Submitted on: 4/6/2026 8:15:02 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Claresa Asuncion	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

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Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Claresa Lynn Makalapua Asuncion, MEd

808-315-5651

claresa.asuncion@gmail.com



Queen's Court
800 Bethel Street, Suite 501
Honolulu HI 96813

Phone 808.587.7770
Fax 808.587.7769
www.avalonhi.com

WRITTEN TESTIMONY

IN STRONG SUPPORT OF HB 2104, H.D. 2, S.D. 1 RELATING TO ISLAND BURIAL COUNCILS

Avalon Development Company submits this testimony in strong support of HB 2104, H.D. 2, S.D. 1, which addresses long-standing structural challenges that have limited the ability of the Island Burial Councils (IBCs) to carry out their statutory and cultural responsibilities.

The Island Burial Councils play an essential role in Hawai'i's historic preservation framework by safeguarding iwi kūpuna and ensuring that lineal and cultural descendants have a meaningful voice in decisions affecting ancestral remains. The councils are a critical mechanism through which Native Hawaiian families exercise their kuleana, protect cultural practices, and uphold principles of respect and self-determination.

As recognized by the Office of Hawaiian Affairs and documented by the State's Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force, persistent vacancies and quorum requirements tied to unfilled seats have made it difficult, particularly on the neighbor islands, for councils to meet and conduct business. These structural barriers have resulted in delayed or canceled meetings, preventing time-sensitive decisions and placing unnecessary strain on families seeking clarity and closure regarding the treatment of iwi kūpuna.

HB 2104 provides targeted, practical reforms to address these challenges. Extending the timeframe to fill mid-term vacancies acknowledges the realities of recruitment in smaller communities. Adjusting quorum requirements to a majority of appointed members, with a minimum floor, allows councils to function despite vacancies while maintaining deliberative integrity. In addition, authorizing modest, Office of Hawaiian Affairs-funded stipends for members representing geographic regions helps reduce barriers to participation for community members balancing council service with work, travel, and family obligations.

Together, these changes strengthen the functionality of the Island Burial Councils and support more consistent, informed, and culturally grounded decision-making. Well-functioning councils better serve Native Hawaiian descendants exercising their kuleana to care for iwi kūpuna, while also providing greater predictability and transparency within the historic preservation review process.

For these reasons, Avalon Development Company respectfully urges passage of HB 2104, H.D. 2, S.D. 1.

Respectfully submitted,

Avalon Development Company

HB-2104-SD-1

Submitted on: 4/6/2026 8:33:31 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Bradford Lum	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Honorable Members of the Committee.

My name is Kumu Bradford Ikemanu Tin Cheong Lum, and I stand in strong support of HB2104 HD2 SD1.

I am writing you today with deep ‘Ike and Kuleana to speak for our Iwi Kupuna, those who cannot speak for themselves, yet whose presence continues to guide us spiritually. Our Kupuna are not relics of the past, and they are living connections to our identity, our ‘Ike, and our Ea as people of our Aina Hawa‘i.

Protecting our Iwi Kupuna is not optional; it is a sacred responsibility. When burial sites are disturbed, it is not just the land that is impacted, but the very source of our lineage, or Mo‘oku‘auhau, and to this ‘aina we call home. To allow harm or neglect is to betray that sacred trust.

HB2104 HD2 SD1 moves us closer to becoming pono with each other. It also strengthens the commitment to ensure that iwi Kupuna are treated with the dignity, care, and reverence they deserve. It affirms that development and progress must never come at the cost of our ancestors.

As stewards of this ‘Aina, we are guided by the wisdom of our Kupuna:

"Ika wa ma mua, ka wa ma hope" -The future is found in the past. If we fail to protect our Iwiw Kupuna today, we weaken the foundation for generations yet to come.

I urge these members of this committee to stand with me and pass HB2104 HD2 SD1.

E malama in iwi kupuna. E malama Kakou i Kekahi i Kekahi.

Mahalo nui for this opportunity to testify

Sincerely,

Kumu Bradford Ikemanu Tin Cheong Lum

HB-2104-SD-1

Submitted on: 4/6/2026 9:12:24 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelli Soileau	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in **support of HB2104 HD2 SD1** for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of *appointed* members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State’s trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to **PASS HB2104 HD2 SD1**.

Mahalo for the opportunity to testify.

Kelli Soileau

Kāne‘ohe, O‘ahu

HB-2104-SD-1

Submitted on: 4/6/2026 9:41:06 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair Donovan M. Dela Cruz, Vice Chair Sharon Y. Moriwaki, and Members of the Senate Committee on Ways and Means,

My name is Nanea Lo, and I am writing in strong support of HB2104 HD2 SD1.

As a former O‘ahu Island Burial Council member, I have seen firsthand how current quorum requirements can prevent Councils from meeting and carrying out their responsibilities. Because vacant seats are counted toward quorum, meetings are often canceled, leaving important decisions delayed and limiting our ability to fulfill our kuleana to protect iwi kūpuna. This bill provides a practical and necessary fix by basing quorum on appointed members, allowing Councils to function as intended.

During my time on the Council, the lack of compensation also posed real challenges. Serving requires significant time, coordination, and emotional labor, often on top of full-time work and family obligations. A modest stipend would have made participation more accessible and sustainable for me and others. More importantly, it will help recruit and retain future members, ensuring that Councils are fully staffed with committed community representatives.

Strong, functional Island Burial Councils benefit everyone. They support timely decision-making, help prevent unnecessary project delays, and ensure that ancestral remains are treated with the care, dignity, and cultural respect they deserve.

HB2104 HD2 SD1 is a thoughtful and practical step toward strengthening these Councils and securing their future.

Accordingly, I respectfully ask the Committee to PASS HB2104 HD2 SD1.

Me ke aloha ‘āina,
Nanea Lo, 96826
Former O‘ahu Island Burial Council Member
Sierra Club of Hawai‘i Member
Hawai‘i Workers Center Board Member
Clean Elections Hawai‘i Member
Honolulu Tenants Union Member
350 Hawai‘i Member

Carbon Cashback Hawai'i Member
Hawai'i Tax Fairness Coalition Member

HB-2104-SD-1

Submitted on: 4/6/2026 5:50:02 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamealoha Hanohano-Smith	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means,

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of *appointed* members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Kamealoha Hanohano Pa-Smith, Cultural Practitioner/Kumu 'Ike Hawai'i, Wailua/Anahola, Kaua'i (808) 212 - 4356

HB-2104-SD-1

Submitted on: 4/6/2026 6:15:28 PM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in **strong support of HB1710 HD2 SD1** for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it’s too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to **PASS HB1710 HD2 SD1**.

Julia Estigoy-Kaho'onei

Moku o Keawe

HB-2104-SD-1

Submitted on: 4/7/2026 1:12:33 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
sunnie Kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Sunnie Kupahu

HB-2104-SD-1

Submitted on: 4/7/2026 1:14:20 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
manuel kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

I am writing in support of HB2104 HD2 SD1 for the following reasons:

Ensuring Island Burial Councils Conduct Business:

Quorum reform ensures Island Burial Councils (IBC) remain functional rather than merely symbolic. IBCs often struggle to fill all seats. Current quorum requirements count vacant positions, which frequently prevent Councils from meeting and conducting business. Adjusting quorum to a majority of appointed members provides a simple, practical fix that allows Councils to fulfill their statutory duties.

A Modest Stipend Option Supports Recruitment and Participation:

IBC members currently serve without compensation, creating barriers for some community members who must balance council duties with work and family obligations. The option for OHA to provide stipends to moku representatives would make IBC service more accessible, reduce vacancies, encourage participation, and acknowledge the value of services provided by Native Hawaiians who serve as council members.

Strong Island Burial Councils Benefit All Parties:

Reliable, fully functioning Island Burial Councils help prevent unnecessary project delays while upholding the State's trust obligation to protect ancestral remains. Effective Councils allow families and cultural descendants to fulfill their kuleana to care for iwi kūpuna and provide

project proponents with clear, timely, and culturally responsible direction when burials are discovered.

Accordingly, I ask the Committee to PASS HB2104 HD2 SD1.

Mahalo for the opportunity to testify.

Manuel Kupahu

waimanalo

HB-2104-SD-1

Submitted on: 4/7/2026 3:33:27 AM

Testimony for WAM on 4/7/2026 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai'i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

