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LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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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

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Wednesday, February 4, 2026
1:00 PM
State Capitol Conference Room 224 & Videoconference

In consideration of
SENATE BILL 2083

RELATING TO STATE-OWNED HISTORIC PROPERTIES AND INHERITED LANDS

Senate Bill 2083 establishes a working group to identify all State-owned historic properties and inherited lands in order to develop a State-owned historic properties preservation plan, identify funding to ensure sustainable preservation efforts, and develop frameworks for public-private partnerships for the purposes of preserving and protecting historic properties. **The Department of Land and Natural Resources (Department) supports this measure and submits the following comments for consideration.**

Hawai'i Revised Statutes (HRS) section 6E-1 states that, “*The Constitution of the State of Hawai'i recognizes the value of conserving and developing the historic and cultural property within the State for the public good. The legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage.*” Chapter 6E, HRS, provides the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is to identify historic properties. This statutory provision reflects the Legislature’s intent to require the State to not only consider the impact of their projects on historic properties, as required by HRS section 6E-8, but to also actively work toward maintaining, restoring, rehabilitating, and reusing historic properties within the State’s possession and care. As further stated within HRS section 6E-1, “*it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of its citizens.*” The taskforce, as proposed by this measure, will work towards fulfilling that declaration.

Within the existing historic preservation program, the State maintains the Hawai'i Historic Places Review Board (HHPRB), responsible for listing historic properties in the Hawai'i Register of

Historic Places and recommending them for inclusion within the National Register of Historic Places, as outlined at HRS section 6E-5.5. The HHPRB is comprised of subject matter experts within the fields of archaeology, architecture, history, sociology, and traditional Hawaiian society and culture. Such knowledge and expertise would be an asset to a task force focused on identifying State-owned historic properties and developing an historic preservation plan for them.

Furthermore, the State is the first and only within the United States of America to maintain one-hundred percent participation of their eligible local units of government in the Certified Local Government program, which is managed by the National Park Service and the Historic Preservation Division (SHPD). Each county, except for Kalawao County, is a Certified Local Government recognized by the National Park Service. As such, they are required to maintain a historic preservation program and support a Cultural Resources Commission (CRC). The CRC is responsible for identifying and guiding the preservation of historic and cultural properties within their respective units of government. The CRC members are subject matter experts and knowledgeable of the historic and cultural resources within their respective community. Such knowledge and expertise would also be an asset to a task force focused on identifying state-owned historic properties and developing a historic preservation plan for them.

Thus, the Department recommends the following edits and additions to strengthen this measure:

Page 2, line 7 – propose adding the Chair of each county Historic Preservation Commission; to read:

(4) the director of the planning department and the Chair of the Cultural Resources Commission of each county or their designees;

Page 2, line 11 – add the Chair of the Hawai‘i Historic Places Review Board to the list of working group members; to read:

(6) The Chair of the Hawai‘i Historic Places Review Board; and

(7) Any other individuals that the chair may choose to invite.

Mahalo for the opportunity to comment on this measure.



TESTIMONY WITH COMMENTS ON SB2083
RELATING TO STATE OWNED HISTORIC PROPERTIES AND INHERITED LANDS
Senate Committee on Water, Land, Culture and the Arts

February 3, 2026

1:00p.m.

Room 24

Aloha e Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Water, Land, Culture, and the Arts:

The Office of Hawaiian Affairs (OHA) provides **COMMENTS** on SB2083, which would establish a working group within the Department of Land and Natural Resources (DLNR) to ensure the preservation of state-owned historic properties and inherited lands. The working group would consist of representatives from the DLNR State Historic Preservation Division (SHPD), OHA, DLNR, each County Planning Department, and a cultural practitioner from each County to be nominated by OHA. The bill reads that collectively, the group would conduct a comprehensive inventory of state-owned historic properties, create actionable preservation and rehabilitation plans, promote community engagement and stewardship programs, and explore permanent funding mechanisms. The group would meet monthly and provide reports to the legislature every 6 months. **While well intended, the bill is ambiguous in terms of funding and tasks, overly burdensome (as currently written), and may be delegating away Hawai'i Revised Statutes (HRS) Chapter 6E responsibilities already vested with DLNR and SHPD without explicitly stating it.**

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ As part of our constitutional and statutory mandate, OHA has been intimately involved with historic preservation related advocacy for decades and is granted specific kuleana under the Hawai'i Historic Preservation law, HRS Chapter 6E, and implementing regulations.² Thus, we are well aware of the level of work that goes into inventory surveys and preservation plans, as well as the many difficulties SHPD has faced over the years in implementing the State's historic preservation program.

First, concerning the technical scope and specific duties assigned, it's unclear what the costs and staffing resources would be for each party to the working group. Conducting a comprehensive inventory survey, developing preservation plans, participating in meetings, interfacing with the community, and contributing to reports to the legislature would take up a substantial amount of staff time which may detract from core functions of the respective agencies. OHA has participated in many working groups in the past where we attended and/or facilitated meetings, contributed technical expertise, and assisted with drafting a

¹ Haw. Const. Art. XII, § 5

² See HRS §§ 6E-3, 6E-43, 6E-43.5, 6E-43.6; HAR §§ 13-284-6(c), 13-275-6(c).

summary legislative report.³ However, we are concerned with the proposed tasks in this working group to conduct comprehensive surveys, develop preservation plans, and establish partnerships with community groups or descendants as they are typically very labor intensive and place-specific, and beyond the scope of tasks typical to this type of working group that is convened for a limited purpose.

Surveys and preservation plans, in particular, are often contracted out by State or County departments to archaeological firms with expertise in these respective functions.

Second, HRS section 6E-3 establishes SHPD as a division of the DLNR to carry out the historic preservation program. **Notably, this work already includes the development of a state-wide inventory to identify and document historic properties, inclusive of burial sites.** See HRS § 6E-3(3). In the past, OHA has consistently supported requests for more funding and resources to aid SHPD in fulfilling this mandate. As SHPD currently receives National Park Service and State General funds to carry out the historic preservation program, the cost burden for any actions executed under the historic preservation program should remain with SHPD unless statutes and respective rules are amended. However, the bill as written could be read to redistribute costs associated with completing an inventory of state-owned historic properties amongst the participating parties. If it is the intent that DLNR absorb costs of the technical assignments (survey, preservation plans) of the working group (as already vested to DLNR/SHPD under HRS § 6E-3), then this needs to be explicitly stated in SB2083. If the intent is to share costs and distribute HRS section 6E-3 inventory functions to other parties, then this statutory subsection must also be amended for clarity and consistency.

Mahalo for the opportunity to testify on this measure. We look forward to seeing our **COMMENTS** on SB2083 carefully considered.

³ Even a working group tasked solely with creating a written report can require extensive staffing resources. OHA recently contracted a facilitator to assist with implementing HR186/SR130 (2025) as convening the working group, facilitating meetings, taking and distributing notes, and other administrative tasks is beyond current staff capacity.