



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 1087, H.D. 2, RELATING TO HISTORIC PRESERVATION REVIEWS.

BEFORE THE:

SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND ON WATER, LAND,
CULTURE AND THE ARTS

DATE: Tuesday, March 24, 2026

TIME: 1:01 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Danica L. Patel, Deputy Attorney General

Chairs Richards and Lee and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments on this bill.

This bill was introduced at the beginning of the 2025 Legislative Session and seeks to amend section 6E-8(b), Hawaii Revised Statutes (HRS).

Section 6E-8(b), HRS, was amended by section 3 of Act 160, Session Laws of Hawaii 2025 (Act 160), which is already in effect. Section 6E-8(b), HRS, was also amended by section 2 of Act 306, Session Laws of Hawaii 2025 (Act 306), with an effective date of July 1, 2026. Act 306 further includes a sunset provision repealing those amendments on June 30, 2030, at which time section 6E-8, HRS, will be reenacted in the form which it read before July 1, 2026.

Because this bill amends section 6E-8(b), HRS, by setting out the subsection in full, the Department recommends that the bill be Ramseyered against the version of section 6E-8(b), HRS, that will be in effect at the time this bill becomes operative, incorporating the amendments made by both Act 160 and Act 306. The Ramseyer format should reflect the statute as it exists at that time to ensure that existing provisions are not inadvertently superseded, omitted, or altered.

To facilitate this, the Department recommends that the bill's effective date be amended to July 1, 2026, to coincide with the effective date of Act 306. Aligning the

effective dates would allow the amendments proposed by this bill to be incorporated in a coordinated manner with the amendments made by Act 306 and reduce the risk of drafting conflicts or unintended supersession.

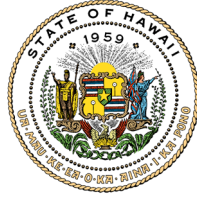
In addition, if the amendments made by this bill are intended to be preserved following the repeal of Act 306 in 2030, the Department recommends adding the following provision after "3000" on page 3, line 14, to ensure that those amendments are retained upon the reenactment of section 6E-8, HRS:

; provided that the amendments made to section 6E-8, Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is reenacted on June 30, 2030, pursuant to section 7(2) of Act 306, Session Laws of Hawaii 2025.

Thank you for the opportunity to provide comments.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

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

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

Before the Senate Committees on
HAWAIIAN AFFAIRS
AND
WATER, LAND, CULTURE, AND THE ARTS

Tuesday, March 24, 2026
1:01 PM
State Capitol, Conference Room 224

In consideration of
HOUSE BILL 1087, HOUSE DRAFT 2
RELATING TO HISTORIC PRESERVATION REVIEWS

House Bill 1087, House Draft 2 would amend Hawaii Revised Statutes (HRS) §6E-8(b) to permit the Department of Hawaiian Home Lands (DHHL) to conduct its own historic preservation review of any proposed project on lands under its jurisdiction that has the potential to affect historic properties or burial sites. **The Department of Land and Natural Resources (Department) has concerns with the proposed HRS §6E-8 amendments and submits the following comments for consideration.**

HRS Chapter 6E provides the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of this framework is the review of projects on public lands to assess their impact on historic properties, as required by HRS §6E-8. The proposed statutory amendment allows DHHL to conduct its own historic preservation reviews and self-certify the impact of their projects on historic properties listed in or eligible for listing in the Hawai'i Register of Historic Places (HRHP). It also requires that DHHL share information with the Department related to the identification and documentation of historic properties and iwi kupuna. Despite these provisions, the proposed amendment does adequately substitute the historic preservation review process that currently exists under HRS §6E-8. Specifically:

- The language proposed for amendment is found at HRS §6E-8(f), not HRS §6E-8(b). As written in existing statute, HRS §6E-8(b) specifies the amount of time SHPD has to provide written concurrence or non-concurrence for a project

submitted to it. It currently does not reference DHHL as suggested by the language in the proposed bill. The Department recommends editing the proposed amendment to address HRS §6E-8(f) instead of §6E-8(b).

- The proposed changes to HRS §6E-8(b) [HRS §6E-8(f)] identifies that DHHL may “review the effect any proposed project relating to lands under its jurisdiction upon historic property or a burial site, subject to this chapter and any administrative rules adopted under this chapter”. The existing rules governing:
 - historic preservation review for governmental projects covered under sections 6E-7 and 6E-8;
 - archaeological inventory standards and reports;
 - requirements for archaeological site preservation and development;
 - standards for archaeological data recovery studies and reports;
 - standards for archaeological monitoring studies and reports;
 - general procedures for inadvertent discoveries of historic properties during a project covered by the historic preservation review process;
 - professional qualifications;
 - permits for archaeological work;
 - standards for osteological analysis of human skeletal remains;
 - procedures for historic preservation review to comment on Chapter 6E-42, HRS, projects; and
 - rules of practice and procedure relating to burial sites and human remains

are found at Hawaii Administrative Rules (HAR) §13-275-300. As written, they do not anticipate or inform the execution of the State’s historic preservation program by an entity other than the SHPD. The entirety of these rules inform how historic preservation reviews are completed under HRS §6E (in whole or in part). Before another entity, such as DHHL, may review the effect of any proposed project relating to lands under its jurisdiction these rules must be amended and/or the statutory amendment must reflect how the said entity will continue to coordinate with SHPD to ensure that they are implemented. Furthermore, any and all violations of these rules must remain subject to the Board of Land and Natural Resources, pursuant to HRS §6E-10.5, §6E-11, §6E-11.5, §6E-11.6. Any appeal from the public regarding the determination of eligibility or affect must remain subject to the Hawai’i Historic Places Review Board, pursuant to HRS §6E-8(d).

- The proposed amendment includes professional qualifications requirements for a Hawaiian Home Lands preservation officer that are consistent with HAR §13-281. It does not, however, clarify or require similar standards be met by staff working for the Hawaiian Home Lands preservation officer; either directly or contractually. Such professional qualifications are required of SHPD staff and must be required of all DHHL staff working for a preservation officer. Furthermore, the historic preservation review process requires employment of subject-matter experts in architecture, archaeology, and cultural resources, landscapes, and practices. Any department seeking to establish their own historic preservation program should be required to

maintain staff in each of these areas and meet associated professional qualification standards established under HAR §13-281. If these requirements are unfeasible for DHHL, it is important for the proposed amendment to clarify that DHHL would not be able to implement HRS §6E-8(f); instead, DHHL would be required to revert to the normal historic preservation review process outlined at §6E-8(a) until such a time as it is able.

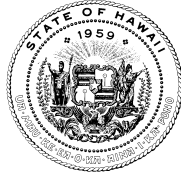
- The proposed measure does not appear to take into consideration previously agreed upon programmatic approaches to the HRS §6E-8 historic preservation process, negotiated between DHHL and the Department in a Memorandum of Understanding (MOU), which are in the process of being executed. The intent of the existing MOU is to expedite and streamline DHHL's responsibilities under HRS §6E-8 while maintaining its responsibility to consider historic properties and iwi kupuna. It allows DHHL to take on many of the responsibilities outlined in this measure while maintaining the requirement to report activities covered by the MOU and coordinate with SHPD on mitigation for projects that directly affect historic properties, in addition to sharing data. The existing MOU establishes a customized set of historic property survey standards and monitoring provisions, identifies appropriate treatment measures for both new construction and historic properties within entitlement communities to avoid or minimize effects to historic resources and iwi kupuna, determines appropriate mitigation measures when historic properties cannot be avoided, and identifies appropriate professional qualification standards for DHHL staff or their service consultant that are consistent with HAR §13-281.
 - The only differences between the existing programmatic approach and the proposed measure are: (1) DHHL is required to report the projects it has completed under the MOU to the Department in an annual report; (2) DHHL is required to submit all surveys to the department for review and concurrence (not just for the purposes of sharing information); and, (3) DHHL is required to consult with the Department on only those projects that will result in affects to historic properties.

The Department recognizes the desire for DHHL to internalize the historic preservation review process and has no objection to further amending or expanding upon the previously agreed upon programmatic approach we've been working to execute. However, amending HRS §6E-8 to establish internalized processes for departments within the State creates a precedent for inconsistent and duplicative efforts in executing a statewide historic preservation program. This measure will likely cause confusion, inconsistent identification and treatment standards for historic properties and iwi kupuna, and an incomplete sensitivity dataset and understanding of the historic properties that remain within Hawai'i.

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON
HAWAIIAN AFFAIRS AND
WATER, LAND, CULTURE AND THE ARTS
ON MARCH 24, 2026 AT 1:01PM IN CR 224

HB1087, HD2, RELATING TO HISTORIC PRESERVATION REVIEWS

March 24, 2026

Aloha Chairs Richards and Lee, Vice Chairs Lamosao and Inouye, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) strongly **supports with amendments** this bill which allows DHHL to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction, except under certain circumstances.

This legislative proposal was approved by the Hawaiian Homes Commission and included in the Governor's Administrative Package. DHHL is currently required to consult with the Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) for all DHHL projects. The intent of this bill is to streamline the historic preservation review process with timeliness and efficiency by allowing DHHL to assume this review responsibility given certain requirements. HB1087, HD2, would alleviate DLNR-SHPD from the responsibility of assuming historic preservation review for DHHL, while ensuring that DLNR-SHPD shall remain informed and copied by DHHL on all reports, maps, and documents to be incorporated into DLNR-SHPD's historic preservation digital document management system.

DHHL recommends that HB1087, HD2, be amended by adopting the language from Section 3 of HB2223, HD2, requesting an appropriation of \$400,000 for four (4) full-time equivalent positions. These positions include a historic preservation specialist, archaeologist, architectural historian, and cultural historian to fulfill this important responsibility for DHHL.

Thank you for your consideration of our testimony.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT WITH COMMENTS ON HOUSE BILL 1087 HD2
RELATING TO HISTORIC PRESERVATION**

Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i
(Senate Committee on Hawaiian Affairs)

Ke Kōmike ‘Aha Kenekoa o ka Wai, ‘Āina, a me ka Mo‘omeheu a me nā Hana No‘eau
(Senate Committee on Water, Land, and Culture and the Arts)

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

Malaki 24, 2026

1:01 PM

Lumi 224

Aloha e Chairs Richards and Lee, Vice Chairs Lamosao and Inouye, and Members of the Committees:

The Office of Hawaiian Affairs (OHA) offers the following **SUPPORT WITH COMMENTS for HB1087 HD2**, which allows the Department of Hawaiian Homelands (DHHL) to assume historic preservation review of the effect of any proposed project for land under its jurisdiction, subject to certain requirements.

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, Hawai‘i Revised Statutes (HRS) Chapter 6E, and implementing regulations.² Thus, we are well aware of the challenges that DHHL face in regards to HRS 6E review.

OHA appreciates the intent of this measure to streamline review processes and further empower DHHL in serving its beneficiaries. Our comments are intended to ensure that any assumption of historic preservation review authority is accompanied by clear professional standards, adequate staffing, and appropriate consultation safeguards to maintain consistent protection of iwi kūpuna and other historic and cultural resources.

First, we appreciate the recognition that if DHHL is to undertake review responsibilities currently performed by the State Historic Preservation Division (SHPD), it should be done in consultation with professionals who meet established qualification standards prior to issuing determinations. **However, OHA believes the current language is unclear; to add clarity to this provision, OHA recommends the following amendments:**

1. At Page 2, replacing lines 6-12 with:

“(1) Designate the review to a Hawaiian home lands preservation officer who **is a qualified professional in the field of historic preservation** and who has received a written delegation of authority to review the effect of department of Hawaiian home land projects on historic property or a burial site from the state historic preservation officer; **provided that the officer shall consult with other qualified professionals in relevant disciplines, as appropriate, when making determinations under this section.**”

2. Add the following definition to HRS § 6E-2:

““Qualified professional” means a person who meets the minimum professional qualification standards set by the department and who possesses expertise in the discipline appropriate to the type of resource under review, including archaeology, architecture, architectural history, ethnography, history, and physical anthropology.”

This approach aligns DHHL’s review process with the same qualification standards applied by SHPD, and avoids creating a system with lesser standards. SHPD’s decades of archival records, archaeological inventories, and established consultation protocols demonstrate the level of expertise and infrastructure necessary to responsibly implement HRS Chapter 6E.

Second, OHA supports incorporating appropriations into this measure so DHHL may hire qualified professionals. OHA refers the Committees to HB2223 HD2, section 3 for example appropriations language. If DHHL is to assume independent review authority, it should have sufficient in-house expertise, including professionals meeting the standards referenced above, as well as access to appropriate research tools and archival resources.

Third, OHA respectfully requests that we be consulted during DHHL's review process for assessing possible adverse impacts to historic properties that are important to Native Hawaiians. This would be consistent with current requirements for sites that are found significant under State Criterion "E". As the state agency mandated to assess the policies and practices of other state agencies for possible impacts to Native Hawaiians, OHA has been an important partner to SHPD for the last three decades and has assisted with identifying cultural sites and mitigation requirements to ensure that irreplaceable Hawaiian cultural resources and burial sites are properly protected. OHA has also created databases with invaluable historic and archaeological information that has been useful in project related reviews and identifying appropriate Native Hawaiian beneficiaries for consultation. Thus, we believe that consultation with OHA will provide a more consistent and appropriate level of protection for Native Hawaiian cultural and historic sites and resources on DHHL lands.

For the above reasons, we urge the Committees to **PASS HB1087 HD2** with consideration of our comments. Mahalo for the opportunity to testify.

HB-1087-HD-2

Submitted on: 3/21/2026 1:41:56 PM

Testimony for HWN on 3/24/2026 1:01:00 PM

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

Comments:

I, Johnnie-Mae L. Perry, Support including OHA 2/26/26 testimony

1087 HB RELATING TO HISTORIC PRESERVATION REVIEWS.

HB-1087-HD-2

Submitted on: 3/23/2026 9:59:58 AM

Testimony for HWN on 3/24/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Conall K. Ravenscraft	Individual	Support	Written Testimony Only

Comments:

Ano ai ke aloha Chair, Vice Chair, and Committee members

Please let this serve as testimony in Support of HB1087 HD2 which 'Allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction, except under certain circumstances.'

Mahalo for your consideration

Aloha

C. Kahaka'io Ravenscraft

HB-1087-HD-2

Submitted on: 3/23/2026 12:43:21 PM

Testimony for HWN on 3/24/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Shane Akoni Palacat-Nelsen	Individual	Support	Written Testimony Only

Comments:

Aloha - support.

TESTIMONY IN SUPPORT TO HOUSE BILL 1087 HD2
RELATING TO HISTORIC PRESERVATION REVIEWS

SENATE COMMITTEES on HAWAIIAN AFFAIRS and WATER, LAND, CULTURE AND
ARTS

Hawai'i State Capitol

March 24th, 2026

1:01 p.m.

CR 224

Aloha Chairs Richards and Lee, Vice Chair Lamosao and Inouye, and members of Senate Committees,

My name is Keanu Binney-Medeiros, and I am a Lineal descendant of Kealakekua Bay and a proud Hoa'aina of Ho'ala Kealakekua Nui inc.

I am submitting this testimony in **SUPPORT of HB1087 HD2**, which allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction, except under certain circumstances.

This measure represents a necessary and long-overdue shift in how we approach the preservation of Hawai'i's historic properties and burial sites; these are sacred spaces where our 'ike, genealogy, and identity are carried and preserved. This bill does not remove oversight, it refines it and aligns responsibility with those who have a direct and vested kuleana to protect these lands and the histories they hold.

HB1087 HD2 creates a pathway for more consistent, culturally informed, and accountable stewardship. It strengthens the ability for decisions to be made with both expertise and 'ike kūpuna at the forefront of preservation, while also fostering more direct collaboration between state agencies and community voices with knowledge and expertise in Native Hawaiian traditions and practices.

Passing this measure is a step toward ensuring that our historical properties and burial sites are treated with the depth of care, dignity, and cultural understanding they deserve.

These places are not only reminders of our past, but foundations for our future. They are where future generations will come to understand who they are, where they come from, and how to move forward with purpose. I urge this committee to pass HB1087 HD2 so that these connections are not lost, but protected and carried forward.

I respectfully urge you to pass this measure.

Mahalo for the opportunity to testify.

Me ka ha'aha'a

A handwritten signature in cursive script that reads "Keanu Binney-Medeiros". The signature is written in black ink and is positioned centrally below the Hawaiian phrase.

Keanu Binney-Medeiros