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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the House Committee on
HOUSING**

**Wednesday, February 11, 2026
9:00 AM
State Capitol, Conference Room 430**

**In consideration of
HOUSE BILL 2102
RELATING TO HISTORIC PRESERVATION**

House Bill 2102 would amend Hawaii Revised Statutes (HRS) §6E-42.2 to clarify that residential projects involving ground disturbance in high-risk areas remains subject to review under the State Historic Preservation Program and removes the historic review exemption for lands presumed nominally sensitive. **The Department of Land and Natural Resources (Department) appreciates the amendments to HRS Chapter 6E proposed in this measure and submits the following comments for consideration.**

This measure is similar to Senate Bill 2443 in terms of the proposed amendments to HRS §6E-42.2. Both proposals are appropriate and have the potential to resolve some of the discrepancies that currently exist between HRS §6E-42.2 exemptions and the HRS §6E-43 responsibilities of residential property owners and project proponents regarding iwi kupuna. However, for both measures, the Department recommends similar edits and additions.

Pg. 3, Lines 8-21 and Pg. 4, Lines 1-16—the term “low-unit residential properties” should be defined on page 6, line 11. Or the language could be further simplified to state something to the effect of:

“6E-42.2 Excluded activities for existing privately-owned single-family detached dwelling units, townhouses, low-unit [residential properties] and high-density residential properties. (a) An application for a proposed project on an existing privately-owned single-family detached dwelling unit, townhouse, low-unit or high-density residential property shall be subject to the requirements of section 6E-42 only if one or more of the following applies:

~~{(1)The proposed project involves the modification of an existing residential structure that is more than fifty years old and is:}~~

~~(1) {(A)} The property is listed in on the Hawaii or national registers of historic places, or both;~~

~~(2) {(B)} The property is nominated for inclusion in on the Hawaii or national registers of historic places, or both; or~~

~~(3) {(C)} The property is located in a local, state or nationally designated historic district;~~

~~(4) {(2)} The proposed project involves ground disturbing activity and:~~

~~a. Occurs on, or adjacent to, land containing sandy soils; or~~

~~b. The ground-disturbing activity exceeds the excavation of topsoil and occurs on, or adjacent to, land that contains:~~

~~i. Previously identified burials or cemeteries;~~

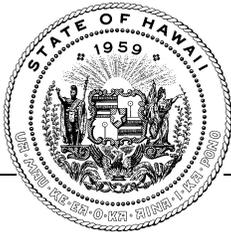
~~ii. Lava tubes, karst features, or caves; or~~

~~iii. A historic property previously determined to have an important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events, or oral accounts important to native Hawaiian or another ethnic group of the state's history and cultural identity. [be significant under criterion "e" of either section 13-284-6(b)(5) or 13-275(b)(5), Hawaii Administrative Rules.]~~

~~(5) The proposed permitted project does not change the number or density of residential units, or change the property's classification or zoning resulting in a mixed-used residential development.~~

Unless the department has executed a programmatic agreement with the permitting agency to establish a program alternative or has otherwise determined the property to not require review under this section due to the absence of historic properties or iwi kupuna.

Mahalo for the opportunity to comment on this measure.



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

JOSH GREEN, M.D.
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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON HOUSING
Wednesday, February 11, 2026, 9:00 AM
State Capitol, Conference Room 430

in consideration of
HB 2102
RELATING TO HISTORIC PRESERVATION.

Chair Evslin, Vice Chair Miyake, and Members of the House Committee on Housing.

The Office of Planning and Sustainable Development (OPSD) **supports HB 2102**, which clarifies that residential projects involving ground disturbance in high-risk areas remain subject to review under the State Historic Preservation Program, and removes the historic review exemption for lands presumed nominally sensitive.

HB 2101 reaffirms the State's commitment to safeguarding iwi kupuna and restoring the integrity of Hawai'i's historic preservation program. The necessity for this measure was brought to the forefront during discussions within the Chapter 6E Historic Preservation Permitted Interaction Group (PIG) of the Simplifying Permitting for Enhanced Economic Development (SPEED) Taskforce. This group was specifically tasked with identifying administrative and statutory bottlenecks within the Hawai'i Revised Statutes Chapter 6E historic preservation review process. During these discussions, a primary concern emerged regarding the current practice of presuming certain areas to be "nominally sensitive," as thus exempt from historic preservation review, simply due to a lack of existing data on iwi kupuna and historic properties.

OPSD emphasizes that a lack of available data on burials or other historic properties does not equate to a lack of risk during development. In a landscape as culturally rich and sensitive as Hawai'i, the absence of a recorded burial site in a database is often more a reflection of limited prior study than a true absence of ancestral remains. The proposed changes to Section 6E-42 in this measure ensure that projects involving ground disturbance activity undergo the formal historic preservation review process. Because these activities inherently carry risk of inadvertent discovery of iwi kupuna, maintaining responsible oversight is the only way to fulfill our constitutional and ethical obligations to protect these resources.

Furthermore, OPSD supports HB 2102 because it provides clarity for reviewers, protects our cultural resources, and serves as a catalyst for recovery. Specifically, this measure will

HB 2102 RELATING TO HISTORIC PRESERVATION - SUPPORT
State Office of Planning and Sustainable Development
February 11, 2026

accelerate essential housing development in West Maui in the areas devastated by the Lahaina fires. The bill's language regarding topsoil, which is defined as the "uppermost naturally occurring soil layer," provides a clear, predictable pathway for rebuilding in areas of Lahaina where much of the original soil was scraped and refilled by FEMA following the fires in 2023. By including "naturally occurring" in the definition of topsoil. HB 2102 allows for responsible development that honors the past while providing for the urgent needs of the present. For these reasons, OPSD respectfully asks the committee to pass HB 2102.

Thank you for the opportunity to testify in support of this measure.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

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LATE

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BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING

BEFORE THE HOUSE COMMITTEE ON HOUSING

February 11, 2026
Conference Room 430

TO: The Honorable Luke A. Evslin, Chair, The Honorable Tyson K. Miyake, Vice Chair, and Members of the House Committee on Housing

RE: COMMENTS ON HOUSE BILL NO. 2102, RELATING TO HISTORIC PRESERVATION

The Department of Planning and Permitting (DPP) **offers comments, with a suggested amendment**, House Bill No. 2102, which clarifies that residential projects involving ground disturbance in high-risk areas remain subject to review under the State Historic Preservation Program; and removes the historic review exemption for lands presumed nominally sensitive.

DPP recognizes the importance of ensuring that projects with the potential to affect historic properties and iwi kūpuna receive appropriate review. At the same time, we are mindful of the State Historic Preservation Division's current capacity constraints and the need to avoid creating additional review backlogs that could delay housing and other residential projects.

Recent statutory changes have created uncertainty for both agencies and applicants regarding when residential projects should be routed for review. Greater clarity and predictability would benefit implementation and help ensure that review is focused on projects that present the greatest potential risk, particularly those involving ground-disturbing activities in sensitive areas.

As this measure moves forward, DPP encourages consideration of an approach that balances the need for meaningful historic preservation review with the practical realities of agency capacity and the timely delivery of housing.

We recommend one clarifying edit to Section 6E 42.2(a)(2)(A) to read: "Occurs on, or adjacent to, land containing sandy soils; ~~or~~ AND". This revision would more

The Honorable Luke A. Evslin, Chair
The Honorable Tyson K. Miyake, Vice Chair
and Members of the House Committee on Housing
Hawai'i House of Representatives
House Bill No. 2102
February 11, 2026
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clearly identify lands containing sandy soils that are culturally sensitive in relation to the features identified in item (B), and would support more consistent interpretation and application.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a horizontal line and a loop.

Dawn Takeuchi Apuna
Director



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

February 11, 2026

Representative Luke Evslin, Chair
Representative Tyson Miyake, Vice Chair
Committee on Housing

RE: **HB 2102 - Relating to Historic Preservation**
Hearing date: February 11, 2026 at 9:00 a.m.

Aloha Chair Evslin, Vice Chair Miyake and members of the committees

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **STRONG OPPOSITION on HB 2102 - RELATING TO HISTORIC PRESERVATION**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

NAIOP Hawaii is greatly concerned with this measure which undoes much of the progress from Acct 293 that was just passed last year. The intent of the recent amendments to section 6E-42.2 was to reduce the number of projects subject to review by the State Historic Preservation Division (SHPD) and allow the division to focus its limited resources on higher-risk projects. HB2102 undermines that goal by significantly narrowing the scope of the residential exemption and re-expanding SHPD's review authority to a wide range of low-impact residential projects.

Rather than streamlining the process, this bill effectively reverses the purpose of the exemption by expanding review triggers beyond single-family homes and townhouses to include up to four-unit residential properties and broad land classifications. This re-expansion risks pulling many residential projects back into SHPD review, even where there is no specific evidence of historic or burial resources on the project site.

Furthermore, the procedures for inadvertent discoveries remain unchanged. Any discovery of iwi kupuna would still immediately halt construction and require consultation with the island burial council. Therefore, the claim that the residential exemption would diminish the role of the burial councils is speculative. While it has been suggested that fewer pre-construction reviews could lead to more inadvertent discoveries, we are not aware of data supporting this assumption, and prior discussions contemplated reviewing inadvertent findings data to better understand this issue.

Representative Luke Evslin, Chair
Representative Tyson Miyake, Vice Chair
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Moreover, we are particularly concerned with the proposed language in section 6E-42.2(1)(2), which would require review based on whether a project occurs on or adjacent to sandy soils or other broadly defined land characteristics. It is unclear how applicants are expected to determine whether adjacent lands meet these criteria without requiring additional soil reports or technical studies, which defeats the purpose of creating an exemption. This creates uncertainty for property owners and increases both cost and delay for modest residential construction.

If the Legislature believes adjustments to the exemption are necessary, we urge consideration of a negotiated approach that preserves the exemption while broadening excluded activities rather than narrowing them. The exemption should be expanded, not restricted, so that SHPD can focus its attention on projects with a demonstrable likelihood of affecting cultural or burial resources, rather than low-risk residential construction.

Protecting iwi kupuna is a fundamental responsibility of the State, but it must be balanced with the need for a functional and predictable permitting process. HB2102 shifts that balance too far in the direction of expanding review triggers without addressing SHPD's existing capacity constraints or providing evidence that current exemptions are resulting in harm.

For these reasons, we respectfully oppose HB2102 and urge the Committee defer this measure to uphold exemptions which maintain cultural protections while preserving the intended streamlining benefits of section 6E-42.2.

Mahalo for your consideration,



Ken Hayashida, President
NAIOP Hawaii

February 9, 2026

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee consider the following:

I am submitting testimony on behalf of Kailua Kau Ho‘oilo and the Kailua Hawaiian Civic Club, both are Native Hawaiian organizations with trans-generational ties to the Kailua, O‘ahu ahupua‘a. We have been involved with protecting our iwi kupuna for the last twenty years and have spent many hours advocating for their right to moe kau a ho‘oilo – to “undisturbed sleep through all seasons” – and we have spent many more doing our best care for, curate, and reinter them when this right has not been honored.

Two weeks ago, we reinterred four iwi kupuna from a Kainalu Dr. swimming pool project that the DPP had deemed “nominally sensitive” (because there was no record of previous iwi encounters on that TMK) and issued a construction permit without first seeking SHPD review. Three of those kupuna, one a keiki, were shattered by the pool excavator’s back hoe; the fourth was more carefully removed by an archaeologist who had been called in afterwards to asses the situation. Two more kūpuna are being preserved in-place behind protective buffers 18” in from the pool walls.

These six kūpuna were encountered immediately next door to another set of kupuna remains that had been similarly disturbed, three years prior, by another DPP green-lighted (no SHPD review) swimming pool project. Three more kupuna had been dislodged and mishandled in a 2006 pool project at a home directly across the street from the second. Additional swimming pool burials in the immediate vicinity include: five at 364 N. Kainalu, in 1998, ten at 147 Ulupā St. in 2017, one at 129 Ulupā St. in 1999, and 30 at an unrecorded Ulupā St. address in 1972.

My point is this: Act 293 and its “nominally sensitive” loophole allows for the ongoing desecration of our iwi kupujna in jaucus sand areas like the Kailua accretion barrier where burials are frequent and well-documented. The loophole, as applied to our most recent Kainalu Dr. kūpuna, is that no historic review by SHPD is necessary if prior construction on that specific site revealed nothing of significance. Our twenty years of crying over shattered kūpuna in “nominally sensitive” sand completely contradicts the myopic premise of Act 293. We support HB2102 as a much-need remedy for that earlier, short-sighted piece of legislation.

Me ka ha‘aha‘a,
Kīhei de Silva
founding member, Kailua Kau a Ho‘oilo
Director, Kailua Hawaiian Civic Club
deSilvak009@gmail.com

HB-2102

Submitted on: 2/9/2026 10:58:04 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanoeuluwehianuhea Case	Na Wai Hoʻola Nui Laʻau Lapaʻau Foundation	Support	Written Testimony Only

Comments:

To: Chair and Members of the House Committee on Housing

From: Kanoeuluwehianuhea Case

Co- Founder of Na Wai Hoʻola Nui Laʻau Lapaʻau Foundation, Aloha ʻĀina Advocate

Re: STRONG SUPPORT for HB2102 – Relating to the Protection of Iwi Kūpuna

Hearing: 2/10/26

Aloha Chair and Honorable Members:

My name is Kanoeuluwehianuhea Case, Co-Founder of Na Wai Hoʻola Nui Laʻau Lapaʻau Foundation along with Founder Kuhaʻo Kawaauhau-Case. Our mission is to bring forth healing of our people through humble and intentional Aloha ʻĀina Advocacy as we stand in protection of our "Natural resources" otherwise known to Kanaka as our Na Akua, elemental beings from invasive developments. Such developments that harm our ʻIwi Kupuna which this particular bill seeks to protect.

ʻO Mauna A Wakea no kuʻu Mauna, ʻO Waimea Moku ʻO Keawe mai au. Mahalo for the opportunity to provide testimony in strong support of HB2102, a bill that affirms Hawaiʻi's responsibility to protect iwi kūpuna and uphold the sacred relationship between Kānaka Maoli and our ancestral remains.

For Native Hawaiians, iwi kūpuna are not artifacts, not obstacles to development, and not "resources." They are our ancestors. They are genealogical extensions of our living families, and their resting places are sacred. To disturb or desecrate them is to violate not only cultural practice, but spiritual law.

As lineal descendants of our Hawai‘i in reverence for Aloha ‘Āina, Na Wai Ho‘ola Nui La‘au Lapa‘au Foundation and its Founder view the protection of iwi kūpuna as inseparable from the protection of the land itself. The land holds our history, our identity, and our ancestors. When development, infrastructure projects, or so-called “progress” are allowed to override burial protections, it sends the message that Native Hawaiian values are secondary to economic interests. IT IS NOT! And this needs to be remedied.

HB2102 is necessary because current processes have too often failed to prevent:

- Burial desecration during construction projects
- Inadequate consultation with lineal descendants
- Fast-tracked approvals that prioritize developers over cultural practitioners
- The continued treatment of iwi kūpuna as impediments rather than sacred beings

This bill helps restore balance by strengthening safeguards for ancestral remains and reinforcing the obligation of the State to act as a true steward — not merely a regulator — of burial sites. This Bill should help set a precedence for how our ‘Iwi Kupuna should be treated, that is and should be with dignity and respect.

The continued disturbance of iwi kūpuna perpetuates historical trauma rooted in the illegal overthrow and the ongoing misuse of Hawaiian lands. Protecting burials is not only a matter of preservation; it is a matter of justice, dignity, and healing.

From an Aloha ‘Āina perspective, this bill aligns with:

- Article XII, Section 7 of the Hawai‘i State Constitution
- Traditional Hawaiian burial customs
- The principle that land and people are genealogically connected
- The kuleana to mālama those who came before us

If Hawai‘i claims to value its Indigenous people and culture, then the protection of iwi kūpuna must be non-negotiable. Development can wait. Profit can wait. Our ancestors cannot be replaced.

HB2102 affirms that our kūpuna deserve peace in death just as they deserved respect in life.

I respectfully urge you to PASS HB2102 and demonstrate that Hawai‘i will no longer allow convenience, speed, or private interest to outweigh cultural responsibility and ancestral reverence.

Mahalo nui loa for the opportunity to testify in strong support.

Kanoewehianuhea Case

Moku O Keawe

Na Wai Ho'ola Nui La'au Lapa'au Foundation



TESTIMONY IN STRONG SUPPORT OF BILL 2102
RELATING TO HISTORIC PRESERVATION

House Committee on Housing
Hawai'i State Capitol

February 11, 2026

9:00 AM

Room 430

Aloha e Chair Evslin, Vice Chair Miyake, and Members of the House Committee on Housing:

Mahalo for setting HB2102 for public hearing. This measure is part of the Office of Hawaiian Affairs's (OHA's) 2026 Legislative Package, and OHA submits this testimony in **STRONG SUPPORT**.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ In fulfillment of our mandates, OHA has been deeply involved with protection of iwi kūpuna for decades. Under HRS Chapter 6E and its implementing administrative rules, OHA is tasked with specific kuleana relating to iwi.² 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. Thus, we have direct first-hand experience concerning the strengths and weaknesses of the current legal framework, and provide our testimony based on this experience.

Under the State's public trust doctrine and Hawai'i Constitution Article XII, section 7, the state has an affirmative duty to protect Native Hawaiian burials and cultural practices related to mālama iwi. Despite these continuing constitutional obligations, changes made in Act 293 (SB15) of the 2025 legislative session significantly weakened the historic preservation review framework under HRS Chapter 6E, reducing safeguards for iwi kūpuna and cultural and historic resources, and increasing litigation risk.

Act 293 (2025) created exemptions from the historic review process for private projects on *existing residential properties* and in *nominally sensitive areas*. As written, however, these exemptions are overly broad and susceptible to interpretation that could allow large-scale developments—including apartments, condominiums, or even hotels—to bypass historic review,

¹ Haw. Const. Art. XII § 5

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

including in high-risk areas (such as Jaucus sands or sand dunes).³ These exemptions materially increase the risk of iwi iwi kūpuna disturbance or destruction and threatens to re-create the same conditions that prompted the Legislature to enact burial protections in 1990—following the disinterment of over 1,100 men, women, and children in Kapalua, Maui during construction of the proposed Ritz-Carlton Hotel. While these amendments were intended to allow the historic review system to focus its resources on projects posing a genuine risk to cultural and burial sites and exclude projects perceived as low risk, the current framework undermines that goal. Instead of improving timelines, it increases the likelihood of preventable iwi disturbance or destruction and invites misuse.

First, the residential exemptions have, in practice, created more uncertainty and confusion for applicants and agencies, rather than streamlining review. According to findings of the Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force, while residential exemptions were intended to streamline smaller-scale residential projects, they have instead generated confusion among applicants and county staff about when HRS Chapter 6E review is required. This confusion has resulted in construction stoppages, project redesigns, and litigation when iwi or other significant historic properties are identified mid-project—outcomes that serve neither efficient permitting nor meaningful cultural protection.⁴

Second, the nominally sensitive area exemption was enacted without consultation with historic preservation professionals, creating an unworkable and high-risk framework. The definition was imported from a separate bill during the 2025 legislative session without accompanying guardrails or consultation requirements involving State Historic Preservation Division (SHPD), OHA, or other historic preservation experts.⁵ As a result, areas presumed to be “nominally sensitive” may in fact be highly likely to contain burial sites or cultural deposits, increasing the likelihood of unplanned discoveries during construction. Although tiered sensitivity approaches may be effective where comprehensive land inventories exist, the State is not currently positioned to implement such categories statewide when the majority of lands remain un-surveyed. The SPEED Task Force likewise identified SHPD staffing and technical capacity constraints as issues requiring investments before such systems can be reliably implemented.⁶

In general, the SPEED Task Force found that early planned historic review is more effective than relying on exemptions. Exemptions or narrow readings of statutory triggers do not reliably speed up construction when they increase the likelihood of inadvertent discoveries. In practice, it

³ “Nominally sensitive” is defined broadly to include previously disturbed areas where no significant historic properties have been previously identified. HRS § 6E-42.2(d). However, many disturbed areas were never surveyed prior to HRS 6E laws, used outdated methods, or did not comply with HRS Ch. 6E.

⁴ See *Final Report of the Permitted Interaction Groups for Chapter 6E/Historic Preservation, Individual Wastewater Systems, and Building Permits*, SPEED Task Force, p. 12 (Dec. 2025)[hereinafter *Final Report*]. The SPEED Task Force was established by Act 133 (2025) to identify challenges and measures needed to expedite development permit processes.

⁵ Act 311/SB79 (2025).

⁶ See SPEED Task Force, *Final Report*, *supra* note 5, at 10-15.

is often faster and less expensive to incorporate surveys, monitoring, and consultation with island burial councils (IBCs) into the front end of project design than to halt work after ground disturbance has occurred.⁷ Early planned historic review also ensures that Native Hawaiian rights protected under Article XII, Section 7 are meaningfully preserved. When iwi kūpuna are discovered inadvertently, time-compressed processes can constrain decision-making by IBCs and descendants, who may have only a few days to respond regarding the treatment and preservation of discovered iwi kūpuna.⁸ Blanket exemptions, in practice, create controversy, conflict, and confusion for families, agencies, and developers alike—often resulting in delays, redesigns, and litigation rather than predictability.

Accordingly, in executing its statutory and constitutional duties, OHA introduced this measure to restore critical foundations to the HRS 6E framework, realigning statutory law with the State’s constitutional obligations, improving clarity for all parties, and reducing the risk of iwi destruction and avoidable litigation.

HB2102 responsibly narrows the exemption framework in HRS Section 6E-42.2 by removing the unworkable “nominally sensitive area” exemption while retaining residential exemptions for genuinely small-scale projects that present a low likelihood of disturbing subsurface cultural resources. Rather than relying on broad or ambiguous categories, the measure anchors exemptions to clear, objective indicators that are widely recognized in planning and archaeological best practices. Under this approach, projects in areas with features known to have a higher prevalence of iwi kūpuna or cultural deposits (e.g., sandy soils, lava tubes) would appropriately continue to undergo historic review pursuant to HRS Section 6E-42. These refinements replace the blanket exemptions passed by Act 293 with a more precise and workable framework that better protects iwi kūpuna and cultural resources from irreversible harm, provides greater predictability for agencies and applicants, and aligns implementation with the practical capacity of SHPD.

Mahalo for the opportunity to present testimony. For these reasons, OHA respectfully urges the committee to **PASS HB2102**.

⁷ See *Id.* at 12-13.

⁸ IBCs have 45 days to consult with descendants and make determinations for iwi discovered prior to construction. See HRS § 6E-43. In contrast, when iwi are discovered during construction, the State has final authority, and IBC consultation is expedited to 2-3 days, limiting descendant input. See HRS § 6E-43.6.



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Testimony to the HOUSE COMMITTEE ON HOUSING

Relating to House Bill 2102

Relating to Historic Preservation.

February 11, 2026 9:00 a.m. State Capitol, Conference Room 430

Aloha e Chairperson Evslin, Vice-Chair Miyake, and Commission Members,

The Native Hawaiian Legal Corporation respectfully submits this testimony in **SUPPORT of HB 2102** which clarifies that residential projects involving ground disturbance in high-risk areas remain subject to review under the State Historic Preservation Program and removes the historic review exemption for lands presumed nominally sensitive.

Founded in 1974, NHLC is a public interest law firm whose mission is to protect and advance Native Hawaiian identity and culture through legal and other forms of advocacy. NHLC is the only public interest legal organization dedicated exclusively to Native Hawaiian rights. For more than fifty years, NHLC has served the lāhui and, through this work, has developed extensive experience representing cultural and lineal descendants in matters involving the rights to mālama iwi kūpuna.

HB 2102 corrects the scope of exemptions in HRS § 6E-42.2 to ensure the proper protection of iwi kūpuna and other cultural sites.

Iwi kūpuna are considered historic property under the Historic Preservation Review Process. *See* HAR § 13-300-2 (deeming burial sites “a unique class of historic property”); *see also* HAR § 13-283-1 (“Burial sites with human skeletal remains have cultural significance and are sensitive historic properties, significant to the descendants and to the relevant cultural group.”).

Burials and other historic properties are protected under the Hawai'i Constitution as public trust resources. Hawai'i Revised Statutes (“HRS”) § 6E-1 explains:

The Constitution of the State of Hawaii 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.*

Accordingly, the State is obligated “to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property.” *Id.*

To fulfill the State’s obligations, HRS § 6E-42 requires the State Historic Preservation Division’s review of proposed projects for impacts to historic properties, in order to mitigate any such impacts, before any permits for the project may be approved “[e]xcept as provided in section 6E-42.2[.]”

Act 293 (2025) amended HRS § 6E-42.2, creating an overbroad exemption for “nominally sensitive areas,” which are defined as “project area[s] known to include a low density of historic, cultural, or archaeological resources, or where the project area[s] ha[ve] been substantially disturbed by previous excavation or other ground-disturbing work and no significant historic properties have been previously identified.” This exemption from the permit review process does not comply with the State’s constitutional obligations and commitment to “preservation and enhancement of historic and cultural property.”

Many areas known to contain iwi kūpuna were “substantially disturbed by previous excavation or other ground-disturbing work” well before the imposition of legal requirements to survey properties for burials and other cultural artifacts. Prior ground disturbance does not eliminate the presence of iwi kūpuna; they can still be found in areas long altered by excavation or construction. Additionally, there may be cultural layers and resources below the levels reached by previous ground-disturbance work. The “nominally sensitive areas” exemption therefore leaves iwi kūpuna vulnerable to desecration and contradicts the State’s stewardship and trusteeship obligations.

HRS § 6E-42-2 conflicts with the State’s constitutional obligations to protect Native Hawaiian traditional and customary rights and practices. HB 2102 corrects it.

“[P]rotecting iwi from disturbance or relocation, and ensuring that iwi receive proper care and respect” is a traditional and customary right and practice. *Kaleikini v.*

Native Hawaiian Legal Corporation
Testimony Re: HB 2102
February 9, 2026
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Yoshioka, 128 Hawai‘i 53, 56, 283 P.3d 60, 63 (2012). Native Hawaiians’ traditional and customary rights and practices are explicitly protected by the Hawai‘i Constitution under Article XII, section 7 which provides:

The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

Article XII, § 7 “places an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights and **confers upon the State and its agencies the power to protect these rights and to prevent any interference with the exercise of these rights.**” *Ka Pa‘akai O Ka ‘Āina v. Land Use Comm’n*, 94 Hawai‘i 31, 45, 7 P.3d 1086, 1082 (2000) (quoting Stand. Comm. Rep. No. 57, in 1 Proceedings of the Constitutional Convention of 1978, at 639 (1980)) (citation modified) (emphasis added). Further, HAR chapters 13-275, 13-276, and 13-284 affirm that interested individuals like cultural practitioners and lineal descendants of iwi kūpuna have the procedural right to “consult in the historic preservation review process.” *Kaleikini*, 128 Hawai‘i at 71, 283 P.3d at 78.

By removing large swaths of land from required review, the “nominally sensitive area” exemption deprives Native Hawaiians of the ability to safeguard iwi kūpuna and to meaningfully participate in decisions regarding projects that may affect them. Once construction is underway, opportunities for preservation in place diminish significantly, increasing the likelihood of disturbance or relocation. Accelerating projects without full identification of historic and cultural properties, including burials, heightens the risk of inadvertent discoveries which are afforded less protections under the law. Further, SHPD is strained in its capacity to respond to inadvertent discoveries. Proper care and protection of iwi kūpuna calls for minimizing the risk of inadvertent discovery in this context, not increasing it.

For these reasons, NHLC respectfully urges the Legislature to adopt HB 2102.

Mahalo for the opportunity to submit written testimony.

Na‘u nō me ka ha‘aha‘a,



Kirsha K.M. Durante, Litigation Director

HB-2102

Submitted on: 2/8/2026 8:45:01 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Ohana Unity Party & Kingdom of The Hawaiian Islands	Support	Remotely Via Zoom

Comments:

Testimony in ****STRONG SUPPORT**** of HB2102 Relating to Historic Preservation

Aloha Chair(s) and Members of the Committees,

My name is Master Shelby "Pikachu" Billionaire, HRM, Chairman of the Ohana Unity Party, representing the Kingdom of The Hawaiian Islands. As a fierce advocate for the protection of our sacred 'āina, iwi kūpuna (ancestral remains), cultural heritage, Native Hawaiian traditional rights, and the path to true self-sovereignty for our lāhui, I submit this testimony in ****STRONG SUPPORT**** of HB2102.

This critical OHA package bill amends HRS §6E-42.2 to restore integrity to Hawai‘i's historic preservation program by closing dangerous loopholes introduced in recent years (e.g., Act 293, 2025). It clarifies that residential projects on existing low-unit properties (up to four dwelling units) involving ground-disturbing activity remain subject to review under Chapter 6E when in high-risk areas—such as sandy soils (e.g., Jaucas sands, beaches, dunes), lands with previously identified burials/cemeteries, lava tubes, karst features, caves, or significant historic properties.

Crucially, it removes the broad exemption for "nominally sensitive" lands (areas presumed low-density in resources or previously disturbed without surveys), ensuring professional assessment rather than arbitrary bypasses that risk inadvertent disturbance of iwi kūpuna and cultural sites. HB2102 reaffirms the State's constitutional public trust duty to safeguard ancestral remains and cultural resources, honors the role of island burial councils in descendant-guided decisions, and prevents developments from evading review in culturally sensitive zones. Here are numbered, compelling reasons why the Committees should support and advance HB2102:

1. ****Safeguards Iwi Kūpuna and Prevents Inadvertent Disturbance**** Ground-disturbing activities (grading, trenching, excavation, utility installation, etc.) in high-risk areas like sandy soils or known burial sites have historically led to discoveries of iwi kūpuna. Loopholes allowing exemptions without surveys increase these risks, undermining protections under HRS Chapter 6E and diminishing the authority of island burial councils to approve treatment plans with input from lineal and cultural descendants.
2. ****Restores Professional and Culturally Grounded Review Processes**** By eliminating the "nominally sensitive" exemption and defining high-risk triggers (e.g., sandy soils per USDA

classifications, karst features, caves, or historic properties under HAR criteria), the bill ensures sensitivity determinations are made by historic preservation experts—not left to statutory presumptions. This aligns with archaeological best practices and prevents large-scale developments in burial-heavy areas (e.g., coastal dunes) from bypassing review.

3. **Honors Native Hawaiian Traditional and Customary Rights** Iwi kūpuna are sacred to kānaka maoli, tied to cultural, spiritual, and genealogical continuity. Weakened reviews conflict with Article XII, Section 7 of the Hawai‘i State Constitution, which protects traditional practices and access to resources. HB2102 prioritizes descendant voices through burial council processes and upholds pono stewardship of 'āina, ensuring commercial or residential projects do not erode these rights.

4. **Aligns with OHA Advocacy and Community Consensus** As an OHA-initiated measure (companion SB2536), HB2102 directly advances OHA's mission to protect Native Hawaiian rights and cultural sites. OHA has highlighted how prior exemptions (expanded in 2025) created loopholes exploitable for developments in high-burial-density areas without prior inventory, harming cultural integrity and descendant involvement. This bill closes those gaps consistent with planning and preservation standards.

5. **Advances Self-Sovereignty and Long-Term 'Āina Resilience** Protecting iwi kūpuna and historic resources is foundational to Hawaiian self-determination—reducing external exploitation of our 'āina and empowering our people to steward ancestral lands. By strengthening Chapter 6E reviews, HB2102 reinforces constitutional obligations under Article XI (conservation/public trust) and Article XII (traditional rights), fostering abundance ('āina momona) for future generations and building toward greater sovereignty free from laws that prioritize development over cultural survival. HB2102 maintains balanced exemptions (e.g., for non-ground-disturbing modifications or older registered structures only if not high-risk) while adding precise definitions for "ground-disturbing activity," "sandy soil," "karst," etc., to guide clear implementation.

It takes effect upon approval, with no undue burdens beyond restored protections. This bill reflects urgent community calls—from OHA, cultural practitioners, and advocates—to heal recent erosions in historic preservation law. Enacting HB2102 will reaffirm Hawai‘i's commitment to its people, ancestors, and sacred lands. I urge the Committees to pass HB2102 unanimously and forward it swiftly. Our iwi kūpuna deserve unwavering protection—let us honor them by closing these loopholes and restoring pono to our preservation program.

Mahalo nui loa for your kuleana in defending Hawai‘i's cultural and spiritual heritage.

Sincerely, Master Shelby "Pikachu" Billionaire, HRM Kingdom of The Hawaiian Islands, H.I.
Ohana Unity Party, Chairman www.Ohanaunityparty.com Presidentbillionaire@gmail.com

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HB-2102

Submitted on: 2/8/2026 2:19:22 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Ann K Poire	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Elizabeth Poire
Kailua Kona, Hawaii

HB-2102

Submitted on: 2/8/2026 2:26:58 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Thomas	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Michael Thomas

Kamuela, Hawaii

HB-2102

Submitted on: 2/8/2026 2:36:10 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
LIANNE UCHIMA	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites.

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui loa for giving me and the rest of the people the opportunity to present our testimonies. We greatly appreciate it and our kūpuna do as well!

Aloha,

Lianne Uchima

Honolulu(Pālolo), O'ahu

HB-2102

Submitted on: 2/8/2026 2:44:03 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aric James Alika Kimo Andrade	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the Committee,

Mahalo for setting this bill for hearing. My name is **Aric James Alika Kimo Andrade**, and I am submitting testimony in **strong support of HB2102**. I respectfully urge the Committee to pass this measure for the following reasons.

Reinstates longstanding protections and safeguards descendant voices

HB2102 restores longstanding protections that have historically applied to private property and ensures the State meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas identified in this bill—helps prevent irreversible harm by ensuring early identification of iwi kūpuna and historic sites, when project redesign and preservation in place are still viable.

Early identification also ensures consultation with Island Burial Councils and allows lineal and cultural descendants to have a voice in determining the disposition of their ancestors through burial treatment plans and relocation decisions.

Provides clear guidance to prevent harm to vulnerable sites

HB2102 also provides much-needed clarity by identifying the highest-risk areas that should be prioritized for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials, and cemeteries are widely recognized indicators that a property may contain undiscovered burials and cultural patrimony.

Clarifying that these areas require review allows the State to better focus its limited resources, prevent avoidable harm, and reduce the likelihood of inadvertent disinterment of iwi kūpuna.

Builds trust and certainty in our regulatory system

Hawai‘i can build housing while also protecting iwi kūpuna. Sound housing policy depends on regulatory systems that reduce uncertainty and risk without sacrificing the State’s responsibility to protect cultural resources.

Concerns that historic preservation review causes excessive delays are overstated. In practice, bypassing early review often leads to greater delays, increased costs, litigation, and community conflict when iwi kūpuna are harmed after construction has begun. Broad or poorly defined exemptions undermine public trust and weaken the cooperative processes needed to balance Hawai‘i’s housing goals with its cultural responsibilities.

Mahalo nui loa for the opportunity to submit testimony in strong support of HB2102.

Respectfully,

Aric James Alike Kimo Andrade
O‘ahu

HB-2102

Submitted on: 2/8/2026 2:45:21 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

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

Comments:

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites. In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

HB-2102

Submitted on: 2/8/2026 3:46:37 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lea Kamakawiwoole	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo

Lea Kamakawiwoole

Oahu

HB-2102

Submitted on: 2/8/2026 4:58:28 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marty Martins	Individual	Support	Written Testimony Only

Comments:

HB2102 restores longstanding protections applied to private property and ensures that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm.

HB-2102

Submitted on: 2/8/2026 5:05:10 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Poaipuni	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai'i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state's responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Loriann Poaipuni
Waiehu, Maui

HB-2102

Submitted on: 2/8/2026 5:09:20 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandee Yuen	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Brandee Yuen - pearl city. Hi (Oahu)

HB-2102

Submitted on: 2/8/2026 5:27:21 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teri Corpuz	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Teri Corpuz (Pukalani, Maui)

Written Testimony in STRONG SUPPORT of HB 2102

Relating to Historic Preservation
House Committee on Housing
February 11, 9:00 a.m.

Aloha Chair and Members of the Committee,

My name is Lani Ma‘a Lapilio and this testimony is submitted in strong support of HB 2102, essential to **reinstating longstanding protections for iwi kūpuna and ensuring that lineal and cultural descendants retain a meaningful voice in decisions affecting their ancestors.**

HB 2102 restores protections that were put in place to ensure that the State of Hawai‘i fulfills its constitutional obligations to protect iwi kūpuna and historic properties. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas identified in this bill—serves as a critical safeguard against irreversible harm.

Early review allows iwi kūpuna and historic properties to be identified **before ground disturbance**, when project redesign and preservation in place remain viable options. This is the point at which harm can still be avoided. Early identification ensures that Island Burial Councils are properly consulted and that lineal and cultural descendants are meaningfully included in decisions regarding burial treatment plans and potential relocation. When review is delayed until construction is underway, descendant voices are constrained, timelines are compressed, and outcomes are often dictated by urgency rather than care or cultural protocol.

Providing clear guidance to prevent harm to Hawai‘i’s most vulnerable sites

In addition to restoring longstanding protections, HB 2102 provides clarity that will improve and focus the historic preservation review process. By identifying the highest-risk areas that warrant SHPD review—including jaucus sands (sand dunes), lava tube and karst systems, and previously identified burials, cemeteries, and cultural sites—the bill establishes clear, evidence-based indicators of burial risk.

These environments are well documented as places where iwi kūpuna and historic properties are likely to be present. Clarifying that such areas require review helps prioritize state resources, improves predictability for applicants, and most importantly, helps avoid preventable harm. When readily available indicators of burial presence exist, the State’s duty to protect iwi kūpuna is heightened, and failure to act on those indicators increases the likelihood of disinterment and irreversible loss.

Building trust and accountability within Hawai‘i’s regulatory system

Hawai‘i can—and must—meet its housing needs **without sacrificing its responsibility to protect iwi kūpuna.** Creative and responsible housing solutions depend on regulatory systems that reduce uncertainty and risk while maintaining public trust. Claims that historic preservation

review routinely causes unreasonable delays are overstated. In reality, bypassing early review often produces the opposite result.

When iwi kūpuna are discovered during construction, projects are more likely to face costly delays, litigation, community opposition, and long-term harm to public confidence. Clear standards and early review support both responsible development and cultural protection, allowing the State's multiple policy goals to be met in a just and balanced manner.

Conclusion

HB2102 is a necessary and measured response that restores protections, strengthens descendant participation, and prevents avoidable harm to iwi kūpuna. I respectfully urge the Committee to pass this bill and reaffirm Hawai'i's commitment to protecting its ancestors, cultural heritage, and constitutional values.

Mahalo nui for the opportunity to provide testimony.

HB-2102

Submitted on: 2/8/2026 7:20:25 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zanette Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

Mahalo for the opportunity to submit testimony in **strong support of HB2102**, relating to historic preservation and the protection of iwi kūpuna.

How Hawai‘i chooses to protect iwi kūpuna is a reflection of our collective values, our kuleana to the past, and our responsibility to future generations. As you are likely aware, “*I ka wā ma mua, i ka wā ma hope*”—the future times to come all begin in the times behind us. Iwi kūpuna are our living ancestors whose presence in the land sustains genealogical, spiritual, and cultural continuity. When our legal policy fails to protect them, we perpetuate hewa of the past and present day into the future.

In 2025, Act 293 introduced a loophole allowing residential construction projects in so-called “nominally sensitive” areas to bypass historic review. In Hawai‘i, this is simply unacceptable. Many neighborhoods and subdivisions were built before laws existed to protect and report disinterred iwi kūpuna. Prior construction does not mean absence of ancestral remains. This loophole must be closed before irreversible harm is wrought.

Hawaiian people of old were very explicit on how they wanted future generations to behave, going so far as to teach children to care for their belongings by stating something so patently obvious as: “*Mai waiho i nā iwi o nā kūpuna i ka lā*”—do not leave the bones of the ancestors in the sun. Their mana‘o teaches young people the values and practices of care, foresight, and responsibility. What would they say about development that proceeds without historic review early on, when doing so places iwi kūpuna at risk of exposure and last-minute decisionmaking, increasing vulnerability to the pressure of coercive forces? When iwi kūpuna are discovered during active construction, decisions are forced within a matter of days, redesign options are limited, and familial voices/rights are discounted.

Early review by the State Historic Preservation Division does not need to be an obstacle to housing or development. It simply a necessary protocol that allows for thoughtful planning, preservation in place, and meaningful participation by Island Burial Councils as well as lineal and cultural descendants.

HB2102 restores long-standing protections as they should stand, by removing the “nominally sensitive area” exemption and by clearly identifying high-risk conditions—such as properties

containing or abutting jaucus sands, known burials or cultural sites, or lava tube systems—where further review is essential. This establishes a culturally-informed approach that can mālama our kuleana and also accommodate construction of housing in places that are appropriate.

Protecting iwi kūpuna is essential to make sure that construction in Hawai‘i is pono for our times. By passing HB2102, the Legislature affirms that cultural integrity, historic preservation, and the voices of lineal descendants are all valuable. Do not be the generation that sacrificed what is sacred and irretrievable in favor of short term convenience or profit. I respectfully urge you to pass HB2102.

Me ke aloha a me ka mahalo,

Z Johnson, PhD

Moku o Keawe

HB-2102

Submitted on: 2/8/2026 8:23:35 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elaine SanJose	Kahua O Kakou, Corp.	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

I am a Direct descendant to Iwi Kūpuna located in Kahua; Pepe‘ekeo that I am experiencing difficulty in visiting my own biological great, great- grandparents whom were buried upon their ‘āina on the 3rd of November in 1918 and the 8th of May in 1925 by the 3 separate residence living around my Iwi Kūpuna burial sites. I know my rights as a Direct Descendant to my Iwi Kūpuna and I know no one has any rights to blocking my access to my Iwi Kūpuna. I don‘t quite understand how these 3 residence can allow another family member (a cousin of mines) to visit our Iwi Kūpuna but they‘re blocking my access.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and

cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony.

Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Elaine Phoebe, Keali‘iwahāmāna Makaio SanJose

Big Island of Hawai‘i aka Moku O Keawe

HB-2102

Submitted on: 2/8/2026 11:16:04 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimo Cashman	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Dr. Kimo Cashman

Wahiawā, O‘ahu

HB-2102

Submitted on: 2/9/2026 3:35:35 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nakoolani Warrington	Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

SUPPORT OF HB 2102

We, Kūpuna for the Mo‘opuna, a hui of Hawaiian Homes Commission Act kūpuna beneficiary farmers from Pana‘ewa, Hawai‘i, testify in **SUPPORT of HB 2102.**

HB 2102 reinstates longstanding protections of descendant voices, provides guidance to prevent harm to our most vulnerable sites, and builds trust in our regulatory system.

SUPPORT and PASS HB 2102.

Mahalo.

HB-2102

Submitted on: 2/9/2026 5:16:28 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahealani Kamau	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Māhealani Kamau

Kāneʻohe, Oʻahu

HB-2102

Submitted on: 2/9/2026 5:19:47 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

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

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Vanessa Lee Miller

Hilo, Hawaii

HB-2102

Submitted on: 2/9/2026 5:39:16 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ku Kahakalau, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha mai Chair Evslin, Vice Chair Miyake, and members of the committee,

As a former Hāmākua District Representative on the Hawai‘i Island Burial Council (2004 - 2012), I strongly support HB2102 and ask the Committee to please pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring long standing protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic

preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Kū Kahakalau, Ph.D.

Hawai'i Island

HB-2102

Submitted on: 2/9/2026 6:14:16 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brenten Kanoa Yamane	Individual	Support	Written Testimony Only

Comments: Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee, Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons: Reinstate longstanding protections and protect descendant voices HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions. Provides guidance to prevent harm to our most vulnerable sites In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment. Building trust in our regulatory system Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way. Mahalo nui for the opportunity to present testimony, Brenten Kanoa Yamane Kapolei, O’ahu

HB-2102

Submitted on: 2/9/2026 6:32:58 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
veneeta acson	Individual	Support	Written Testimony Only

Comments:

SAMPLE TESTIMONY IN SUPPORT OF HB2102

Personalize this sample to submit your own testimony:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and

cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Veneeta Acson

Honolulu, O‘ahu

HB-2102

Submitted on: 2/9/2026 6:46:10 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jotis Russell-Christian	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

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Mahalo nui for the opportunity to present testimony,

Jotis Russell-Christian

Kapahulu, O‘ahu

HB-2102

Submitted on: 2/9/2026 8:04:02 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

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

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

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Building trust in our regulatory system

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Mahalo nui for the opportunity to present testimony,

Julia Estigoy-Kaho‘onei

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

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Building trust in our regulatory system

Hawai'i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state's responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Vernon Kapua'ala
Waikapū, Maui

HB-2102

Submitted on: 2/9/2026 9:23:29 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee members

I strongly support HB2102 and urge the Committee to pass this bill.

HB2102 **restores** long-standing protections that help safeguard iwi kūpuna and important cultural and historic sites. **Requiring** early review by the State Historic Preservation Division in **high-risk areas** helps prevent irreversible harm before construction begins. It also ensures Island Burial Councils and lineal and cultural descendants are consulted and have a voice in decisions about burial treatment and relocation.

The bill provides clear guidance by identifying areas most likely to contain burials, such as sand dunes, lava tubes, karst systems, and known cultural sites. Focusing review on these high-risk areas helps prioritize protection and reduce unnecessary harm.

HB2102 also builds trust in the process. Protecting iwi kūpuna and building housing are not mutually exclusive. Early review reduces uncertainty, prevents costly delays and lawsuits, and avoids community conflict caused by disturbing burials after construction has begun. Clear, well-defined protections support fair, transparent, and responsible development.

Mahalo nui for the opportunity to submit testimony.

Cheryl Burghardt

Nuuanu Oahu

HB-2102

Submitted on: 2/9/2026 9:25:09 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dee Green	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2102 for the following reasons:

- Restores long-standing protections for iwi kūpuna, cultural sites, and historic resources
- Ensures the State meets its constitutional duty to protect burials and cultural heritage
- Requires early review in high-risk areas, helping prevent irreversible harm before construction begins
- Guarantees consultation with Island Burial Councils and meaningful input from lineal and cultural descendants
- Clearly identifies high-risk areas such as sand dunes, lava tubes, karst systems, and known burial or cultural sites
- Helps prioritize protection of the most vulnerable areas while avoiding unnecessary damage
- Reduces delays, legal disputes, and community conflict by addressing burial concerns early in the process
- Supports responsible development by providing clarity, transparency, and predictability for all parties

Thank you for the opportunity to provide testimony in support of HB2102.

HB-2102

Submitted on: 2/9/2026 9:50:10 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Goo	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Steve Goo

Honolulu, Oahu

HB-2102

Submitted on: 2/9/2026 9:59:34 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandy-Alia Serikaku	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

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Mahalo nui for the opportunity to present testimony,

Brandy-Alia Serikaku

Hilo, Hawai‘i

HB-2102

Submitted on: 2/9/2026 10:50:46 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

HB-2102

Submitted on: 2/9/2026 10:52:43 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kalani Kaanaana	Individual	Support	Written Testimony Only

Comments:

As my position is so well stated by Kihei de Silva, I'll quote him in part here and echo: "Act 293 and its "nominally sensitive" loophole allows for the ongoing desecration of our iwi kupuna in jaucus sand areas like the Kailua accretion barrier where burials are frequent and well-documented. The loophole, as applied to our most recent Kainalu Dr. kūpuna, is that no historic review by SHPD is necessary if prior construction on that specific site revealed nothing of significance. Our twenty years of crying over shattered kūpuna in "nominally sensitive" sand completely contradicts the myopic premise of Act 293. We support HB2102 as a much-needed remedy for that earlier, short-sighted piece of legislation."

HB-2102

Submitted on: 2/9/2026 11:03:10 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lei K Ayat-Verdadero	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

- Reinstate longstanding protections and protect descendant voices
- HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.
- Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Another solution would be providing seats to SHPD via placement of knowledgeable kanaka ō‘iwi in the diaspora. This would allow establishing quorum, expediting backlog, and ensure momentum moving forward.

Mahalo nui for the opportunity to present testimony.

Lei Ayat-Verdadero, Papakōlea/O‘ahu

HB-2102

Submitted on: 2/9/2026 11:06:28 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB2102

Aloha Chair Evslin and Members of the Committee,

I submit testimony in strong support of HB2102.

As a kanaka ‘ōiwi, I hold deep respect for our iwi kūpuna. The protection of ancestral burials is not only a legal responsibility but a cultural and spiritual kuleana. Hawai‘i’s Historic Preservation Law has long served as a critical safeguard to ensure development does not erase our history or disturb iwi kūpuna without proper review and meaningful participation by lineal and cultural descendants.

HB2102 restores early review by the State Historic Preservation Division, allowing burial sites and cultural resources to be identified before construction begins—when preservation in place and project redesign are still possible. When iwi kūpuna are discovered during active construction, decisions are rushed, options are limited, and Island Burial Councils and descendants are sidelined. Once iwi kūpuna are disturbed, the harm is irreversible.

This bill restores balance, respect, and accountability by prioritizing early review, especially in high-risk areas, and by protecting the voices of those with direct cultural and familial ties to the land.

I respectfully urge your support of HB2102.

Mahalo,
Teri Kia Savaiinaea

Wai‘anae resident

HB-2102

Submitted on: 2/9/2026 11:08:44 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Faylene Mahina Paishon Duarte	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 which will:

- Reinstate longstanding protections and protect descendant voices
- Provides guidance to prevent harm to our most vulnerable sites
- Building trust in our regulatory system

As a former resident Commissioner of Hawai'i County's Leeward Planning Commission, I understand first hand of the importance of this bill. Thank you for your favorable consideration.

Me ka mahalo,

Mahina Paishon Duarte

HB-2102

Submitted on: 2/9/2026 11:32:45 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisette Akamine	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Lisette Puanani Akamine

Kāneʻohe, Hawaiʻi

ELECTRONIC DELIVERY

Committee on Housing
House of Representatives
Legislature of the State of Hawai'i

Wailuku, Maui, February 9, 2026

Testimony in Strong Support of HB2102

Aloha e Honorable Chair Evslin, Honorable Vice Chair Miyake, and Honorable Members of the Committee,

I submit this testimony in strong support of HB2102.

HB2102 restores coherence to Hawai'i's historic preservation system.

HB2102 corrects a governance failure created by statutory exemptions that weakened early review.

HB2102 realigns administrative practice with Hawai'i State constitutional duty.

The State of Hawai'i has an affirmative obligation under Article XII, Section 7 of the Hawai'i State Constitution to protect iwi kūpuna and Native Hawaiian traditional and customary practices.

That obligation institutionalizes Native Hawaiians' right to self-determination by recognizing and operationalizing Hawaiian agency through lawful processes, including consultation, participation, and decision-making authority.

That obligation exists regardless of project size, ownership status, or development pressure.

HB2102 operationalizes that obligation at the point where harm is still preventable.

Early review is a risk-mitigation function.

It reduces uncertainty, cost escalation, project disruption, and conflict.

It enables informed decision-making before irreversible action occurs.

Exemptions that defer review transfer risk downstream.

They externalize harm to descendants, communities, agencies, and courts.

They do not accelerate development; they destabilize it.

HB2102 restores system integrity by clarifying where review is required.

High-risk indicators warrant heightened scrutiny.

This is a standard principle of responsible governance and regulatory design.

Island Burial Councils and descendants are not advisory afterthoughts.

They are integral governance actors within the statutory framework.

HB2102 ensures their participation occurs at the correct decision point.

Effective systems balance competing policy goals through clarity, not avoidance.

HB2102 demonstrates that housing production and cultural protection are compatible when governance is disciplined and transparent.

Trust in public institutions depends on consistency between stated values and operational practice.

HB2102 restores that consistency.

I support HB2102 because it strengthens accountability, reduces preventable harm, and affirms governance grounded in foresight and aloha 'āina.

I respectfully urge the Committee to pass this bill.

Na'u me ka ha'aha'a,



Trisha Kapua'ala

HB-2102

Submitted on: 2/9/2026 1:29:04 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Taffi Wise	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

I strongly support HB2102 and ask that the Committee pass this bill.

HB-2102

Submitted on: 2/9/2026 5:37:57 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cacilie Craft	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102**, having considered it from the perspective of a (non-Hawaiian) archaeologist and historic preservation professional. I ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline

development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Cacilie

Kaneohe, O'ahu

HB-2102

Submitted on: 2/9/2026 9:20:04 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha,

Kimeona Kane of Waimānalo in strong support of this item. Mahalo for the opportunity to provide testimony.

Ke Aloha Nui

HB-2102

Submitted on: 2/10/2026 12:35:05 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

I strongly support this bill. We cannot create unintentional destruction of cultural sites by having definitions that are too broad. As an Historical researcher and author, here on Maui, I have seen our Historic Preservation Process overlook some very important historic resources. Lets made our laws work better, not create loopholes that can be exploited.

Mahalo nui loa

Lucienne de Naie Huelo , Maui

HB-2102

Submitted on: 2/10/2026 12:49:56 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

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

Comments:

I, Johnnie-Mae L. Perry Support

2102 HB RELATING TO HISTORIC PRESERVATION

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I **strongly support HB2102** and ask that the Committee consider the following:

I am writing as a community member of Kailua and as a member of Kailua Kau a Ho'oilu, a Native Hawaiian organization with trans-generational ties to Kailua, O'ahu. This organization has been involved with protecting the iwi kūpuna of Kailua for the last twenty years in an effort to ensure that our ancestors may have their moe kau a ho'oilu ("undisturbed sleep through all seasons").

To echo another testimony submitted by Kīhei deSilva, one of the founding members of Kailua Kau a Ho'oilu, Act 293 and its "nominally sensitive" loophole allows for the continued desecration of our iwi kūpuna in jaucus sand areas. In Kailua, this accretion barrier is often where burials are frequently found and well-documented. Without historic review by SHPD if prior construction on a specific site revealed nothing of significance, our iwi are at great danger of being disinterred and desecrated.

I strongly support HB2102 as a much-needed remedy for earlier legislation which fails to ensure this corner case is mitigated.

Mahalo,
Kalikoonāmaukūpuna (Kaliko) Kalāhiki
kalikokalahiki@gmail.com

HB-2102

Submitted on: 2/10/2026 6:58:57 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Support	Remotely Via Zoom

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Bianca Isaki, Kane`ohe

HB-2102

Submitted on: 2/10/2026 8:09:48 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theodora Furtado	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

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Reinstate longstanding protections and protect descendant voices

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Mahalo nui for the opportunity to present testimony,

Theodora Furtado

Honolulu, Oahu

HB-2102

Submitted on: 2/10/2026 8:44:16 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor Kapua'ala	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

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Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

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invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present

Victor Kapua'ala

Wailuku, Maui

HB-2102

Submitted on: 2/10/2026 8:53:15 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charmaine Vasquez	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions

invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present

Charmaine Vasquez

Wailuku, Maui

HB-2102

Submitted on: 2/10/2026 9:21:50 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

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

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. **I strongly support HB2102** and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing *and* protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the

likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state's multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Kelli Soileau

Kane'ōhe, O'ahu

HB-2102

Submitted on: 2/10/2026 10:37:59 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Clare Apana	Malama Kakanilua	Support	Remotely Via Zoom

Comments:

Aloha I support this bill. I will present further comments at the hearing tomorrow. Thank you.

Clare Apana, President, Malama Kakanilua

HB-2102

Submitted on: 2/10/2026 11:03:14 AM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosanna ?Anolani Alegado	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and members of the committee,

Mahalo for setting this bill for hearing. I strongly support HB2102 and ask that the Committee pass this bill for the following reasons:

Reinstate longstanding protections and protect descendant voices

HB2102 would restore longstanding protections applied to private property and ensure that the state meets its constitutional obligations to protect iwi kūpuna and cultural and historic sites. Review of proposed projects by the State Historic Preservation Division (SHPD)—particularly in known high-risk areas as set forth in this bill—helps avoid irreversible harm by ensuring the early identification of iwi kūpuna and historic sites when project redesign and preservation in place are still viable options to prevent irreversible harm. Early identification also ensures that Island Burial Councils are consulted, and lineal and cultural descendants have a voice in determining the disposition of their ancestors through input on burial treatment plans and relocation decisions.

Provides guidance to prevent harm to our most vulnerable sites

In addition to restoring longstanding protections, this bill would also streamline review processes by identifying the highest-risk areas that are a priority for review by SHPD. Jaucus sands (sand dunes), lava tube and karst systems, and previously identified cultural sites, burials and cemeteries are all key indicators that a property may contain undiscovered burials and cultural patrimony. Clarifying that these areas require review by SHPD will help to prioritize review and protection of these vulnerable areas and help avoid and minimize harm. The burden on the state to protect iwi kūpuna is heightened when there are readily available indicators to help guide and shape review and protection determinations to ensure against available disinterment.

Building trust in our regulatory system

Hawai‘i can build more housing and protect iwi kūpuna. Creative housing solutions require policies that reduce uncertainty and risk for housing projects without sacrificing the state’s responsibility to protect cultural resources. Concerns about delays caused by the historic preservation review process are vastly overstated and bypassing early review does not streamline development or reduce costs for homeowners. On the contrary, skipping review increases the likelihood of construction delays, lawsuits, and community discord when iwi kūpuna are disinterred and harmed after construction has started. Broad and poorly defined exemptions invite misuse and erode cooperative solutions needed to ensure that the state’s multiple policy goals are attained in a just, transparent, and fair way.

Mahalo nui for the opportunity to present testimony,

Rosanna ‘Anolani Alegado

Kahalu‘u, O‘ahu

HB-2102

Submitted on: 2/10/2026 12:05:27 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Madison Masek	Individual	Support	Written Testimony Only

Comments:

I support the restoration of vital protections for iwi kupuna

HB-2102

Submitted on: 2/10/2026 5:18:30 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dane K. U. Maxwell	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Evslin, Vice Chair Miyake, and Members of the Committee,

My name is Dane Maxwell. I am testifying in my personal capacity in strong support of HB2102. I previously served two full terms on the Maui/Lāna‘i Island Burial Council under Chapter 6E, Hawai‘i Revised Statutes, including as Vice Chair and Chair, and I have recently returned to serve again. While I speak only for myself, my testimony is informed by my experience reviewing burial treatment plans and consulting with lineal and cultural descendants through my service on the Council.

Act 293 (2025) created an exemption allowing certain residential projects in “nominally sensitive” areas to proceed without historic review. In practice, this exemption could apply to multi-unit projects in areas known to contain a high concentration of iwi if prior construction occurred on the site. However, many subdivisions in Hawai‘i were built before burial protection and reporting laws were enacted. In addition, modern monocropping agricultural practices significantly altered the landscape across the islands. Large areas were graded, cleared, and reshaped in ways that make sites appear disturbed or low risk today. As a result, land that appears minimally sensitive may still contain intact burials or previously disturbed burials — and both carry equal cultural and legal weight. Prior construction or surface disturbance alone is not a reliable measure of burial risk.

Iwi kūpuna will be found in areas classified as nominally sensitive. When they are discovered during active construction, decisions must be made quickly, redesign options are limited, and burial councils and descendants are placed in a reactive position. Burial disturbance is irreversible.

HB2102 restores longstanding protections by removing the exemption and clarifying when historic review should occur. Properties with or abutting jaucus sands, previously identified burials, cemeteries, cultural sites, or lava tube systems are widely recognized indicators of burial risk and warrant review.

The Legislature should restore the law and provide the necessary funding, staffing, and training so that the review process is conducted thoroughly and completed in a timely manner. Strengthening SHPD’s capacity improves efficiency without compromising protections.

Please restore this law to what it was and honor the event from which Chapter 6E was born —
Honokahua.

Ola nā iwi,

Dane Maxwell
Maui, Hawai‘i

HB-2102

Submitted on: 2/10/2026 5:51:01 PM

Testimony for HSG on 2/11/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

The longstanding protections for iwi kupuna were put in place for vital reasons: burial disturbance is irreversible. Early review is essential. The state's constitutional obligation to protect iwi kupuna and cultural and historic sites must be honored.

Thank you, Linda Legrande