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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the House Committee on
WATER & LAND

Thursday, February 5, 2026
9:00 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
HOUSE BILL 2223
RELATING TO HISTORIC PRESERVATION REVIEWS

House Bill 2223 would amend Hawaii Revised Statutes (HRS) §6E-8(f) to permit the Department of Hawaiian Home Lands (DHHL) to conduct its own historic property review of any proposed project on lands under its jurisdiction that has the potential to affect historic properties or burial sites. **The Department of Land and Natural Resources (Department) has concerns with the proposed HRS §6E-8 amendments and submits the following comments for consideration.**

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

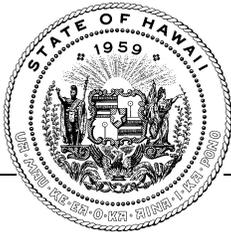
- HRS §6E-8(f)(1)(A) and (B) does not adequately identify the professional qualifications DHHL staff or their service consultant(s) will be required to maintain. The historic preservation review process requires employment of subject-matter experts in architecture, archaeology, as well as history and culture. Any department seeking to establish their own historic preservation program should be required to maintain staff in each of these areas and meet professional qualification standards established under HAR §13-281. If such

employment is unfeasible for DHHL, it is important for the proposed amendment to clarify that they would not be able to implement HRS §6E-8(f); instead, they would be required to revert to the normal historic preservation review process outlined at §6E-8(a) until such a time as they are able.

- Additionally, it is unclear what administrative rules DHHL would be operating under to implement their historic preservation program or if they will be held to the same standards as other state departments. If DHHL is required to write their own administrative rules, they should establish the same rigorous standards and framework identified at Hawai'i Administrative Rules (HAR) §13-275.
- The proposed measure does not appear to take into consideration previously agreed upon programmatic approaches to the HRS §6E-8 historic preservation process, negotiated between DHHL and the Department in a Memorandum of Agreement (MOA), which are in the process of being executed. The intent of the existing MOA is to expedite and streamline DHHL's responsibilities under HRS §6E-8 while maintaining their responsibility to consider historic properties and iwi kupuna. The existing MOA establishes a customized set of historic property survey standards and monitoring provisions, identifies appropriate treatment measures for both new construction and historic properties within entitlement communities to avoid or minimize effects to historic resources and iwi kupuna, determines appropriate mitigation measures when historic properties cannot be avoided, as well as identifies appropriate professional qualification standards for DHHL staff or their service consultant that are consistent with HAR §13-281.
 - The only difference between the existing programmatic approach and the proposed measure is: (1) DHHL is required to report the projects they've completed under the MOA to the Department in an annual report; (2) DHHL is required to submit all surveys to the department for review and concurrence (not just for the purposes of sharing information); and, (3) DHHL is required to consult with the Department on only those projects that will result in affects to historic properties.

The Department recognizes the desire for DHHL to internalize the historic preservation review process and has no objection to further amending or expanding upon the programmatic approach we've been working to execute. However, amending HRS §6E-8 to establish internalized processes for departments within the State creates inconsistent and duplicative efforts for concerns that may be resolved within the existing statute. The measure, if repeated, will likely cause confusion, inconsistent identification and treatment standards for historic properties and iwi kupuna, as well as an incomplete sensitivity dataset and understanding of the historic properties that remain within Hawai'i.

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
WATER & LAND**

Thursday, February 5, 2026, 9:00 AM
State Capitol, Conference Room 411

in consideration of
HB 2223
RELATING TO HISTORIC PRESERVATION REVIEWS.

Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water & Land.

The Office of Planning and Sustainable Development (OPSD) **supports HB 2223**, which permits the Department of Hawaiian Home Lands (DHHL) to conduct a review of the effect of a proposed project on lands under its jurisdiction on historical properties and burial sites, subject to certain requirements. Appropriates funds.

Currently, the requirement to consult with the State Historic Preservation Division (SHPD) for every project can create significant administrative bottlenecks. Allowing DHHL to perform these reviews internally through qualified specialists accelerates the permitting process while maintaining rigorous historic and cultural preservation goals. This decentralized approach ensures that reviews are conducted by experts who are intimately familiar with the specific cultural landscapes of DHHL lands and relieves SHPD of some of its administrative workload, fostering a review process that is both more efficient and more culturally informed.

The acceleration of this process is directly aligned with Governor Green's housing initiatives and the Ke Ala Hou strategy, which prioritizes the rapid delivery of homes to the people of Hawai'i. For DHHL beneficiaries, many of whom have waited decades for homestead awards, time is of the essence. By reducing the wait times associated with historic preservation clearances, the State can more quickly deploy the historic funding allocated for Hawaiian Home Lands and break ground on critical residential developments. Expediting these foundational reviews is not just an administrative improvement, but a necessary step to fulfilling the State's fiduciary duty to native Hawaiians and meeting our broader housing production targets. For these reasons, OPSD respectfully asks the committee to pass HB 2223.

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

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

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



KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

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TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND
ON FEBRUARY 5, 2026 AT 9:00AM IN CR 411

HB 2223, RELATING TO HISTORIC PRESERVATION REVIEWS

February 5, 2026

Aloha Chair Hashem, Vice Chair Morikawa and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) **supports** this bill which 1) permits DHHL to conduct a review of the effect of a proposed project on lands under its jurisdiction on historical properties and burial sites, subject to certain requirements and 2) appropriates funds.

This measure was approved by the Hawaiian Homes Commission to be included in DHHL's Legislative Package. The intent of this bill is to streamline the historic preservation review process with timeliness and efficiency by allowing DHHL to assume this review responsibility given certain requirements. HB2223 would relieve the Department of Land and Natural Resources (DLNR) from the responsibility of assuming historic preservation review for DHHL, while ensuring that DLNR shall remain informed and copied by DHHL on all reports, maps, and documents to be incorporated into DLNR's historic preservation digital document management system. The appropriation request for four (4) full-time equivalent positions would be used to hire a historic preservation specialist, archaeologist, architectural historian, and cultural historian to fulfill this important kuleana (responsibility) for DHHL.

Thank you for your consideration of our testimony.

Cindy Freitas
makainanqi@gmail.com

OPPOSE UNLESS AMENDED – H.B. 2223
RELATING TO HISTORIC PRESERVATION REVIEWS

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i. I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I respectfully submit testimony **OPPOSING H.B. 2223 UNLESS AMENDED**, due to its impacts on the **County of Hawai'i** and the protection of iwi kūpuna and historic properties.

H.B. 2223 permits the **Department of Hawaiian Home Lands (DHHL)** to conduct historic preservation and burial reviews for its **own projects**, replacing independent review by the State Historic Preservation Division (SHPD). While staffing resources are appropriated, the bill **removes essential checks and balances** without replacing them with independent oversight or public accountability.

For the **County of Hawai'i**, where the State's **largest concentration of DHHL lands** overlaps with extensive and often undocumented burial landscapes, this approach is especially concerning. Burial discoveries on Hawai'i Island frequently occur during grading, not before. Allowing self-review increases the risk of **irreversible harm** to iwi kūpuna and cultural landscapes.

Key elements missing from H.B. 2223 include:

- **Independent oversight and SHPD concurrence** prior to project approval;
- **Mandatory, proactive lineal descendant consultation** and cultural impact assessment before ground disturbance;
- **Public notice, transparency, and an appeal process** for affected communities;
- **Clear enforcement mechanisms and penalties** for improper determinations;
- **County coordination**, despite County responsibilities for land-use approvals, infrastructure planning, and burial treatment protocols.

Streamlining must not mean **self-approval, reduced protection, or exclusion of communities** particularly in Hawai'i County, where once iwi kūpuna are disturbed, the harm cannot be undone.

REQUIRED AMENDMENTS (OPPOSE UNLESS ADOPTED)

H.B. 2223 should not advance **unless amended** to:

1. Require **independent SHPD review and concurrence** for DHHL projects;
2. Mandate **advance lineal descendant consultation and cultural impact assessments**;
3. Provide **public notice, community input, and appeal rights**;
4. Establish **enforcement authority and penalties** for noncompliance;
5. Require **coordination with the County of Hawai'i** on projects affecting land-use, infrastructure, or burial treatment.

CONCLUSION

Historic preservation laws exist to protect resources that cannot be replaced. Without the amendments above, H.B. 2223 weakens burial protection and undermines public trust in the **County of Hawai'i**.

For these reasons, I **OPPOSE H.B. 2223 UNLESS AMENDED**.

Mahalo,

Cindy Freitas