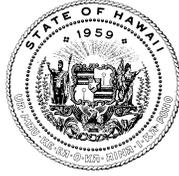


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawai'i*

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



KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

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

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON HAWAIIAN
AFFAIRS AND WATER, LAND, CULTURE AND THE ARTS
ON FEBRUARY 10, 2026 AT 1:00PM IN CR 224

SB 1406, RELATING TO HISTORIC PRESERVATION REVIEWS

February 10, 2026

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

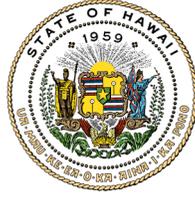
The Department of Hawaiian Home Lands (DHHL) **supports** this bill which allows DHHL to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

This version of the bill was approved by the Hawaiian Homes Commission and included in the Governor's 2025 Administrative Package. DHHL prefers the bill version introduced as HB2223 for this 2026 Legislative Session. The intent of the bill is to streamline the historic preservation review process with timeliness and efficiency by allowing DHHL to assume this review responsibility given certain requirements. SB1406 would alleviate the Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) from the responsibility of assuming historic preservation review for DHHL, while ensuring that DLNR-SHPD shall remain informed and copied by DHHL on all reports, maps, and documents to be incorporated into DLNR-SHPD's historic preservation digital document management system.

Thank you for your consideration of our testimony.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

Tuesday, February 10, 2026
1:00 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 1406
RELATING TO HISTORIC PRESERVATION REVIEWS

Senate Bill 1406 would amend Hawaii Revised Statutes (HRS) §6E-8(f) to permit the Department of Hawai'ian Homelands (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 Hawaii Administrative Rules §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 affects 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.



KIA'I IWI ALAKA'I

James J K C Maioho

Kahu of Mauna Ala | Founder, Kiai Iwi Alakai

808-459-1313 | James@HoilinaStrategies.com

Chair, Vice Chair, and Members of the Committee,

My name is James Jay Kaleimamahu Crowningburg Maioho, and I offer this testimony in opposition to SB1406.

While I recognize and support the urgent need to accelerate homestead development for Native Hawaiian beneficiaries, this measure, as drafted, raises serious concerns regarding the protection of iwi kupuna and historic sites across Hawaiian Home Lands.

SB1406 would allow the Department of Hawaiian Home Lands to conduct its own historic preservation and burial impact reviews rather than requiring independent consultation with DLNR and SHPD. This creates a structural conflict wherein the same agency advancing development becomes the entity determining whether cultural and burial protections are sufficient.

Our kupuna deserve independent review — not internal clearance.

Many burial sites across Hawaiian Home Lands remain undocumented or unregistered. By limiting DLNR oversight primarily to formally listed properties, this bill risks exposing previously unidentified burials to disturbance.

Historic preservation law exists precisely to prevent expediency from overriding cultural protection. Streamlining cannot come at the cost of our ancestral dignity.

If the intent is to improve efficiency, I urge amendments instead of wholesale transfer of

authority, including:

- Mandatory SHPD concurrence on burial determinations.
- Independent cultural monitor requirements.
- Formal beneficiary consultation processes.
- Transparency and public reporting safeguards.

We must not create a system where development pressure eclipses cultural responsibility.

For these reasons, I respectfully urge the Committee to HOLD SB1406 or amend it to preserve independent burial and historic review authority.

Mahalo for the opportunity to testify.