
HOUSE CONCURRENT RESOLUTION

REQUESTING A ONE-DAY SUMMIT FOR THE HEALING AND CREATION OF
POSITIVE CHANGE FOR THE STATE HISTORIC PRESERVATION
DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

1 WHEREAS, the importance of conserving, preserving, and
2 developing historic and cultural objects and places for the
3 public is established in article IX, sections 7 and 9 of the
4 Hawaii Constitution; and

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6 WHEREAS, the importance of the protecting historic and
7 cultural property for the education, inspiration, pleasure, and
8 enrichment of all citizens of the State is codified in state law
9 as chapter 6E, Hawaii Revised Statutes, which expressly
10 established within the Department of Land and Natural Resources
11 (DLNR) a comprehensive historic preservation program to be
12 administered by the State Historic Preservation Division (SHPD);
13 and

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15 WHEREAS, SHPD officially became a division of the DLNR in
16 1990; prior to 1990, the Division's functions were managed by
17 the State Parks Division of the Department; and

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19 WHEREAS, SHPD is comprised of three branches, archaeology,
20 architecture, and history and culture, and is responsible for
21 administering the historic preservation program by:

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23 (1) Development of an on-going program of historical,
24 architectural, and archaeological research and
25 development, including surveys, excavations,
26 scientific recording, interpretation, and publications
27 on the State's historical and cultural resources;
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29 (2) Acquisition of historic or cultural properties, real
30 or personal, in fee or in any lesser interest, by
31 gift, purchase, condemnation, devise, bequest, land



- 1 exchange, or other means; preservation, restoration,
2 administration, or transference of the property; and
3 the charging of reasonable admissions to that
4 property;
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- 6 (3) Development of a statewide survey and inventory to
7 identify and document historic properties, aviation
8 artifacts, and burial sites, including all those owned
9 by the State and the counties;
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- 11 (4) Preparation of information for the Hawaii register of
12 historic places and listing on the national register
13 of historic places;
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- 15 (5) Preparation, review, and revisions of a state historic
16 preservation plan, including budget requirements and
17 land use recommendations;
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- 19 (6) Application for and receipt of gifts, grants,
20 technical assistance, and other funding from public
21 and private sources for the purposes of this chapter;
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- 23 (7) Provision of technical and financial assistance to the
24 counties and public and private agencies involved in
25 historic preservation activities;
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- 27 (8) Coordination of activities of the counties in
28 accordance with the state plan for historic
29 preservation;
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- 31 (9) Stimulation of public interest in historic
32 preservation, including the development and
33 implementation of interpretive programs for historic
34 properties listed on or eligible for the Hawaii
35 register of historic places;
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- 37 (10) Coordination of the evaluation and management of
38 burial sites as provided in section 6E-43, Hawaii
39 Revised Statutes;
- 40
- 41 (11) Acquisition of burial sites in fee or in any lesser
42 interest, by gift, purchase, condemnation, devise,
43 bequest, land exchange, or other means, to be held in
44 trust;



- 1 (12) Submittal of an annual report to the Governor and
2 Legislature detailing the accomplishments of the year,
3 recommendations for changes in the state plan or
4 future programs relating to historic preservation, and
5 an accounting of all income, expenditures, and the
6 fund balance of the Hawaii historic preservation
7 special fund;
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- 9 (13) Regulation of archaeological activities throughout the
10 State;
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- 12 (14) Employment of sufficient professional and technical
13 staff for the purposes of this chapter which may be in
14 accordance with chapter 76, Hawaii Revised Statutes;
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- 16 (15) The charging of fees to at least partially defray the
17 costs of administering sections 6E-3(13), 6E-8, and
18 6E-42, Hawaii Revised Statutes;
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- 20 (16) Adoption of rules in accordance with chapter 91,
21 necessary to carry out the purposes of chapter 6E,
22 Hawaii Revised Statutes; and
23
- 24 (17) Development and adoption, in consultation with the
25 office of Hawaiian affairs native historic
26 preservation council, of rules governing permits for
27 access by native Hawaiians and Hawaiians to cultural,
28 historic, and pre-contact sites and monuments; and
29

30 WHEREAS, in 2002, based upon concerns about the management
31 and operations of SHPD, including delays in processing county,
32 state, and federal project applications and permits, recurrent
33 backlogs in reviewing compliance reports, difficulty in
34 contacting staff for information, frustrations concerning the
35 burial sites program, the Legislature, by Senate Concurrent
36 Resolution No. 79, S.D. 1, requested the Auditor to conduct a
37 program and financial audit of SHPD; and
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39 WHEREAS, an Audit of SHPD was submitted by the Auditor in
40 December 2002 to the Governor and the Legislature; and
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42 WHEREAS, the 2002 Audit reflected a number of troubling
43 issues and problems within SHPD and recommended that the
44 Governor intervene to ensure that management of SHPD is improved



1 and that the Chairperson of the Board of Land and Natural
2 Resources and the administrator of SHPD take steps to improve
3 the protections of the State's historic properties and to
4 prevent the misuse, abuse, and theft of SHPD's limited
5 resources; and
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7 WHEREAS, despite the issues and recommendations of the
8 Auditor's report in 2002, complaints continue to be aimed at
9 SHPD for its recent handling of ancient remains and historic
10 sites, raising concern that the State's cultural and historical
11 resources are not being adequately protected and preserved; and
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13 WHEREAS, in the last several years in particular, SHPD's
14 protection of Hawaiian historic sites has been highly criticized
15 for being understaffed and lacking archeological expertise;
16 other complaints have included accusations of neglect in
17 maintaining reports and an inventory of historic sites, the
18 credibility or appropriateness of the credentials of SHPD's
19 previous Administrator, whose management style allegedly
20 resulted in at least 19 qualified employees leaving SHPD before
21 the Administrator resigned under pressure in 2007, based upon
22 issues relating primarily to complaints of mismanagement of
23 native Hawaiian burials and inappropriate treatment of ancestral
24 bones; and
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26 WHEREAS, despite the appointment of a new Administrator in
27 2008, the many complaints about SHPD's mishandling of historic
28 sites and ancient remains, including the recent bulldozing of a
29 heiau; management and staffing issues; and the continuation of
30 stalled projects because of backlogged paper work not completed
31 by SHPD, resulted in a federal assessment of SHPD by the
32 National Park Service (NPS) in July 2009; and
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34 WHEREAS, in response to the federal assessment by NPS, an
35 official of SHPD acknowledged that SHPD lacks qualified staff,
36 in part because they are unable to fill positions due to a
37 hiring freeze imposed by the Governor, and is hampered by
38 defective equipment, including SHPD's Geographical Information
39 System, which has not been updated since 2004, and a broken
40 tracking system; and



1 WHEREAS, on March 19, 2010, NPS released its final report
2 which found, among other things, that SHPD is deficient in the
3 federal program areas of:

- 4
5 (1) Survey and inventory;
6
7 (2) Review and compliance; and
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9 (3) National Register of Historic Places and Historic
10 Preservation Planning,

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12 largely relating to staffing and availability of information on
13 important sites, giving SHPD two years to comply with a
14 corrective plan, which, if not met, would result in suspension
15 of their annual grant which comprises half of SHPD's budget; and
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17 WHEREAS, while a state audit at this time would outline the
18 additional issues at the state level in which SHPD needs
19 assistance, as SHPD's remaining time under the current
20 administration is brief and SHPD must focus on compliance with
21 the NPS corrective plan so as not to lose its annual grant, the
22 Legislature finds that an audit would further diminish SHPD's
23 limited resources and further disrupt SHPD's current
24 responsibilities; now, therefore,
25

26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-fifth Legislature of the State of Hawaii, Regular Session
28 of 2010, the Senate concurring, that a one-day summit is
29 requested to be held to heal and create positive change for
30 SHPD, including making recommendations for legislation to ensure
31 SHPD complies with its mission; and
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33 BE IT FURTHER RESOLVED that representatives from the
34 following agencies and groups, and individuals are requested to
35 participate in the one-day summit:
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- 37 (1) The Office of Hawaiian Affairs;
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39 (2) The Administrator of SHPD;
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41 (3) Liveable Hawaii Kai Hui;
42
43 (4) Hale Mua;



- 1 (5) The Island Burial Councils;
- 2
- 3 (6) Friends of SHPD;
- 4
- 5 (7) Historic Hawaii Foundation;
- 6
- 7 (8) Kahu O Kahiko;
- 8
- 9 (9) Society for Hawaiian Archaeology;
- 10
- 11 (10) Native Hawaiian Legal Corporation;
- 12
- 13 (11) Kaleo Paik;
- 14
- 15 (12) Lauren Morawski; and
- 16
- 17 (13) Chris Monahan;
- 18

19 and

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21 BE IT FURTHER RESOLVED that certified copies of this
22 Concurrent Resolution be transmitted to the Chairperson of the
23 Board of Land and Natural Resources, the Administrator of the
24 State Historic Preservation Division of the Department of Land
25 and Natural Resources, the Chairperson of the Board of Trustees
26 of the Office of Hawaiian Affairs, the Chairperson of each
27 Island Burial Council, the Executive Director of Historic Hawaii
28 Foundation, Liveable Hawaii Kai Hui, Hale Mua, Friends of SHPD,
29 Kahu O Kahiko, Society of Hawaiian Archaeology, and Native
30 Hawaiian Legal Corporation.

