
HOUSE CONCURRENT RESOLUTION

REQUESTING A 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 protecting historic and cultural
7 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 (HRS), 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 DLNR in 1990;
16 prior to 1990, the Division's functions were managed by the
17 State Parks Division of DLNR; 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:

- 22
23 (1) Development of an ongoing 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;
28
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 chapter 6E,
22 HRS;
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- 24 (7) Provision of technical and financial assistance to the
25 counties and public and private agencies involved in
26 historic preservation activities;
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- 28 (8) Coordination of activities of the counties in
29 accordance with the state plan for historic
30 preservation;
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- 32 (9) Stimulation of public interest in historic
33 preservation, including the development and
34 implementation of interpretive programs for historic
35 properties listed on or eligible for the Hawaii
36 register of historic places;
37
- 38 (10) Coordination of the evaluation and management of
39 burial sites as provided in section 6E-43, HRS;
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- 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;
- 8
- 9 (13) Regulation of archaeological activities throughout the
- 10 State;
- 11
- 12 (14) Employment of sufficient professional and technical
- 13 staff for the purposes of chapter 6E, HRS, which may
- 14 be in accordance with chapter 76, HRS;
- 15
- 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, HRS;
- 19
- 20 (16) Adoption of rules in accordance with chapter 91, HRS,
- 21 necessary to carry out the purposes of chapter 6E,
- 22 HRS; 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;

29
30 and

31
32 WHEREAS, in 2002, based upon concerns about the management
33 and operations of SHPD, including delays in processing county,
34 state, and federal project applications and permits, recurrent
35 backlogs in reviewing compliance reports, difficulty in
36 contacting staff for information, and frustrations concerning
37 the burial sites program, the Legislature, by Senate Concurrent
38 Resolution No. 79, S.D. 1, requested the Auditor to conduct a
39 program and financial audit of SHPD; and

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41 WHEREAS, an audit of SHPD was submitted by the Auditor in
42 December 2002, to the Governor and the Legislature; and



1 WHEREAS, the 2002 audit reflected a number of troubling
2 issues and problems within SHPD and recommended that the
3 Governor intervene to ensure that management of SHPD is improved
4 and that the Chairperson of the Board of Land and Natural
5 Resources (BLNR) and the administrator of SHPD take steps to
6 improve the protections of the State's historic properties and
7 to prevent the misuse, abuse, and theft of SHPD's limited
8 resources; and
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10 WHEREAS, despite the issues and recommendations of the
11 Auditor's report in 2002, complaints continue to be aimed at
12 SHPD for its recent handling of ancient remains and historic
13 sites, raising concern that the State's cultural and historical
14 resources are not being adequately protected and preserved; and
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16 WHEREAS, in the last several years in particular, SHPD's
17 protection of Hawaiian historic sites has been highly criticized
18 for being understaffed and lacking archeological expertise;
19 other complaints have included accusations of neglect in
20 maintaining reports and an inventory of historic sites, the
21 credibility or appropriateness of the credentials of SHPD's
22 previous Administrator, whose management style allegedly
23 resulted in at least 19 qualified employees leaving SHPD before
24 the Administrator resigned under pressure in 2007, based upon
25 issues relating primarily to complaints of mismanagement of
26 native Hawaiian burials and inappropriate treatment of ancestral
27 bones; and
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29 WHEREAS, despite the appointment of a new Administrator in
30 2008, the many complaints about SHPD's mishandling of historic
31 sites and ancient remains, including the recent bulldozing of a
32 heiau; management and staffing issues; and the continuation of
33 stalled projects because of backlogged paper work not completed
34 by SHPD, resulted in a federal assessment of SHPD by the
35 National Park Service (NPS) in July 2009; and
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37 WHEREAS, in response to the federal assessment by NPS, an
38 official of SHPD acknowledged that SHPD lacks qualified staff,
39 in part because it is unable to fill positions due to a hiring
40 freeze imposed by the Governor, and is hampered by defective
41 equipment, including SHPD's Geographical Information System,
42 which has not been updated since 2004, and a broken tracking
43 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
8
9 (3) National Register of Historic Places and Historic
10 Preservation Planning,

11
12 largely relating to staffing and availability of information on
13 important sites, giving SHPD two years to comply with NPS'
14 mandated corrective actions, which, if not met, would result in
15 suspension of their annual grant which comprises half of SHPD's
16 budget; and

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18 WHEREAS, while a state audit at this time would outline the
19 additional issues at the state level in which SHPD needs
20 assistance, as SHPD's remaining time under the current
21 administration is brief and SHPD must focus on compliance with
22 the NPS' mandated corrective actions so as not to lose its
23 annual grant, the Legislature finds that an audit would further
24 diminish SHPD's limited resources and further disrupt SHPD's
25 current responsibilities; now, therefore,

26
27 BE IT RESOLVED by the House of Representatives of the
28 Twenty-fifth Legislature of the State of Hawaii, Regular Session
29 of 2010, the Senate concurring, that SHPD is requested to
30 convene a summit to heal and create positive change for SHPD,
31 including making recommendations for legislation to ensure SHPD
32 complies with its mission; and

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34 BE IT FURTHER RESOLVED that SHPD invite participants from
35 stakeholder organizations to this summit, including but not
36 limited to:

- 37
38 (1) The Office of Hawaiian Affairs (OHA);
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40 (2) Liveable Hawaii Kai Hui;
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42 (3) Hale Mua;
43
44 (4) The Island Burial Councils;



- 1 (5) Friends of SHPD;
- 2
- 3 (6) Historic Hawaii Foundation;
- 4
- 5 (7) Kahu O Kahiko;
- 6
- 7 (8) Society for Hawaiian Archaeology; and
- 8
- 9 (9) Native Hawaiian Legal Corporation;

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11 and

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13 BE IT FURTHER RESOLVED that the summit be open to the
14 general public and that its proceedings as well as work products
15 be subject to the requirements of chapter 92, HRS; and

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17 BE IT FURTHER RESOLVED that SHPD is requested to submit to
18 the Legislature:

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- 20 (1) By January 15, 2011, a report on the completed summit,
- 21 including issues discussed, summit participants,
- 22 recommendations, as well as a summary of SHPD's
- 23 progress in meeting NPS' mandated corrective actions;
- 24 or
- 25
- 26 (2) No later than twenty days prior to the convening of
- 27 the regular session of 2011, in the event a summit did
- 28 not take place, a status report on SHPD's efforts to
- 29 plan a summit and its progress in meeting NPS'
- 30 mandated corrective actions;

31
32 and

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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Chairperson of BLNR,
36 the Administrator of the SHPD of DLNR, the Chairperson of the
37 Board of Trustees of OHA, the Chairperson of each Island Burial
38 Council, the Executive Director of Historic Hawaii Foundation,
39 Liveable Hawaii Kai Hui, Hale Mua, Friends of SHPD, Kahu O
40 Kahiko, Society of Hawaiian Archaeology, and Native Hawaiian
41 Legal Corporation.

