



**HB1056**  
**RELATING TO HISTORIC PRESERVATION REVIEWS**  
House Committee on Water and Land

February 7, 2023

9:30 AM

Room 430

---

The Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees to **COMMENT** on HB1056, which would eliminate the need for the Department of Hawaiian Homelands (DHHL) to consult with the State Historic Preservation Division (SHPD) regarding any proposed projects on DHHL lands under Hawai‘i Revised Statutes (HRS) § 6E-8. OHA appreciates measures such as these that are ultimately aimed at expediting the work that DHHL does for beneficiaries on their waitlist and assisting SHPD with their kuleana. OHA’s comments are provided though to ensure that DHHL has qualified staff and resources to appropriately review their projects for possible adverse impacts to historic properties; and, to recommend consultation with OHA as part of their review process when sites important to Native Hawaiians are encountered.

First, OHA notes that archaeologists hired by the State to work for SHPD are required to possess minimum qualifications and that archaeologists currently permitted by SHPD to do archaeological field work in Hawai‘i must follow a set of standards established in SHPD’s Hawai‘i Administrative Rules. OHA further notes that SHPD has compiled and maintained extensive inventoried information over the past several decades, including archaeological publications and correspondences that date back to the late 1960s, for historic properties across the State of Hawai‘i. Additionally, SHPD regularly uses such information as well as established consultation and assessment processes to review proposed projects for potential impacts to iwi kūpuna, cultural sites, and other historic properties. **Accordingly, as SHPD has demonstrated, there is a clear need for qualifying standards, informational resources, and established consultation and assessment processes in order to consistently and adequately protect iwi kūpuna, cultural sites, and other historic properties from development impacts as envisioned under HRS Chapter 6E’s historic preservation review framework.** OHA therefore recommends that DHHL commit to minimally hire qualified staff and acquire proper resources if they are to eliminate the need to consult with SHPD under HRS § 6E-8.

Second, OHA respectfully suggests that we be consulted during DHHL’s review process for assessing possible adverse impacts to historic properties that are important to Native Hawaiians. This would be consistent with current requirements for sites that are found significant under State Criterion “E”. As the state agency mandated to assess the policies and practices of other state agencies for possible impacts to Native Hawaiians, OHA has been an important partner to SHPD for the last three decades, and has assisted with identifying cultural sites and mitigation requirements to ensure that irreplaceable Hawaiian cultural resources and burial sites are properly protected. OHA has also created databases with invaluable historic and archaeological information that has been useful in project related reviews and identifying appropriate Native Hawaiian beneficiaries for



**HB1056**  
**RELATING TO HISTORIC PRESERVATION REVIEWS**  
**House Committee on Water and Land**

---

consultation. Thus, we believe that consultation with OHA will provide a more consistent and appropriate level of protection for Native Hawaiian cultural and historic sites and resources on DHHL lands.

To memorialize the suggested comments, OHA recommends the following underlined amendment and additional language to lines 7-14, page 2:

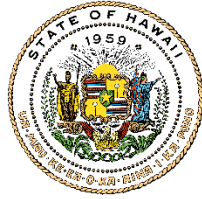
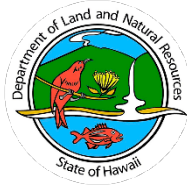
“provided that the department of Hawaiian homelands:

- (1) Designate the review to a Hawaiian home lands preservation officer who has professional competence and experience in the field of historic preservation~~+~~ and has adequate resources to perform the historic review;
- (2) Ensure that copies of all reports, maps, and documents, including those reflecting the Hawaiian home lands preservation official’s comments, recommendations, and decisions, are provided to the department to be incorporated into the historic preservation digital document management system and library~~+~~ And
- (3) Consults with the Office of Hawaiian Affairs for historic properties that important to Native Hawaiians”

OHA appreciates this opportunity to comment on HB1056. Mahalo nui loa.

**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

**LAURA H.E. KAAKUA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
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**  
**DAWN N. S. CHANG**  
**Chairperson**

**Before the House Committee on**  
**WATER & LAND**

**Tuesday, February 07, 2023**  
**9:30 AM**

**State Capitol, Conference Room 430, Via Videoconference**

**In consideration of**  
**HOUSE BILL 1056**  
**RELATING TO HISTORIC PRESERVATION REVIEWS**

House Bill 1056 proposes to amend Section 6E-8(b), Hawaii Revised Statutes (HRS), to allow the Department of Hawaiian Home Lands (DHHL) to assume historic preservation project review on lands under its jurisdiction. **The Department of Land and Natural Resources (Department) supports this measure.**

House Bill 1056 proposes to amend Section 6E-8(b), HRS, to allow DHHL to assume responsibility to review the effects of projects on historic properties on its lands, provided DHHL appoints a "Hawaiian home lands preservation officer who has professional competence and experience in the field of historic preservation," and that DHHL ensures "that copies of all reports, maps, and documents, including those reflecting the Hawaiian home lands preservation official's comments, recommendations, and decisions, are provided to the department to be incorporated into the historic preservation digital document management system and library." The proposed amendment also provides that the Department will retain authority for any projects that affect properties listed in or nominated for inclusion in the Hawai'i or national registers of historic places.

The Department believes that it is essential that there be a single set of standards for project reviews carried out under Section 6E-8, HRS, throughout the state of Hawai'i, and that individual making findings under it be a fully qualified historic preservation professional. The Department also believes that it is essential that the Department remains the central repository for data relating to the location, importance, condition, and project review outcomes for the entire state. While the project effects would be reviewed under the provisions of this measure may be limited to DHHL lands, this information will be important to understanding historic properties and decision making relating to them on neighboring lands or in the general vicinity. It is, therefore, critically important that this information be available to Department staff,

planning and permitting agencies, external researchers, project planners, and cultural resources consultants who need it. This measure ensures this.

The Department appreciates that the proposed amendment to Section 6E-8, HRS, requires DHHL to employ a competent and experienced professional as Hawaiian Home Lands preservation officer. The proposed amendment is silent on the minimum qualifications for that position. While Chapter 6E, HRS, is silent on the qualifications of the Department's professional staff, the Department notes that under federal law, it is required to maintain a professional staff that includes at least one professional meeting the minimum qualifications established in the Secretary of the Interior's Professional Qualification Standard in at least archaeology, history, and either historic architecture or architectural history. The state historic preservation division staff includes 16 individuals exceeding the Secretary's standards.

House Bill 1056 SECTION 2 states that DHHL "may assume" responsibility for project reviews under Section 6E-8, HRS. As currently drafted, this measure is permissive, it does not require DHHL to assume this responsibility.

The Department appreciates that this may be intended to allow DHHL time to address the staffing requirement, and development of the administrative processes necessary to meet the standards set forth in the measure at Section 6E-8(b)(1), HRS. The Department notes that it is critically important that all interested parties know well in advance of when the transition from Department to DHHL review will occur. The Department recommends that House Bill 1056, SECTION 2 be revised by inserting a new subparagraph (b)(3) as follows:

(3) Hawaiian home lands shall provide the Department with written notice:

(A) that it has employed a qualified preservation officer, and

(B) a description of the procedures it will employ to ensure that all the documentation described in (2) will be provided to the Department.

(4) Hawaiian home lands will provide the Department written notice of the date on which it will assume responsibility for project review under this section least 45 days prior to the date when Hawaiian home lands will assume those duties; and post this information on its website.

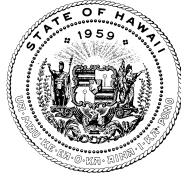
Under House Bill 1056, the Department will retain review responsibilities on lands under DHHL jurisdiction when a project will affect places included in or nominated for inclusion in the Hawaii or national registers of historic places. The Department recommends that this provision be revised as follows:

The department shall retain authority for review under this section for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places or located in a designated historic district. (Department proposed revision italicized.)

Mahalo for the opportunity to provide testimony in support of this measure.

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

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



**IKAIKA ANDERSON**  
CHAIRMAN DESIGNATE, HHC  
*Ka Luna Ho 'okele*

**KATIE L. DUCATT**  
DEPUTY DESIGNATE TO THE  
CHAIRMAN  
*Ka Hope Luna Ho 'okele*

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

P. O. BOX 1879  
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND  
HEARING ON FEBRUARY 7, 2023 AT 9:30AM IN CR 430**

**HB 1056, RELATING TO HISTORIC PRESERVATION REVIEWS**

February 7, 2023

Aloha Chair Ichiyama, Vice Chair Poepoe, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill that 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 bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our department.

Instead of requiring DHHL to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this bill would streamline the process by allowing DHHL to assume this review. DLNR provided comments and recommended amendments to the bill which is acceptable to DHHL.

Thank you for your consideration of our testimony.

**HB-1056**

Submitted on: 2/6/2023 1:41:09 PM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nani Medeiros	Chief Housing Officer, Office of the Governor, State of Hawaii	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to submit testimony in support of this administration measure. It is particularly important that the Department of Hawaiian Homelands have as streamlined a process as possible to effectively carry out their mandate under the Hawaiian Homes Commission Act, and efficiently deliver homes and lots through the \$600M appropriation in Act 279.

**HB-1056**

Submitted on: 2/6/2023 8:30:18 AM

Testimony for WAL on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keomailani Hanapi Hirata	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB1056.

The Department of Hawaiian Homelands as a "**developer**" should **NOT** be in charge of making its own historic reviews and determinations, for any of their projects! This is a huge conflict of interest and especially puts our cultural sites and properties at risk.

On the island of Molokai we are seeing these types of actions happening with private organizations, where they are the developer and are able to do their own Environmental Assessments, historic reviews and determinations, to push their projects through.

**Alternative solution:** The State Historic Preservation Division, under the Department of Land and Natural Resources, needs to be fully funded and properly staffed, to include clearer policies and procedures and active leadership.