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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF 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           Constitution of the State of Hawaii; 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          a comprehensive historic preservation program to be administered  
12          by the State Historic Preservation Division; and  
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14          WHEREAS, the State Historic Preservation Division  
15          officially became a division of the Department of Land and  
16          Natural Resources in 1990; prior to 1990, the Division's  
17          functions were managed by the State Parks Division of the  
18          Department; and  
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20          WHEREAS, the State Historic Preservation Division is  
21          comprised of three branches, archaeology, architecture, and  
22          history and culture, and is responsible for administering the  
23          historic preservation program by:  
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- 25           (1)   Development of an on-going program of historical,  
26           architectural, and archaeological research and  
27           development, including surveys, excavations,  
28           scientific recording, interpretation, and publications  
29           on the State's historical and cultural resources;  
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- 1 (2) Acquisition of historic or cultural properties, real  
2 or personal, in fee or in any lesser interest, by  
3 gift, purchase, condemnation, devise, bequest, land  
4 exchange, or other means; preservation, restoration,  
5 administration, or transference of the property; and  
6 the charging of reasonable admissions to that  
7 property;  
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- 9 (3) Development of a statewide survey and inventory to  
10 identify and document historic properties, aviation  
11 artifacts, and burial sites, including all those owned  
12 by the State and the counties;  
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- 14 (4) Preparation of information for the Hawaii register of  
15 historic places and listing on the national register  
16 of historic places;  
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- 18 (5) Preparation, review, and revisions of a state historic  
19 preservation plan, including budget requirements and  
20 land use recommendations;  
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- 22 (6) Application for and receipt of gifts, grants,  
23 technical assistance, and other funding from public  
24 and private sources for the purposes of this chapter;  
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- 26 (7) Provision of technical and financial assistance to the  
27 counties and public and private agencies involved in  
28 historic preservation activities;  
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- 30 (8) Coordination of activities of the counties in  
31 accordance with the state plan for historic  
32 preservation;  
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- 34 (9) Stimulation of public interest in historic  
35 preservation, including the development and  
36 implementation of interpretive programs for historic  
37 properties listed on or eligible for the Hawaii  
38 register of historic places;  
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- 40 (10) Coordination of the evaluation and management of  
41 burial sites as provided in section 6E-43, Hawaii  
42 Revised Statutes;  
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- 1 (11) Acquisition of burial sites in fee or in any lesser  
2 interest, by gift, purchase, condemnation, devise,  
3 bequest, land exchange, or other means, to be held in  
4 trust;  
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- 6 (12) Submittal of an annual report to the Governor and  
7 Legislature detailing the accomplishments of the year,  
8 recommendations for changes in the state plan or  
9 future programs relating to historic preservation, and  
10 an accounting of all income, expenditures, and the  
11 fund balance of the Hawaii historic preservation  
12 special fund;  
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- 14 (13) Regulation of archaeological activities throughout the  
15 State;  
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- 17 (14) Employment of sufficient professional and technical  
18 staff for the purposes of this chapter which may be in  
19 accordance with chapter 76, Hawaii Revised Statutes;  
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- 21 (15) The charging of fees to at least partially defray the  
22 costs of administering sections 6E-3(13), 6E-8, and  
23 6E-42, Hawaii Revised Statutes;  
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- 25 (16) Adoption of rules in accordance with chapter 91,  
26 necessary to carry out the purposes of chapter 6E,  
27 Hawaii Revised Statutes; and  
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- 29 (17) Development and adoption, in consultation with the  
30 office of Hawaiian affairs native historic  
31 preservation council, of rules governing permits for  
32 access by native Hawaiians and Hawaiians to cultural,  
33 historic, and pre-contact sites and monuments; and  
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35 WHEREAS, in 2002, based upon concerns about the management  
36 and operations of the State Historic Preservation Division,  
37 including delays in processing county, state, and federal  
38 project applications and permits, recurrent backlogs in  
39 reviewing compliance reports, difficulty in contacting staff for  
40 information, frustrations concerning the burial sites program,  
41 the Legislature, by Senate Concurrent Resolution No. 79, S.D. 1,  
42 requested the Auditor to conduct a program and financial audit  
43 of the State Historic Preservation Division; and  
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1           WHEREAS, an Audit of the State Historic Preservation  
2 Division of the Department of Land and Natural Resources was  
3 submitted by the Auditor in December 2002 to the Governor and  
4 the Legislature; and

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6           WHEREAS, the 2002 Audit reflected a number of troubling  
7 issues and problems within the Division and recommended that the  
8 Governor intervene to ensure that management of the Division is  
9 improved and that the Chairperson of the Board of Land and  
10 Natural Resources and the Administrator of the State Historic  
11 Preservation Division take steps to improve the protections of  
12 the State's historic properties and to prevent the misuse,  
13 abuse, and theft of the Division's limited resources; and

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15           WHEREAS, despite the issues and recommendations of the  
16 Auditor's report in 2002, complaints continue to be aimed at the  
17 Division for its recent handling of ancient remains and historic  
18 sites, raising concern that the State's cultural and historical  
19 resources are not being adequately protected and preserved; and

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21           WHEREAS, in the last several years in particular, the  
22 Division's protection of Hawaiian historic sites has been highly  
23 criticized for being understaffed and lacking archeological  
24 expertise; other complaints have included accusations of neglect  
25 in maintaining reports and an inventory of historic sites, the  
26 credibility or appropriateness of the credentials of the  
27 Division's previous Administrator, whose management style  
28 allegedly resulted in at least nineteen qualified employees  
29 leaving the Division before the Administrator resigned under  
30 pressure in 2007, based upon issues relating primarily to  
31 complaints of mismanagement of native Hawaiian burials and  
32 inappropriate treatment of ancestral bones; and

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34           WHEREAS, despite the appointment of a new Administrator in  
35 2008, the many complaints about the Division's mishandling of  
36 historic sites and ancient remains, including the recent  
37 bulldozing of a heiau; management and staffing issues; and the  
38 continuation of stalled projects because of backlogged paper  
39 work not completed by the Division, resulted in a federal  
40 assessment of the Division by the National Park Service in July  
41 2009; and

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43           WHEREAS, in response to the federal assessment by the  
44 National Park Services, an official of the State Historic



1 Preservation Division acknowledged that the Division lacks  
2 qualified staff, in part because they are unable to fill  
3 positions due to a hiring freeze imposed by the Governor, and is  
4 hampered by defective equipment, including the Division's  
5 Geographical Information System, which has not been updated  
6 since 2004, and a broken tracking system; and  
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8 WHEREAS, although the July 2009 federal assessment of the  
9 Division by the National Park Services has not produced a final  
10 report as of this writing, if the Division fails to meet federal  
11 mandates, it could lose federal funding for the Division to  
12 fulfill its responsibility to implement the National  
13 Preservation Act in the State; and  
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15 WHEREAS, despite the audit conducted in 2002, the State  
16 Historic Preservation Division continues to have unresolved  
17 issues that endanger the protection and preservation of cultural  
18 and historical resources of the State; now, therefore,  
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20 BE IT RESOLVED by the House of Representatives of the  
21 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
22 of 2010, the Senate concurring, that the Auditor is requested to  
23 conduct a management audit of the State Historic Preservation  
24 Division of the Department of Land and Natural Resources; and  
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26 BE IT FURTHER RESOLVED that, in conducting the management  
27 audit, the Auditor is requested to consider any findings and  
28 recommendations resulting from the July 2009 assessment of the  
29 State Historic Preservation Division conducted by the National  
30 Park Service; and  
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32 BE IT FURTHER RESOLVED that the Auditor's report is  
33 requested to address, but not be limited to, allegations  
34 concerning the following issues:  
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- 36 (1) The State Historic Preservation Division's  
37 relationship with the burial councils;  
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39 (2) The failure of the Division to properly document,  
40 reinter, and preserve historic artifacts, including  
41 iwi, or human bones, on numerous occasions;  
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43 (3) The current status of the geographic information  
44 system and its management;



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- (4) Archive management;
- (5) Existing backlog of departmental reviews and advisory opinions and the Division's plans and procedures to eliminate the backlog;
- (6) Qualifications of the Division Administrator;
- (7) The organizational structure of the Division, including hiring practices, staffing coverage, position descriptions, vacancies, transition procedures, communications during staff turnovers, and facilities;
- (8) Compliance with the Federal Historic Preservation Grant Program;
- (9) Compliance with the project review process under chapter 6E, Hawaii Revised Statutes, and applicable rules;
- (10) Compliance with consultation responsibilities under Section 6 of the National Historic Preservation Act of 1966, as amended; and
- (11) Any additional basic management issues presented; and

BE IT FURTHER RESOLVED that the Auditor is requested to submit findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2011; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to Auditor, the Governor, the Chairperson of the Board of Land and Natural Resources, and the Administrator of the State Historic Preservation Division of the Department of Land and Natural Resources.

OFFERED BY:                     Tyla B. Berg

Mel Carrall  
Ray Henshaw  
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Ch...  
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JAN 27 2010

