HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **31 (2026), CD1**

A BILL FOR AN ORDINANCE

RELATING TO CULTURAL SITES IN PUBLIC PARKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend provisions related to cultural sites in public parks.

SECTION 2. Section 10-6.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended as follows:

1. By adding the definition of "Adopter" to be appropriately inserted and to read as follows:

"***Adopter.*** A person or group approved by the department to help steward a cultural site."

2. By amending the definition of "Cultural Site" to read as follows:

"***Cultural Site.*** Any building, structure, object, area, or site [~~that, because of its association with cultural practices or beliefs of a living community, is rooted in the community's history or important in maintaining the continuing cultural identity of the community; provided that the cultural site is also included in a city development plan or recommended by a neighborhood board.~~] recorded with the State historic preservation division pursuant to HRS Chapter 6E and identified as a resource with past or ongoing cultural, historic, or spiritual significance."

SECTION 3. Section 10-6.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 10-6.2 Cultural sites in** [~~Public Parks Program.~~] **public parks program.**

(a) *Program establishment.* The director may establish a program for the [~~designation~~] stewardship of cultural sites that are located in public parks. Any interested person or group may [~~recommend the designation~~] submit an application to become a steward of a cultural site to the director for approval.

[~~(b) The recommendation to the director by an interested person pursuant to subsection (a) must include the following:~~

~~(1) The name and address of the public park where the proposed cultural site is located;~~

~~(2) A description of the approximate location where the proposed cultural site will be located within the public park;~~

~~(3) A name and brief physical description of the proposed cultural site;~~

~~(4) A brief description of the cultural impact of the site on the city or surrounding communities; and~~

~~(5) Detailed information, such as the size, shape, types of materials to be used, any maintenance costs, and the total cost, including the labor required, of installing the marker at the designated cultural site.~~]

(b) *Application and review for the stewardship of cultural sites.*

(1) *Application.* Any interested person or group who wishes to be an adopter to steward a cultural site may submit an application to the department. The application must include the following information, in addition to any additional information required by the department:

(A) Applicant's name;

(B) Applicant's qualifications, including knowledge of or experience in cultural, historical, or natural resource management; or background working with cultural practitioners, lineal descendants, or community stakeholders;

(C) Identification of the cultural site to include the following:

(i) The name and address of the public park or portion thereof where the cultural site is located;

(ii) A description of the approximate location where the cultural site is located within the public park or portion thereof;

(iii) Name and description of the cultural site and the State historic preservation division's record of the cultural site in the Hawaii Cultural Resource Information System;

(iv) A brief description of the cultural, educational, historical, spiritual, or community importance of the cultural site on the city and surrounding communities; and

(v) The stewardship activities proposed, such as monitoring, maintenance, and reporting; and the applicant's capacity to organize and carry out the proposed activities.

(2) *Department review.* The department shall establish clear, consistent, and transparent guidelines for the evaluation of stewardship applications; provided that the department must at minimum consider the following:

(A) The necessity of enhanced stewardship measures to preserve and protect the cultural, historical, or ecological integrity of the cultural site;

(B) The applicant's experience with community engagement or participation, if applicable;

(C) The applicant's demonstrated ability to coordinate with governmental, nongovernmental, and cultural organizations; and

(D) The feasibility and benefit of the proposed stewardship activities.

In the event of multiple stewardship applications, the department may approve more than one person or group to steward a cultural site, where appropriate. In the event of conflicting applications or disputes, the department shall consult with the State historic preservation division or the Oahu historic preservation commission, where appropriate.

[~~(c) Upon the approval of the designation by the director, the department shall erect, install, or place a marker, in accordance with subsection (b)(5), informing the public of the designated cultural site; provided that the interested person making the recommendation, pursuant to subsection (a), agrees to reimburse the department for all costs related to the installation and maintenance of the marker and the marker itself, as determined by the director.~~]

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(c) *Stewardship plans.*

(1) *Development requirements.* Within 12 months of the department's approval of an adopter, the adopter shall develop, in consultation with the department, a stewardship plan for the cultural site. In developing the stewardship plan, the department and the adopter shall consult with:

(A) The Oahu historic preservation commission;

(B) The State historic preservation division;

(C) Appropriate cultural practitioners or lineal descendants, where identifiable; and

(D) Appropriate State or city agencies, if ecological resources are implicated.

(2) *Inclusions.* The stewardship plan may include but is not limited to:

(A) Establishment of boundaries and buffer zones;

(B) Identification of allowed and prohibited activities;

(C) Restrictions necessary to preserve and protect the cultural site, including but not limited to restrictions related to camping, habitation, commercial activities, climbing, alteration, removal, or other disturbances;

(D) Measures to protect native wildlife and shoreline habitats consistent with applicable State and federal law;

(E) Cultural access protocols consistent with Article XII, Section 7 of the State Constitution;

(F) Maintenance, monitoring, and resource condition assessment and remediation procedures; and

(G) Identification of signage to install or educational programs to implement, where culturally appropriate.

(3) *Approval.* Stewardship plans must be submitted for final approval to the department. Where required, stewardship plans must also be submitted for final approval to the State historic preservation division.

(4) *Amendment.* The department and adopter may amend the stewardship plan after consultation with the persons and entities listed in subdivision (1).

(d) Designation under this section does not by itself impose additional restrictions beyond those otherwise provided for in this article.

(e) *Rules.* The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this section, as necessary, which may include rules related to prohibited activities and restrictions necessary to preserve and protect cultural sites.

(f) *Signage and Markers.* The department shall post signs informing park visitors of any prohibited activities or restrictions related to the preservation and protection of cultural sites. The department, as determined by the director, may erect, install, or place markers informing the public of cultural sites.

(g) *Enforcement.* Police officers and any other officer so authorized shall issue a citation for any violation under this section or rules adopted pursuant to this section; provided that such officer may arrest any person for a violation under this section or rules adopted pursuant to this section when any of the conditions specified in § 10-1.6(a) exist. When a citation is issued, the citation shall be in the form and issued in the manner specified in § 10-1.6(b).

(h) *Penalty.* Any person cited for violating this section or any rule adopted pursuant to this section is subject to a fine of $25 for a first offense; $50 for a second offense within one year of the date of the first offense; and $100 for a third offense within one year of the date of the first offense.

(i) *Limitation of designation—conflict with State law.* The designation of a cultural site pursuant to this section does not constitute historic designation under State law. Nothing in this section is intended to conflict with State law or supersede or replace the authority of the State historic preservation division.

(j) *Construction.* Nothing in this section shall be construed to restrict the exercise of traditional and customary rights protected under Article XII, Section 7 of the State Constitution.

(k) *Severability.* If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Andria Tupola

DATE OF INTRODUCTION: _____

March 17, 2026
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___ .

_____
RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Department of Parks and Recreation ("DPR"); Cultural Sites; Public Parks; Historic Preservation; Stewardship; State of Hawai‘i Historic Preservation Division ("SHPD"); Rulemaking Authority; Enforcement; Penalty

Description:
Allows the DPR Director to establish a program to allow for improved stewardship of cultural sites in City parks. Establishes the process for including cultural sites in City parks in the program and requires a stewardship plan. Provides the DPR Director with rulemaking authority. Imposes fines for violations.

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