SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 31 (2026), CD1
RELATING TO CULTURAL SITES IN PUBLIC PARKS.

The PROPOSED CD2 makes the following amendments:

A. In SECTION 2 of the bill, which amends ROH Section 10-6.1, adds a new definition for "State Historic Preservation Division."

B. In SECTION 3 of the bill:

1. Amends proposed new ROH Section 10-6.2(b)(1)(C) by:

    a. Changing the requirement to identify the cultural site to instead require a draft stewardship plan for the cultural site as part of the application;

    b. Amending subparagraph (v) to require a list of certain stewardship activities that must be included as part of the proposed stewardship plan, including the identification of any allowed and prohibited activities and to include any restrictions that may be necessary to preserve and protect the cultural site; and

    c. Adding a new subparagraph (vi) that specifies that the applicant must indicate, as part of the draft stewardship plan, the applicant's capacity to organize and carry out the stewardship activities proposed as part of the draft stewardship application;

2. Amends proposed new ROH Section 10-6.2(c)(2)(B) to:

    a. Move the language listing specific restrictions in proposed new ROH Section 10-6.2(c)(2)(C) to proposed new subsection (c)(2)(B), which pertains to identification of allowed and prohibited activities, and to specify that any included prohibited activities in the stewardship plan should not duplicate any prohibited activities in parks that are already set forth in Article 1;

    b. Add subparagraphs (i) through (iv) to the proposed new ROH Section 10-6.2(c)(2)(B) that expressly establish categories of prohibited activities or restrictions; and

3. Deletes ROH 10-6.2(c)(2)(C) because the language has been incorporated into the amended proposed new ROH 10-6.2(c)(2)(B) as referenced above.

4. Deletes proposed new ROH Section 10-6.2(d), which stated that "[d]esignation under this article does not by itself impose additional restrictions beyond those otherwise provided for in this article";

5. Amends relettered new ROH Section 10-6.2(d) to state that DPR may adopt rules that are related to the prohibited activities and restrictions specified in the stewardship plan;

6. Deletes proposed new ROH Section 10-6.2(g) (relating to enforcement) and proposed new ROH Section 10-6.2(h) (relating to penalties);

7. Adds a proposed new ROH Section 10-6.2(f) (civil penalty) to specify that a person found by the director, after the opportunity for a hearing in accordance with HRS Chapter 91, to have violated any provision of this section or any rules adopted by the director in accordance with this section, is subject to a fine of $500; and

8. Deletes proposed new ROH Section 10-6.2(k) (relating to severability) because severability already applies to the ROH pursuant to ROH Section 1-6.1.

Reletters the subsections throughout SECTION 3 accordingly based on the amendments listed above.

C. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **31 (2026), CD2**
PROPOSED

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 definitions of "Adopter" and "State Historic Preservation Division" to be appropriately inserted by the Revisor of Ordinances and to read as follows:

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

"***State Historic Preservation Division.*** The State of Hawaii Department of Land and Natural Resources, State historic preservation division."

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 of a cultural site~~] submit an application to become an adopter to the director for approval.

A BILL FOR AN ORDINANCE

[~~(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 may submit an application to the department. The application must include the following information, in addition to any other information required by the department:

(A) The applicant's name;

(B) The 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) A draft stewardship plan for the cultural site that includes but is not limited to 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 of the cultural site within the public park or portion thereof;

(iii) The 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 to the city and surrounding communities;

(v) A list of the proposed stewardship activities, including but not limited to:

(aa) The identification of allowed and prohibited activities, including any restrictions that may be necessary to preserve and protect the cultural site and;

(bb) Any maintenance, monitoring, or reporting activities; and

(vi) A statement on the applicant's capacity to organize and carry out the proposed stewardship activities listed in the application pursuant to subparagraph (v).

(2) *Department review.* The department shall establish clear, consistent, and transparent guidelines for the evaluation of applications to become an adopter; 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 applications, the department may, where appropriate, approve more than one person or group to steward a cultural site. In the event of conflicting applications or disputes, the department shall, where appropriate, consult with the State historic preservation division or the Oahu historic preservation commission.

[~~(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~~.]

(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, when 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, including any restrictions necessary to preserve and protect the cultural site; provided that the prohibited activities are not duplicative of any prohibited activities in parks that are already set forth in Article 1 and fall within the following categories:

(i) Climbing, scaling, or perching upon any cultural resource, structure, feature, or designated area;

(ii) Altering, damaging, defacing, destroying, excavating, or removing any cultural, historic, archaeological, or natural resource within a designated area;

(iii) Entering or remaining in an area that has been closed or restricted for the protection of a cultural site; or

(iv) Interfering with protective barriers, signs, markers, fencing, or other measures designed to protect a cultural site.

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

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

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

(F) 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) *Rules.* The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this article, as necessary, which may include rules related to prohibited activities and restrictions necessary to preserve and protect cultural sites specified in an approved stewardship plan pursuant to subsection (c)(2)(B).

(e) *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 the cultural sites.

(f) *Civil penalty*. A person found by the director, after an opportunity for a hearing in accordance with HRS Chapter 91, to have violated any provision of this section or any rules adopted by the director in accordance with this section, is subject to a fine of $500.

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

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

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"); State of Hawaii Historic Preservation Division; O‘ahu Historic Preservation Commission; Oahu Historic Preservation Commission; Rulemaking Authority; Enforcement; Penalty

Description:
Authorizes 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. Requires a stewardship plan. Provides the DPR Director with rulemaking authority. Imposes certain criminal penalties.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.