

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 2857  
H.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Media, Arts, Science, and Technology, to which was referred H.B. No. 2857, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,"

begs leave to report as follows:

The purpose of this measure is to facilitate the protection of historic properties, aviation artifacts, and burial sites by making it a civil and administrative violation to knowingly violate the conditions of an approved mitigation plan that includes monitoring and preservation plans.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, and one individual.

Hawaii has a rich historical culture that needs to be preserved for future generations. Private landowners often agree to preserve significant cultural and historical sites as means of obtaining any required building permits from the applicable county by submitting to the Department of Land and Natural Resources a mitigation plan. Although the Department approves the mitigation plans submitted on behalf of these landowners, the Department is unable to enforce the conditions set forth in these plans.

The Department has been unable to seek administrative action and impose monetary fines against landowners who destroyed historic properties they originally agreed to preserve, and against archaeological consultants who failed to maintain the




provisions set forth in archaeological monitoring plans. In one case, over eighty archaeological sites that a landowner agreed to preserve were destroyed without any recourse.

Your Committee finds that amending section 6E-11, Hawaii Revised Statutes, to make it a civil and administrative violation to knowingly violate the conditions of an approved mitigation plan will enable the Department of Land and Natural Resources to enforce the provisions of a mitigation plan. A civil recourse provision will allow the Department to further protect Hawaii's unique and significant cultural and historical resources.

As affirmed by the record of votes of the members of your Committee on Media, Arts, Science, and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2857, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Media, Arts,  
Science, and Technology,

  
CAROL FUKUNAGA, Chair



