

Honolulu, Hawaii

APR - 4 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 Judiciary and Hawaiian Affairs, 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 make a knowing violation of the conditions of a mitigation plan, that includes monitoring and preservation plans, a civil and administrative violation.

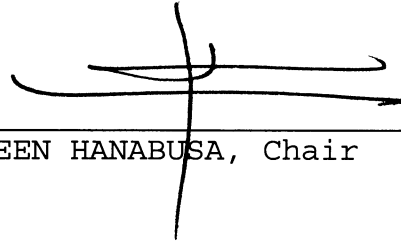
Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, and one individual.

Your Committee finds that the Department of Land and Natural Resources has been unable to enforce conditions that are set out in mitigation plans submitted to it from private landowners. While landowners agree in their mitigation plans to preserve significant cultural and historical sites, they, or the archaeological consultants hired by the landowners, often end up destroying these cultural and historical sites with no recourse. Testifiers cited the examples of the Hokulia development, the Wal-Mart on Keeaumoku, and the Kawaihapai (Dillingham) Airfield as cases in which mitigation plans were not followed by landowners. This measure will make a knowing violation of the conditions of a mitigation plan a civil and administrative violation and will allow the Department of Land and Natural Resources to enforce mitigation plans to protect Hawaii's cultural and historical sites.



As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs 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 Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,

A handwritten signature in black ink, appearing to be 'Colleen Hanabusa', written over a horizontal line. The signature is stylized with a vertical line crossing through the middle.

COLLEEN HANABUSA, Chair



