



SB 2285 RELATING TO HISTORIC PRESERVATION

Senate Committee on Intergovernmental and Military Affairs

Date: February 1, 2008
1:15pm

Time:
Room: 229

The Office of Hawaiian Affairs strongly **SUPPORTS** SB 2285 to amend Chapter 46 Hawaii Revised Statutes (HRS), so all county agencies issuing construction and building permits can retain 4% of all fees derived from such permits to deposit in the Hawaii Historic Preservation Special Fund, under HRS 6E-16.

The Hawaii Historic Preservation Special Fund is necessary for the adequate funding of the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources, a division charged with, among other things, reviewing all county projects that may affect historic properties or burial sites. Because county agencies depend on the SHPD for quick review of permits and plans, it is reasonable that a portion of fees collected by county agencies should be used to support SHPD and its mission.

Again, the Office of Hawaiian Affairs strongly supports SB 2285 and hopes it will strengthen the Department of Land and Natural Resource's ability to enforce the State Historic Preservation Law.

Mahalo nui loa for the opportunity to present testimony.

HISTORIC HAWAII FOUNDATION

VIA EMAIL: testimony@capitol.hawaii.gov

To: Senator Lorraine R. Inouye, Chair
Senator Shan S. Tsutsui, Vice Chair
Committee on Intergovernmental and Military Affairs

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Friday, February 1, 2008
1:15 pm
Conference Room 229

Subject: SB2285, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing in conditional support of SB2285, with recommended amendments. Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life and economic viability of the state.

SB2285 would require 4% of all county fees collected for building, construction or development-related permits to be deposited into the Hawai'i historic preservation special fund.

Hawai'i's historic and cultural sites are irreplaceable and many are threatened by inadequate mechanisms for their protection. Fees levied against new development activity is one mechanism by which additional resources for historic preservation could be funded. There is a logical nexus between the impacts from new construction and the need to reinvest in existing infrastructure and resources, including sites and buildings of historical significance, architectural merit or cultural importance. The Hawai'i Historic Preservation Fund at the State Historic Preservation Division would be increased through this infusion of funds, and SHPD would therefore be in a better position to discharge its mandate to protect the State's historic resources for the benefits of all communities.

However, the Counties also have a commitment and duty to integrate historic preservation concerns into their planning, permitting and development review processes. The Counties of Kaua'i, Maui and Hawai'i have all established local preservation commissions to address these issues at the local level. County planning and other departments need to have additional staff, training, enforcement and administrative support in order to truly integrate preservation into all levels of decision-making. The relationship between the State and the Counties on historic preservation issues should be strengthened and clarified.

Therefore, HHF supports the intent of SB2285 but recommends that it be amended to provide additional support to the Counties to support local historic preservation obligations.

Very truly yours,

Kiersten Faulkner
Kiersten Faulkner



May Mizuno

From: Dale [dale_w@hotmail.com]
Sent: Wednesday, January 30, 2008 11:43 PM
To: HLTtestimony
Subject: Testimony SB2285

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008

COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Lorraine R. Inouye, Chair
Senator Shan S. Tsutsui, Vice Chair

NOTICE OF HEARING

DATE: Friday, February 1, 2008
TIME: 1:15 p.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

RELATING TO HISTORIC PRESERVATION. IGM, EDT,
Requires 4% of all county fees collected for WAM
building, construction, or development-related
permits to be deposited into the Hawaii historic
preservation special fund.

I have a number of concerns about SB 2285. Who would make the call as to be labeled "Historic", the Building department does not have excess funds to earmark for this project, and the additional 4% to the cost of permits is unfair to the taxpaying public and in the wording as to the entity responsible and the oversight.

As most people I support Historic preservation and do not have a problem with an organization or group raising funds and volunteering. But I do have a problem with mandated government money being controlled by a special interest group that would use government tax payer funds to further their agenda and not necessarily follow a path that is fair and something that the tax payers are aligned with, They could manipulate the laws to their advantage and cause undue hardship on the taxpaying public.

1/31/2008

Is the 4% an additional tax or is the amount to be taken out of the budget of a department that is already working under pressure and is straining to meet the needs of the public. The building department needs all the funds in their budget. They do not have an excess 4% to squander on pet special interest projects. They should update their computer systems and hire additional personnel if they have this extra 4% of their budget.

If, as I suspect, the 4% will eventually be added as an extra fee then I have even greater concerns. This would be another regressive tax. The bulk of the building permits are for normal working residents. They want to fix their roof, build on an addition, remodel their Kitchen etc. not some Billionaire from the mainland building multimillion dollar houses or condos.

There is one final concern about the bill itself. The wording of the bill designates "the department" as the manager of the program and keeper of the funds unless they contract out these duties. It does not spell out if "the department" is the building department or this is a new entity The Historic Preservation department nor does it spell out who they, or the contract player, are accountable to?

I would hope that this legislation is either not enacted for the reasons stated or the funding is derived from the general budget funds where they would be accountable to the tax payers and not just be another sub agency with a bucket of tax money to spend and no incentive to justify its existence, programs or policies.

Dale White
Honolulu, HI 96817

1/31/2008

LATE TESTIMONY

TO: Senator Lorraine R. Inouye, Chair
Senator Shan S. Tsutsui, Vice Chair
Senate Committee on Intergovernmental and Military Affairs

FROM: Thomas S. Dye, Ph.D., President
Society for Hawaiian Archaeology
Telephone: 808-529-0866, FAX: 808-529-0884
Email: sha@TSDYE2.com

HEARING: February 1, 2008, 1:15 pm, Senate Conference Room 229

SUBJECT: Testimony in Support with Reservations of SB 2285, Relating
to Historic Preservation

I am Dr. Thomas Dye, President of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. I am testifying in support, with reservations, of SB 2285, a bill that would, if enacted, require 4% of all county fees collected for building, construction or development-related permits to be deposited in the Hawaii Historic Preservation Special Fund.

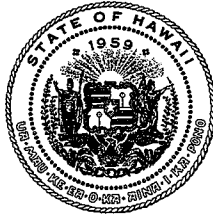
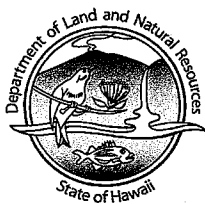
We assume the purpose of this measure is to generate additional funds to support staff and operations of the State Historic Preservation Division (SHPD) which administers the Hawaii Historic Preservation Fund. A large percentage of the Division's workload is reviewing permits and land use approvals processed by the counties which must be submitted to SHPD in accordance with HRS §6E-42 and its implementing regulations. This proposal appears to be a reasonable way to off-set the costs of performing these compliance reviews and strengthening their effectiveness. These revenues could support additional staff and daily operations which would help ensure that permits are reviewed in a timely manner and are evaluated thoroughly for any potential effects on historic properties, including burial sites. SHA is encouraged by efforts to strengthen this important compliance process.

Our reservations concern the impact this could have on staffing and operations in the various county planning and public works departments which process most of these permits. Having these county departments fully staffed with experienced and qualified individuals is critical to making sure that SHPD receives the required permits for review and that SHPD's recommendations are appropriately included as conditions when the permits are issued. Another critical component of this process is enforcement of permit conditions. The counties need to have a sufficient number of inspectors to enforce any conditions. County staff on Kaua'i and Maui also provides administrative support to historic preservation commissions which review many of permitting actions. The historic preservation review process envisioned by HRS §6E-42 will only work if both agencies are staffed and supported by the resources they need.

Thank you for the opportunity to testify on the important issues raised by SB 2285. Should you have any questions, please feel free to contact me at the above telephone number and email address.

Thomas S. Dye, Ph.D
President, Society for Hawaiian Archaeology

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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OF THE BOARD OF LAND AND NATURAL RESOURCES**

LATE

on Senate Bill 2285 – Relating to Historic Preservation

**BEFORE THE SENATE COMMITTEE
ON
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

Friday, February 1, 2008

The Department of Land and Natural Resources (Department) opposes Senate Bill 2285. Senate Bill 2285 amends Chapter 46, Hawaii Revised Statutes (HRS), so that each County agency that issues building, construction or development related permits, establish a procedure to withhold 4% of all fees collected from such permits to be deposited to the Hawaii Historic Preservation Special Fund, under 6E-16, as administered by the Department of Land and Natural Resources, State Historic Preservation Division (SHPD).

Currently the Department's Historic Preservation Division reviews all county projects as required by Section 6E-42, HRS and does not collect any reviewing fees from County agencies. The Department believes that charging the Counties is unnecessary.

SHPD currently has authority to and does charge fees for all non-governmental applicants seeking review. The Department also has the ability to set these fees and the Department intends to review its current fee structure this year. If after this review, fees are determined to be insufficient, the Department will look into initiating a new fee structure, which will help the Department maintain sufficient staff to conduct development reviews.

The Department would ask the committee to support the Department's Supplemental Budget request, which allocates funds to the Department's Historic Preservation Division, to strengthen the State's oversight and support of historic preservation across the State.

Position requests include two Compliance Specialists, which will provide accurate project intake and classification, consistent data base maintenance and help ensure timely responses to public inquiries, as well as, a Librarian to maintain SHPD libraries on all islands and provide a consistent filing system for reports.

Additional money is requested for reinternment of iwi in the State Inventory on all islands. The funding will allow the department to purchase burial vaults and to pay for labor to reinter the iwi. The Department is also requesting lease rent monies for Hawaii island staff which lost its Kona office space and is in need of a permanent office.

