

STAND. COM. REP. NO.

141

Honolulu, Hawaii

Feb 9, 2011

RE: H.B. No. 225

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
H.B. No. 225 entitled:

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

begs leave to report as follows:

The purpose of this bill is to support historic preservation
in Hawaii by providing, among other things, that:

- (1) Prior to the sale or lease for a term in excess of ten
years of undeveloped property, an archaeological
inventory survey (AIS) of the undeveloped property be
performed;
- (2) The AIS be submitted to the state historic preservation
officer; and
- (3) The AIS may include recommendations by the state
historic preservation officer that portions of the
undeveloped property may be unsuitable for future
development and should be reclassified as conservation
land or zoned by a county for preservation zoning.

Papa Ola Lokahi and a concerned individual testified in
support of this bill. The Office of Hawaiian Affairs and the
Society for Hawaiian Archaeology supported the intent of this
measure. The Department of Land and Natural Resources and the

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Hawaii Association of REALTORS opposed this bill. The Historic Hawaii Foundation submitted comments.

After careful consideration, your Committee has amended this bill by:

- (1) Mandating that an AIS of undeveloped property be performed prior to the sale or lease of any length of term of the property;
- (2) Requiring that the AIS be submitted to the State Historic Preservation Division (SHPD) for review and approval;
- (3) Providing that following SHPD's approval of the AIS, appropriate mitigation plans for preservation and data recovery must also be submitted to SHPD for review and approval;
- (4) Providing that if burials are identified during the AIS, relevant statutes and administrative rules regarding burials will apply to determine appropriate treatment and mitigation measures; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 225, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 225, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

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



FAYE HANOHANO, Chair



