

STAND. COM. REP. NO.

1238

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 324
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 324, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish the South Kona Wilderness Area on the island of Hawaii and provide a mechanism for the creation of a plan managing the wilderness area.

The measure also establishes:

- (1) A historical district designation to recognize the historical and cultural significance of certain areas of the State; and
- (2) The West Oahu Historical District.

Your Committee received written comments in opposition to this measure from Dave Arakawa, Executive Director, Land Use Research Foundation of Hawaii; William J. Aila, Jr., Chairperson, Department of Land and Natural Resources; and Abbey S. Mayer, Vice President, Government Relations, The Resort Group.

Your Committee received comments on this measure from The Nature Conservancy of Hawaii.



Your Committee finds that Act 59, Session Laws of Hawaii 2003, established the South Kona Wilderness Area and provided for the development of a comprehensive management plan for the area, but was subsequently repealed on December 31, 2007. Your Committee further finds that the area has significant archeological sites that warrant the protection and preservation provided by this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the prohibition on construction within one thousand feet of the shoreline in the South Kona Wilderness Area only applies to publicly-owned lands;
- (2) Removing the footprint size limitation on exempt dwellings built by private landowners within one thousand feet of the shoreline in the South Kona Wilderness Area;
- (3) Authorizing the Department of Land and Natural Resources to acquire private lands within the South Kona Wilderness Area for cash through condemnation, as opposed to a donation or a value-for-value exchange for other state lands;
- (4) Requiring that the costs associated with appraisals for land acquisitions within the South Kona Wilderness Area are to be borne by the State instead of private land owners;
- (5) Providing that only publicly-owned lands within the South Kona Wilderness Area shall be classified as lands within the conservation district, without the necessity of any proceedings before the Land Use Commission;
- (6) Deleting language requiring the Department to develop a comprehensive management plan for the South Kona Wilderness Area;
- (7) Changing the West Oahu Historical District to the Pearl Harbor-Honouliuli Historical District; and
- (8) Repealing Part I of the measure on June 30, 2032.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 324, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 324, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

David Y. Ige

DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 324, HD2, SD1	Committee Referral: EDT/WLH, WAM	Date: 4-7-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam				/
TOTAL	13	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes