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**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

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TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 16, 2021 AT 1:02PM VIA VIDEOCONFERENCE

SB 1123 RELATING TO COUNTIES

February 16, 2021

Aloha Chair Shimabukuro, Vice Chair Keohokalole, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill that requires counties within sixty days to maintain infrastructure, under specified conditions, as part of any housing development for DHHL. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our department.

In addition to developing new homesteads, DHHL also has other critical, albeit lesser known responsibilities. Like a county, DHHL maintains and repairs existing infrastructure (e.g. clearing of flood channels and drainage, roads and facilities maintenance, sewer emergencies and repairs, etc.) In certain counties, the county has either not accepted portions of newer infrastructure, or has stopped performing needed repair. One example is sewer systems. Act 227, SLH 2014, clarified and confirmed that operating and maintenance of sewer systems is a county function. However, DHHL continues to maintain the sewer systems on Hawaiian home lands in the interim until Act 227 can be fully implemented in subdivisions completed after the mid-1990's.

In DHHL's sufficient sums budget request, the following Administrative and Operating Costs for Repair and Maintenance of Infrastructure on Hawaiian Home Lands financed through State General Funds should be maintained by the County:

ISLAND	AREA or SUBDIVISION	MAINTENANCE TYPE	FY 2022	FY 2023
Maui	Kula	Maintenance	200,000	200,000
Maui	Leialii	Leialii Pkwy Maintenance	85,000	85,000
Maui	Waiehu Kou	Detention Basins	125,000	125,000
Maui	Waiehu Kou	Sewage Pump Station	80,000	80,000
Oahu	East Kapolei II	Detention Basins (2)	30,000	30,000
Oahu	Kapolei	Homestead Maintenance	75,000	75,000
Oahu	Nanakuli	Princess Kahanu Rd. Rep.	30,000	30,000

ISLAND	AREA or SUBDIVISION	MAINTENANCE TYPE	FY 2022	FY 2023
Oahu	Oahu	Sewage Spill Response	150,000	150,000
Oahu	Oahu	Street Light Replacement	375,000	375,000
Oahu	Oahu	Scattered Location R&M	1,200,000	1,200,000
State	Statewide	Tree Maintenance/Control	500,000	500,000
Oahu	Waimanalo	Drainage Channel & Trees	38,000	38,000
Oahu	Waimanalo	Detention Basin	30,000	30,000
State	Statewide	Sign Replacement	255,000	255,000

Also in DHHL's sufficient sums budget request, the following Administrative and Operating Costs for Repair and Maintenance of Infrastructure financed through State General Obligation Bonds should be funded by the County:

AREA or SUBDIVISION	PROJECT COMPONENTS	FY 2022	FY 2023
Lalamilo	Road Improvements	100,000	
Puukapu	Roadway Improvements	2,000,000	
Waimanalo	Bell St. Drainage Improvements	1,000,000	7,000,000
Waimanalo	Dirt Drainage Channel	3,000,000	
Nanakuli	Concrete Spall & Fencing, Phase 2	2,000,000	
Nanakuli	PKE Concrete Spall & Fencing	1,500,000	
Islandwide	Sewerline remediation	4,000,000	4,000,000
Papakolea	Hillside Maintenance	250,000	
Papakolea	Detention Basin Restoration/Repair	780,000	
Waimanalo	Kumuhau Detention Basin Rest./Rep.	235,000	
Islandwide	Oahu: Operation, Maintenance, Rep.	3,000,000	
Statewide	R & M of Utilities in Existing	2,000,000	2,000,000
Statewide	R & M Sewer/Wastewater Infra.	5,000,000	5,000,000
Statewide	R & M Existing Infrastructure	8,000,000	5,000,000

Thank you for your consideration of our testimony.



SB1123
RELATING TO COUNTIES
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i

Pepeluali 16, 2021

1:02 p.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1123, which would impose a 60 day time limit on a county to complete infrastructure maintenance for any Department of Hawaiian Homelands (DHHL) housing development, after receipt of a completed application for maintenance and approval by the county. While OHA believes that this time limit would not be problematic for minor maintenance activities that do not require a permit, a time limit for major types of maintenance work that do require a permit may foreclose the ability of the State Historic Preservation Division (SHPD) to comment, and limit options for actions otherwise necessary to mitigate impacts to known or inadvertently discovered historic sites and burials. **As such, the proposed time limit of 60 days to complete DHHL maintenance work could unreasonably limit consultation, assessment, and mitigation activities that are critical to protecting iwi kupuna, cultural sites, and other “historic properties” from avoidable and unnecessary impacts, unless language is included to explicitly require SHPD concurrence with county approval for permitted actions, and to exclude any additional days needed to implement historic preservation protection and mitigation actions.**

SHPD recommendations often include mitigation actions for maintenance type activities that require extensive ground disturbing work, as well as consultation requirements to minimize risks to irreplaceable historic properties and sites. Particularly for larger maintenance projects that do require a permit, SHPD should be provided with enough time to conduct an adequate level of consultation and assessment necessary for the development of mitigation recommendations that can meaningfully minimize impacts to such properties and sites. OHA notes that on average, SHPD can take anywhere from one month to six months to review a project, depending on the project’s complexity, and larger projects may require extensive archaeological surveys that in the past have resulted in reports that are thousands of pages long. SHPD concurrence, which includes its mitigation recommendations, should thus be explicitly acknowledged as a necessary prerequisite to the 60 day time limit proposed by this measure.

In addition, the execution of mitigation actions, including the assessment, development, and implementation of actions to mitigate impacts to previously unknown and inadvertently disturbed historic sites and burials, may also warrant an extension of the proposed 60-day timeline. Insofar as additional time may be needed in order to adequately and appropriately protect priceless and deeply cherished historic sites and Native Hawaiian burials from irrevocable and potentially avoidable impacts, language

should also be included to allow for extensions on this 60-day deadline, should historic preservation and protection activities require them.

As such, OHA respectfully recommends including the following language to replace that found on page 2, lines 4-6 of this bill, to read as follows:

- "standards in effect at the time of construction;
(3) The completion of the improvements of the
infrastructure is granted approval by the county,
along with concurrence by the state historic
preservation division for any permitted action
requiring historic preservation review; and
(4) The sixty day timeline may be tolled for the time
necessary to implement actions to mitigate
impacts to historic properties from the
infrastructure maintenance action."

Mahalo for the opportunity to testify on this measure.