

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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ACTING DEPUTY DIRECTOR - WATER

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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, February 24, 2022
10:00AM**

State Capitol, Conference Room 211, Via Videoconference

**In consideration of
SENATE BILL 2757, SENATE DRAFT 1
RELATING TO HISTORIC PRESERVATION**

Senate Bill 2757, Senate Draft 1 proposes to appropriate funds to initiate the development of a comprehensive statewide inventory of historic properties and burial sites. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Senate Bill 2757, Senate Draft 1 proposes to appropriate an unspecified amount to the Department to undertake the surveys necessary to develop a comprehensive statewide inventory of historic properties and burial sites. As far as the Department is aware, development of a comprehensive inventory has never been funded.

The Department believes that the implementation of a comprehensive survey is essential to meeting the goals set in the establishment of the Department's State Historic Preservation Division (SHPD) in Section 6E-3, Hawaii Revised Statutes (HRS). SHPD does maintain an inventory, but it relies almost entirely on the supporting data provided by agencies and project sponsors submitted as part of the project review processes established by Sections 6E-8, 6E-10, 6E-42, HRS, and under federal law. As a result, SHPD's inventory has limited geographic coverage and, even in 'high' development areas, is incomplete. In the absence of better inventory data, it is impossible for SHPD to assess the condition of Hawaii's historic resources. A comprehensive inventory would provide information essential to managing and protecting the state's heritage resources.

In addition, a comprehensive inventory would greatly facilitate project development and permit review by allowing project planners, designers, and consultants to take the presence of historic properties and burial sites into account in siting their projects and in design from the earliest stages of project planning rather than after major planning and design decisions have been as often happens now. It would facilitate permit review as information on historic properties and

burials would be available to permitting agencies allowing them to make better decisions about what projects needed to be submitted to SHPD for review. The inventory would also assist SHPD in making better decisions on those projects it does receive for review and expedite the review process as SHPD will have more of the essential data for its review already at hand.

The Department also notes that while Senate Bill 2757, Senate Draft 1 proposes to appropriate an unspecified level of funding, creating a comprehensive inventory of historic properties for the entire state is a significant undertaking that will take a number of years to complete. The Department supported the \$2.1 million appropriation included in Senate Bill 2757 and advises the Committee that appropriation at that level will represent the first phase of the multi-year effort necessary to complete the statewide survey. SHPD anticipates that it will have to contract nearly all the work necessary to carry out the inventory effort. Consequently, the Department believes that funding at a higher level in an effort to shorten the length of time it would take to complete an inventory would not be effective as a higher level of funding would be very difficult for SHPD to administer given existing staffing and resources. Furthermore, it would also almost certainly exceed present the capacity of consulting firms in Hawaii to carry out the work.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
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STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2757, S.D. 1

February 24, 2022
10:00 a.m.
Room 211 and Videoconference

RELATING TO HISTORIC PRESERVATION

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2757, S.D. 1, provides funds for the development of a comprehensive inventory of historic properties and burial sites in the State of Hawaii and appropriates an unspecified amount of general funds in FY 23 to be expended by the Department of Land and Natural Resources (DLNR) for this purpose.

B&F notes that DLNR has been allocated \$1,700,000 in Coronavirus State and Local Fiscal Recovery funds in FY 22 for archaeological surveys and predictive modeling of historically and culturally significant sites to facilitate project planning for affordable housing and critical infrastructure, and to expedite project reviews and approvals.

Additionally, B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

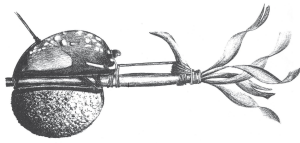
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

TO: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means (WAM)

FROM: Mara Mulrooney, Ph.D.
President, Society for Hawaiian Archaeology
membership@hawaiianarchaeology.org

HEARING: February 24, 2022, 10:00 AM, Conference Room 211 & Videoconference

SUBJECT: Testimony regarding SB 2757, Relating to Historic Preservation

I am Mara Mulrooney, President of the Society for Hawaiian Archaeology (SHA). We have over 150 members including professional archaeologists and advocates of historic preservation. On behalf of SHA, **we support SB 2757, with comments.**

The intent of SB 2757 is to provide adequate funding and resources that will enable the staff of the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD) to conduct comprehensive inventories of Hawai'i's irreplaceable historic properties and burial sites. The SHPD relies on the documentation submitted in support of reviews for projects and knowledge gained from individuals and the public. These invaluable resources contribute new information to the division's existing data.

SHPD experiences difficulties when collecting data, in part, because portions of historic properties, historic buildings, and burial sites are located in undeveloped or restricted areas around the State. SHPD's current database does not provide accurate accounts or comprehensive information. These difficulties hinder the division's responsibilities to provide key information on a site's location. In many instances, SHPD does not acquire such information until a permit application is addressed.

We offer the following comments on SB 2757, which appropriates funding to SHPD to develop a comprehensive and complete inventory of Hawai'i's historic properties and burial sites:

- 1) The first step to implementation of an archaeological surface survey must be the integration of existing data into the recently-launched HICRIS system. This will ensure that appropriate areas are targeted once existing data have been compiled.
- 2) Funds should be allocated for dedicated positions to plan and develop an appropriate strategy for an archaeological surface survey, as SHPD does not currently have adequate staffing to initiate this project.
- 3) Historic properties are currently at risk due to the lack of comprehensive information at SHPD. SB 2757 should take effect immediately.

If implemented in a thoughtful manner, SB 2757 would ensure better protection of vulnerable historic properties, and will provide more accountability and transparency in historic preservation compliance, as managed by SHPD.

Should SB 2757 pass out of this committee, we request to be consulted as a stakeholder in future deliberations on an amended bill. Should you have any questions, please feel free to contact me at the above email.

Mahalo for the opportunity to comment.

<https://hawaiianarchaeology.org/>

The Society for Hawaiian Archaeology is a registered tax-exempt organization established in 1980 to promote and stimulate interest and research in the archaeology of the Hawaiian Islands, encourage a more rational public appreciation of the aims and limitations of archaeological research, serve as a bond among those interested in Hawaiian archaeology, both professionals and non-professionals, and aid in directing their efforts into more scientific channels as well as encourage the publication of their results, advocate and assist in the conservation of archaeological data, discourage unethical commercialism in the archaeological field and work for its elimination.



LATE

TO: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means (WAM)

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

Committee: Thursday, February 24, 2022
10:00 a.m.
Via Video Conference/Conference Room 211

RE: SB 2757 SD1, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing **in support for SB 2757 SD1**. The bill appropriates an unspecified amount of funds to the Department of Land and Natural Resources for the Historic Preservation Division to conduct comprehensive inventories of historic properties and burial sites, including data collection on burial site locations, archaeological surface surveys and inventory of historic buildings, structures and other properties.

Historic property inventories and surveys are a crucial step in the historic preservation process. The context studies and inventories provide research, evaluation and examples of patterns, themes and trends in which a building, structure, site, object or district is understood. The contexts provide information on meaning and provide the necessary background to understand why a given resource may be historically significant. The inventories then provide information on specific properties and features that convey that significance and are important to the cultural heritage of the community and the public.

The State's current inventory and historic property surveys are ad hoc rather than deliberative or methodical. Additions to the State Inventory of Historic Properties are often the result of supporting data provided when another agency or applicant submits a project proposal to SHPD. The resulting inventory is therefore piecemeal and incomplete in terms of identification of the individual properties and features. It also lacks information that would allow for a more robust understanding of the historic context in which individual sites and properties may be understood.

A comprehensive inventory should also include thematic context studies that would identify and explain historic themes and patterns as well as describe the types of properties associated with that context. The inventories should include descriptions of the physical characteristics and the locations where the properties are found. Contexts are required components of nominations to the Hawai'i and National Registers of Historic Places. The contexts summarize the themes to which the resources relate, explain how the properties illustrate that theme and compare the nominated resource to other resources associated with the theme.

On a pragmatic level, a thorough and credible inventory would facilitate appropriate project review by providing the necessary information about the presence of significant historic properties so that projects may be sited and designed in a way to avoid, minimize and mitigate effects on those properties.

Therefore, Historic Hawai'i Foundation supports the measure to provide resources for the development of comprehensive inventories of historic properties and burial sites.

Thank you for the opportunity to comment.

SB-2757-SD-1

Submitted on: 2/21/2022 9:01:27 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

SUPPORT SB 2757 RELATING TO HISTORIC PRESERVATION.

SB-2757-SD-1

Submitted on: 2/22/2022 11:00:21 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Brinker	Individual	Support	No

Comments:

Support