

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1354
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 1354 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the Department of Hawaiian Home Lands to assume historic preservation review of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii Register of Historic Places or the National Register of Historic Places.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Hawaiian Home Lands, and one individual. Your Committees received testimony in opposition to this measure from the Historic Hawai'i Foundation and two individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that section 6E-8, Hawaii Revised Statutes (HRS), plays an important role in the protection and management of the State's historic properties and burial sites. Section 6E-8(b), HRS, requires the Department of Hawaiian Home Lands, prior to any proposed project relating to lands under its jurisdiction, to consult with the Department of Land and Natural



Resources regarding the effect of the project upon historic property or a burial site. However, your Committees find that allowing the Department of Hawaiian Home Lands to assume review for certain projects for lands under its jurisdiction would help expedite the work that the Department of Hawaiian Home Lands does in constructing new housing and development for its beneficiaries on the waiting list. Your Committees find that a balance can be struck between the need to preserve important historical and cultural resources and the need to expedite construction for Department of Hawaiian Home Lands beneficiaries. Therefore, this measure allows the Department of Hawaiian Home Lands to assume historic preservation review of any proposed project for lands under its jurisdiction, except for projects affecting properties listed or nominated for inclusion in the Hawaii Register of Historic Places or the National Register of Historic Places.

Your Committees have heard the testimony of the Department of Land and Natural Resources, expressing concerns that language should be included in this measure that will ensure that all interested parties receive notice and know well in advance when any project under review will transition from the Department of Land and Natural Resources to the Department of Hawaiian Home Lands. The Department of Land and Natural Resources also testified that it would prefer to retain authority over reviews that are located in designated historic districts.

Your Committees have also heard the testimony of the Office of Hawaiian Affairs, requesting that the Department of Hawaiian Home Lands ensure that it has adequate resources to perform a satisfactory review before assuming any project from the Department of Land and Natural Resources. The Office of Hawaiian Affairs further testified as to its desire to be consulted by the Department of Hawaiian Home Lands for projects that could have adverse impacts on historic properties that are important to Native Hawaiians, as the Office has databases with invaluable historic and archaeological information that could be useful for those specific reviews.

Therefore, your Committees have amended this measure by:

- (1) Requiring the Department of Hawaiian Home Lands to provide the Department of Land and Natural Resources with specific written notice;



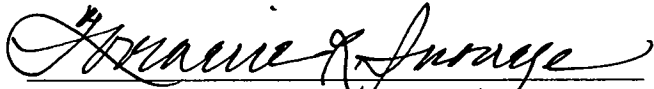
- (2) Allowing the Department of Land and Natural Resources to retain authority for review over projects located in a designated historic district;
- (3) Requiring the Department of Hawaiian Home Lands to have adequate resources to perform the historic review prior to assuming a review from the Department of Land and Natural Resources; and
- (4) Requiring the Department of Hawaiian Home Lands to consult with the Office of Hawaiian Affairs when reviewing historic properties that are important to Native Hawaiians.


Your Committees also note the testimony of the Historic Hawai'i Foundation, expressing concerns that the Department of Hawaiian Home Lands does not have the qualified staff, subject matter expertise, and appropriate administrative framework or other capacity to conduct these reviews. The Historic Hawai'i Foundation also testified as to their concerns over potential conflicts of interest that may arise due to the Department of Hawaiian Home Land's development aims. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it considers further examining the Historic Hawai'i Foundation's concerns.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1354, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1354, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,

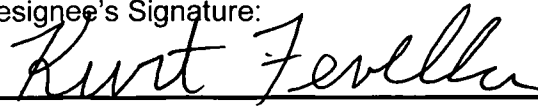

LORRAINE R. INOUE, Chair


MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SB1354	Committee Referral: HWN/WTL, WAM	Date: 02/16/2023		
<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
SHIMABUKURO, Maile S.L. (C)	+			
FEVELLA, Kurt (VC)			+	
IHARA, Jr., Les		+		
KEOHOKALOLE, Jarrett	+			
RICHARDS, III, Herbert M. "Tim"		+		
TOTAL	2	2	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1354	Committee Referral: HWN/WTL, WAM	Date: 2/16/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)		✓		
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.		✓		
FEVELLA, Kurt			✓	
TOTAL	2	2	1	0

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**