

Honolulu, Hawaii

APR 19 2010

RE: H.C.R. No. 50
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.C.R. No. 50, H.D. 2, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING A SUMMIT FOR THE HEALING AND CREATION OF POSITIVE CHANGE FOR THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to request a summit for the healing and creation of positive change for the State Historic Preservation Division of the Department of Land and Natural Resources.

Testimony in support of the measure was submitted by two state agencies and one organization. One organization submitted comments. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the State Historic Preservation Division (SHPD) is tasked with protecting historic and cultural property for the education, inspiration, pleasure, and enrichment of all citizens of the State. However, on March 19, 2010, the National Park Service released its final report which found, among other things, that SHPD is deficient in the federal program areas of: survey and inventory, review and compliance, and National Register of Historic Places and Historic Preservation Planning. The deficiency was determined to be largely relating to inadequate



staffing and availability of information on important sites. The National Park Service has given SHPD two years to comply with mandated corrective actions, which, if not met, would result in suspension of their annual grant which comprises half of SHPD's budget. Additionally, in the last several years in particular, SHPD's protection of Hawaiian historic sites has been highly criticized for being understaffed and lacking archeological expertise.

Your Committee further finds that pursuant to the National Historic Preservation Act, as amended, it is the policy of the federal government to assist state and local governments, Indian tribes and native Hawaiian organizations, and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities. Under that Act, a tribe may assume official responsibility for a number of functions aimed at the preservation of significant historic properties. The establishment of a Tribal Historic Preservation Office would allow native Hawaiian historic properties to be overseen by qualified staff, specially trained in native Hawaiian practices and culture. In light of the probable passage of the Native Hawaiian Government Reorganization Act of 2009, your Committee hopes that the State will take adequate measures to prepare for a federally-recognized native Hawaiian sovereign entity.

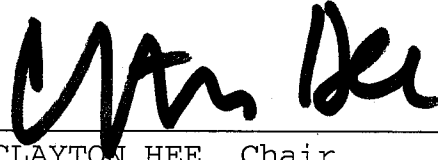
Your Committee has amended this measure by:

- (1) Inserting a provision to request that the Auditor conduct a program and management audit of SHPD;
- (2) Removing the provision requesting a healing summit; and
- (3) Requesting that the Legislature create a Joint House and Senate Interim Committee to study the feasibility of establishing a Tribal Historic Preservation Office within the Department of Land and Natural Resources.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 50, H.D. 2, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 50, H.D. 2, S.D. 1.



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



CLAYTON HEE, Chair



