

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 79

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Water and Land, Housing, and Hawaiian Affairs, to which was referred S.B. No. 79 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:

- (1) Require the Department of Land and Natural Resources to determine the effect of any certain proposed housing projects within ninety days of a request for determination;
- (2) Establish historical review requirements based on the project area's known historic, cultural, and archaeological resources; and
- (3) Require the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources before commencement of a proposed project relating to lands under the jurisdiction of the Department of Hawaiian Home Lands.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of



Hawaiian Home Lands, Hawaii Housing Finance and Development Corporation, and one individual.

Your Committees received testimony in opposition to this measure from Hoomana Pono, LLC and one individual.

Your Committees find that the State is experiencing a shortage of affordable housing. Your Committees further find that lengthy and backlogged historic preservation reviews often prevent the timely development of affordable housing and increase their costs. Your Committees also find that implementing a separate review process for proposed state affordable housing projects would expedite project timelines. Accordingly, this measure will streamline the historic review process, especially for projects that will not likely have significant effects, and enable the Department of Hawaiian Home Lands to more effectively fulfill its mission to develop and deliver land to native Hawaiians.

Your Committees note the concern raised by the Department of Land and Natural Resources that the language in this measure could be strengthened and clarified to better protect historic, cultural, and archaeological resources. Your Committees also note the concern raised by the Department of Land and Natural Resources and the Department of Hawaiian Home Lands that some language in this measure is redundant and could be deleted.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language specifying that a project located in an area likely or known to contain a high density of historic, cultural, or archaeological resources may continue under an Archaeological Monitoring Program if an archaeological inventory survey had been previously conducted in that project area;
- (2) Specifying that a project located in a moderately sensitive area where an archaeological inventory survey has already been previously reviewed and accepted by the Department of Land and Natural Resources may continue under an Archaeological Monitoring Program;
- (3) Specifying that the Department of Land and Natural Resources shall provide a written determination within



ninety days after the filing of a complete and accurate project request with the Department;

- (4) Inserting language that requires a project proponent to obtain state inventory of historic places numbers from the State Historic Preservation division for all historic properties within a housing project area if an archaeological or architectural survey is conducted as part of the historic preservation review process or archaeological monitoring program;
- (5) Specifying that if an archaeological inventory survey is conducted before the start of construction, the project proponent shall obtain state inventory of historic places numbers for each historic property identified within the housing project area during the archaeological monitoring before completion of construction;
- (6) Specifying that the mitigation of adverse effects resulting from construction include burial treatment;
- (7) Inserting language specifying the procedure that project proponents must follow if previously unidentified human remains are inadvertently discovered during archaeological monitoring or housing project construction;
- (8) Inserting language requiring the agency or officer to notify the State Historic Preservation Division if previously unanticipated effects are identified after the completion of historic preservation review and all work within a twenty-foot radius of the discovery shall cease and notification shall be given to the State Historic Preservation Division within forty-eight hours;
- (9) Specifying that the notification given to the State Historic Preservation Division shall include a historic properties assessment, an assessment of any effects the project has had or will have on the historic or cultural resource, a proposed action, which the Division shall respond to within two working days;



- (10) Inserting language requiring the agency or officer to submit a report to the State Historic Preservation Division documenting actions taken to mitigate the previously unidentified adverse effects;
- (11) Deleting language that would have required the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources before the commencement of any proposed project relating to lands under the jurisdiction of the Department of Hawaiian Home Lands; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land, Housing, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 79, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 79, S.D. 1, and be referred to your Committee on Judiciary.

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


STANLEY CHANG, Chair


LORRAINE R. INOUE, Chair


HERBERT M. RICHARDS, III, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

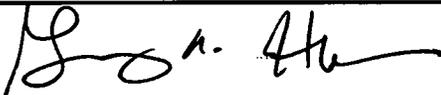
Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB79	Committee Referral: WTL/HOU/HWN, JDC	Date: 02/07/25		
<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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
DECORTE, Samantha	✓			
TOTAL	5	0	0	0
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-Third Legislature
State of Hawai'i

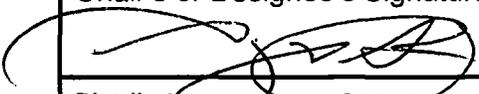
**Record of Votes
Committee on Housing
HOU**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 79	HPL/HOU/HMN, JDC	2/7/25		
<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
CHANG, Stanley (C)	//			
HASHIMOTO, Troy N. (VC)	//			
AQUINO, Henry J.C.	//			
KANUHA, Dru Mamo	//			
FEVELLA, Kurt				/
TOTAL	4	0	0	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-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SB 79	Committee Referral: WTL / HON / HWN, JDC	Date: 2/7/25		
<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
RICHARDS, III, Herbert M. "Tim" (C)	/			
SAN BUENAVENTURA, Joy A. (VC)	/			
IHARA, Jr., Les				/
KEOHOKALOLE, Jarrett				/
DECORTE, Samantha	/			
TOTAL	3			2
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