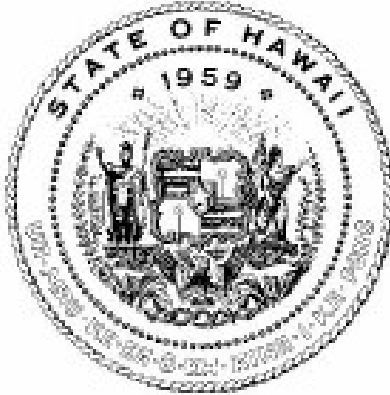


REPORT TO THE THIRTY-SECOND LEGISLATURE
2023 REGULAR SESSION
ON
THE STATE HISTORIC PRESERVATION PROGRAM
FOR FISCAL YEAR 2021-2022



PREPARED BY:

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
IN RESPONSE TO
SCR 178 SD1 HD1 REQUESTING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES, IN CONSULTATION WITH THE STATE HISTORIC PRESERVATION
DIVISION AND THE ISLAND BURIAL COUNCILS, TO CREATE AN EXPEDITED
PROCESS TO CONTRACT THE REVIEW OF PROPOSED AFFORDABLE HOUSING
PROJECTS TO THIRD-PARTY CONSULTANTS.
HONOLULU, HAWAII
OCTOBER, 2022

THE STATE HISTORIC PRESERVATION PROGRAM
FOR FISCAL YEAR 2021-2022

BACKGROUND

The 2022 Legislature requests findings and recommendations regarding expedited processes, including proposed legislation in accordance with SCR 178 SD1 HD1 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONSULTATION WITH THE STATE HISTORIC PRESERVATION DIVISION AND THE ISLAND BURIAL COUNCILS, TO CREATE AN EXPEDITED PROCESS TO CONTRACT THE REVIEW OF PROPOSED AFFORDABLE HOUSING PROJECTS TO THIRD-PARTY CONSULTANTS.

ACCOMPLISHMENTS

The State Historic Preservation Division (SHPD) will need to work with the legislators in the upcoming session to overcome the following issues that have been cited as obstacles toward enacting SCR 178:

Internal Issues: DLNR did not support those bills because it called for SHPD to enter into contract(s) for which it did not have funds. That continues to be an insurmountable problem; SHPD cannot expend funds that have not been appropriated. During last session, DLNR testimony also pointed out that we are unable to reliably estimate how much money we would actually need to accomplish this, so there is no way to propose a funding level that would not be wildly speculative. Additionally, meeting the requirements of procurement policy would make contracting on a case-by-case basis very difficult and would probably do nothing to expedite reviews. There are ways compliant with procurement to contract for service on an indefinite delivery basis, but these also face the difficulty of being unable to estimate the level of service. Also, it is unclear that the island burial councils or the Native Hawaiian community more broadly would support contracting reviews to 3rd party consultants.

External Issues: Over the last few years it has become increasingly evident that there are not enough archaeologists in Hawaii to meet the demand for services. In prior years we had appropriated funds to contract for reviews of back logged projects. The 1st & 2nd years we got 1 qualified bidder each year in response to our request-for-proposals, the 3rd year we got no qualified offers. During the last 12-18 months, I have had informal discussions with archaeological consulting firms, they all tell me they have more work than they can currently handle. Also, this sort of work is not necessarily appealing to many of the archaeological firms. They have expressed concerns about being criticized by their fellow archaeologists for reviewing their colleagues/competitors' reports. During the 1st year when we had contract consultants doing backlogged reviews some firms rejected review comments.

FUTURE PROGRAMS

SHPD intends to discuss this issue with the House and Senate Water Land Committee Chairs to see if they wish to see this reintroduced this session. SB510 and HB821 also included provisions delegating 6E-42 reviews to the counties. None of the counties supported those provisions, 1 actively opposed it. Last year was the 2nd consecutive session in which these bills failed to win support.