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PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK ADDITION ACT OF 2001

OCTOBER 1, 2001.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1057]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1057) to authorize the addition of lands to Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1057 is to expand the boundaries of Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii to include approximately 238 acres of land. The bill also authorizes the Secretary of the Interior to acquire 159 acres of adjacent lands and upon their acquisition, to include such lands within the park boundary.

BACKGROUND AND NEED

Pu'uhonua o Hōnaunau National Historical Park was authorized by Congress in 1955 and formally established in 1961. The park was originally designated as the City of Refuge National Historical Park, and was renamed Pu'uhonua o Hōnaunau in 1978. The park encompasses approximately 180 acres on the western coast of the island of Hawaii.

The park preserves the site where Hawaiians who broke kapu (one of the ancient laws used to balance and protect the laws of nature) could avoid certain death by fleeing to a place of refuge or "pu'uhonua." Defeated warriors and non-combatants also found ref-

uge here during times of battle. The grounds just outside the wall that encloses the pu'uhonua were home to several generations of powerful royalty and their families. Occupation of the site has been dated from 1100 A.D., and the area has been used as a place of refuge, with related villages and agriculture, for most of its history. Although the park contains a scenic coastline, it is most noted for its cultural, spiritual, and archaeological features, including the pu'uhonua, heiau, platforms, royal fishponds, sledding tracks, and village sites.

The area to be added to Pu'uhonua o Hōnaunau National Historical Park by S. 1057 includes significant archaeological remains of Ki'ilae village, one of the ancient coastal villages. As part of its study of the proposed expansion, the National Park Service identified over 800 archaeological and historical sites, including caves, stone platforms, heiau, burial sites, agricultural features, walled enclosures and canoe landing sites.

Legislative History

S. 1057 was introduced by Senators Akaka and Inouye on June 14, 2001. The Subcommittee on National Parks held a hearing on S. 1057 on July 26, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered S. 1057 favorably reported without amendment.

Committee Recommendation

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 2001, by a voice vote of a quorum present, recommends that the Senate pass S. 1057 as described herein.

Section-by-Section Analysis

Section 1 contains the short title, the "Pu'uhonua o Hōnaunau National Historical Park Addition Act of 2001."

Section 2 amends the first section of the enabling legislation for Pu'uhonua o Hōnaunau National Historical Park (16 U.S.C. 397) to add two new subsections.

New subsection (b) modifies the boundaries of the park to include approximately 238 acres of lands and interests therein identified as "Parcel A" on the referenced map. These lands are located in the Ki'ilae Village area just south and east of the existing park boundary.

New subsection (c) authorizes the Secretary of the Interior to acquire approximately 159 acres of lands and interests therein within the area depicted as "Parcel B" on the referenced map. Upon the acquisition of the lands or interests therein, the Secretary is directed to modify the boundaries of the park to include the acquisition. This tract is located immediately upland of the Ki'ilae Village parcel referenced in subsection (b) and contains many of the same archaeological and historic features as that parcel.

Section 3 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 20, 2001.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1057, the Pu'uhonua o Hōnaunau National Historical Park Additional Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1057—Pu'uhonua o Hōnaunau National Historical Park Addition Act of 2001

S. 1057 would authorize the expansion of the Pu'uhonua o Hōnaunau National Historical Park. Specifically, the bill would modify the park boundaries to add a 238-acre parcel of land contiguous to the park, which the National Park Service (NPS) could then acquire by purchase or donation. The legislation would provide for additional expansion by authorizing the NPS to acquire another 159 acres and to then redraw the park's boundaries accordingly. Finally, S. 1057 would authorize the appropriation of whatever amounts are necessary for acquisition and related activities.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the one-time costs to purchase and study the 238 acres added by the legislation would be about $5 million in 2002 or 2003. We estimate that provisions authorizing the acquisition of an additional 159 acres would have no significant cost, because we expect that the agency would only acquire acreage donated by the owners. Additional costs to administer all land added to the park as a result of the bill would be about $0.3 million annually, also assuming appropriation of the necessary amounts. enacting S. 1057 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1057. The bill is not a regulatory measure in the sense of imposing government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1057.

EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1057. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN REYNOLDS, REGIONAL DIRECTOR, PACIFIC WEST REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1057, a bill to adjust the boundaries of Pu'uhonua o Hōnaunau National Historical Park.

The Department supports S. 1057. This legislation will adjust the authorized boundary of Pu'uhonua o Hōnaunau National Historical Park to include the remainder of Ki'ilae Village within the park. The proposed expansion is located on lands immediately adjacent to, but outside the southern park boundary, and would add 238 acres to the 182 acres already within the park. The addition of another 165 acres would also be authorized if the lands are ever acquired.

Ki'ilae is an ancient Hawaiian settlement dating back to the late 12th or early 13th centuries. The settlement remained active until the 1930's, making it one of the last traditional Hawaiian villages to be abandoned. The proposed boundary adjustment consists of adding lands containing the archaeological remains of this Hawaiian village. Lands to be added to the park contain more than 800 archaeological sites, structures and features. These include at least 25 caves and 10 heiau (Hawaiian temples), more than 20 rock platforms, 26 rock wall enclosures, over 40 burial features, residential compounds, a holua (recreational slide used by Hawaiian royalty), canoe landing sites, a water well, numerous rock walls and a wide range of agricultural features.

The proposed expansion dates back to a 1957 archaeological survey conducted by the Bishop Museum. This survey found that the greater part of the ancient village of

Ki'ilae, as well as other significant Hawaiian archaeological resources, were left outside of the park boundaries established by Congress in 1955. Pu'uhonua o Hōnaunau's 1972 Master Plan identifies Ki'ilae Village as one of the park's major resources and the master plan graphics show village remains extending well beyond the existing park boundaries. In 1992, a boundary study was prepared for the park. Both the master plan and the boundary study call for adding the "balance of Ki'ilae Village" to the park. Up until last year, the property was unavailable because its ownership was not clear. The three heirs to the property have now settled the ownership issue, thereby clearing the way for the Park Service to acquire the land. S. 1057 would allow the boundary of the park to be expanded to protect this significant cultural resource.

In light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park before incurring additional financial burdens, it is encouraging to note that the present owner may consider donating one portion of the property to the National Park Service, while the other portion would be available for purchase and has been appraised at $4.6 million. Funds to purchase this property would be subject to NPS service-wide priorities and the availability of appropriations. Since no development is contemplated within the boundary adjustment area, no line item construction or significant development costs are anticipated, although there would be some one-time costs after acquisition to conduct an inventory of archaeological resources and remove non-native vegetation. We expected that the park would seek to increase its base-operating budget in the range of $250,000 in order to hire two additional resource management employees, as well as two employees to provide services such as interpretation and law enforcement. This increase would have to compete against other demands for limited operational funds.

There is strong local support to protect and include these resources within the Pu'uhonua o Hōnaunau National Historical Park. This reflects the high level of cooperation and strong commitment of local communities and governments toward the park. This kind of local support for land acquisition projects is an important part of the Department's support for this legislation.

That concludes my testimony. I would be glad to answer any questions that you or the members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1057, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[69 Stat. 376]

AN ACT To authorize the establishment of the City of Refuge National Historical Park, in the Territory of Hawaii, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, when] *Section 1. (a) When* title to such lands located on the island of Hawaii, within the following-described area, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said lands shall be set apart as the City of Refuge National Historical Park, in the Territory of Hawaii, for the benefit and inspiration of the people:

PARCEL 1

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PARCEL 3

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4. Two hundred fifty-nine degrees thirty-three minutes fifteen seconds six hundred eighty feet along L. C. Aw. 7712: 1 to M. Kekuanaoa and passing over a rock called Kuwaia, marked K+K at six and eight-tenths feet to the point of beginning.

Areas, ten and twenty-five one-hundredths acres.

(b) The boundaries of Pu'uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as "Parcel A" on the map entitled "Pu'uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki'ilae Village", numbered PUHO–P 415/82,013 and dated May, 2001.

(c) The Secretary of the interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as "Parcel B" on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu'uhonua o Hōnaunau National Historical Park to include such lands or interests therein.

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