

HISTORIC HAWAII FOUNDATION

SUPPORT

VIA EMAIL: HAWtestimony@capitol.hawaii.gov

To: Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair
Committee on Hawaiian Affairs

Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Wednesday, February 3, 2010
9:00 am
Conference Room 329

Subject: HB2480, Relating to Historic Places

On behalf of Historic Hawai'i Foundation (HHF), I am writing in support of HB2480, which requires the state historic preservation division to report on the historical significance of an archaeological site or feature if it is destroyed, and provides civil penalties for destruction of archaeological sites that are listed on the state or national registers of historic places.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

HHF strongly supports all efforts to identify and protect significant historic properties, including civil and administrative penalties for the destruction of sites significant to the history and prehistory of Native Hawaiians that are designated on the state and national registers of historic places.

While the intent of HB2480 is to provide protection of archaeological sites and features only, HHF would also encourage the same level of protection for other sites that are designated on the historic registers. To that end, we recommend that the legislature direct the department of land and natural resources to convene a review of best practices and models for good preservation systems that can be implemented comprehensively, with recommendations to be submitted to the legislature next year.

Therefore, HHF recommends that HB2480 be approved.

Historic Hawai'i Foundation

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Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life and economic viability of the state.

TO: Representative Mele Carroll, Chair
House Committee on Hawaiian Affairs
And
Representative Ken Ito, Chair
House Committee on Water, Land & Ocean Resources

SUPPORT
WITH COMMENTS

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: February 3, 2010, 9:00 AM, Conference Room 329
SUBJECT: Comments on HB 2480 (Relating to Historic Places)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am providing comments on House Bill 2480 which defines archaeological sites or features, requires the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (DLNR) to report on the state and historical significance of an archaeological site if inadvertently destroyed, and provides penalties for the willful alteration or destruction of an archaeological site or feature on the Hawaii or National Register of Historic Places (HRHP or NRHP).

We support the intent of HB 2480 which we believe to be strengthening the protection of historic sites that are found through archaeological survey and then covered by a preservation plan. As currently worded, however, we believe that the bill does not comport with existing provisions in Chapter 6E, Hawaii Revised Statutes (HRS) and therefore may not provide the desired protection. We offer the following comments in hopes that, if adopted, they will strengthen the bill.

- In general, we wonder why only archaeological sites are singled out for attention in HB 2480. Other types of historic properties that are important to Hawai'i's past and people are also damaged or destroyed, including architectural properties or traditional cultural properties.

- Section 1 proposes that historic properties listed on the HRHP or NRHP in addition to identified through the Chapter 6E review process should be protected by State law. In fact, a very small number (less than five) of the hundreds of archaeological sites recorded annually through archaeological surveys reviewed and approved by SHPD are actually placed on the HRHP or NRHP. Consequently, we would recommend amending last sentence in Section 1 to read as follows: "Once identified, surveyed, and listed in the Statewide Inventory of Historic Places maintained by the SHPD, these sites or features should be protected by State law."

- Section 2 proposes that any damaged historic property be examined by an archaeologist from SHPD and a "person with knowledge of Hawaiian culture, such as an *aha moku*." The resulting report of the site inspection will then be presented to the Board of Land and Natural Resources (BLNR). We would recommend that reference to the person with knowledge of Hawaiian culture be changed as follows so as to ensure that individuals with knowledge specific to the historic property and surrounding area participate in the site inspection: "Any inadvertent destruction of an archaeological site or archaeological feature must be examined by an archaeologist of the historic preservation division and an individual knowledgeable about the area's history."

- Section 3 proposes to amend Chapter 6E-2 by adding definitions for "archaeological site" and "archaeological feature." In addition, the proposed amendments declare that "oral history shall prevail unless scientific evidence is demonstrated" when determining historical significance of an archaeological site or feature. While well intended, we believe that these suggested amendments are vague and therefore prone to misinterpretation by all parties. Does this requirement apply only to the case of the damaged or destroyed sites described in this bill or to all instances of evaluating site significance, such as during an archaeological inventory survey? What is meant by the phrases "oral history" and "scientific evidence?" Neither term is defined in Chapter 6E2. We assume that the intent is to ensure that evidence from oral history is not to be ignored and may be regarded as sufficient by itself to support a determination even in the absence of scientific evidence. If so, we suggest that the text of the legislation be modified to more clearly reflect that intent.

- In Section 4 we recommend (as with our comments on Section 1) that reference to listing on the HRHP or NRHP be deleted here and instead our suggested language on the Statewide Inventory of Historic Places be inserted in its place.

Thank you for considering our comments. We look forward to working with you and other stakeholders on the important issue of protecting historic properties. Should you have any questions, please feel free to contact me at the above email address.

Rep. Maile Shimabukuro

From: annmarie@hawaii.rr.com
Sent: Monday, February 01, 2010 11:11 PM
To: HAWtestimony
Cc: Rep. Karen Awana; Rep. Mele Carroll; Rep. Roland Sagum
Subject: HB 2480 - Testimony in Strong Support

SUPPORT

HB2480 Relating to Historic Places
Hearing on Wednesday, February 3, 2010 at 9 am - Conference Room 329

Aloha,

I am writing in **strong support of HB 2480** which requires the historic preservation division of DLNR to report on the state and historical significance of an archeological site if inadvertently destroyed and which provides penalties for willful alteration or destruction of an archeological site or feature on the Hawai'i or national register of historic places.

There have been numerous instances throughout the State of Hawai'i where heiau and other cultural and historic sites have been desecrated, damaged and in some cases, the material presence of a site destroyed. These are serious and violent actions against the preservation and protection of our sacred and historic sites. At times these actions are inadvertent and other times they are deliberately done. These actions should incur penalties for these serious crimes against the history and culture of the people of Hawai'i.

The historic preservation division of DLNR also needs to communicate to state agencies and communities about the damage that took place, the penalties incurred and what can be done to re-establish areas where damage or destruction has occurred. There are too many instances where damage is done and no one knows the specifics of what has occurred - this must change and the responsibility of to report what took place should be with the historic preservation division of the DLNR.

I ask for your support on HB 2480.

Mahalo,
Ann Marie Kirk
PO Box 25342
Honolulu, Hawai'i 96825

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Rep. Maile Shimabukuro

From: HKH [hawaiiikaihui@aol.com]
Sent: Tuesday, February 02, 2010 3:35 AM
To: HAWtestimony
Subject: Re: HB2480 Relating to Historic Places + HB2484 Relating to Historic Preservation

February 1, 2010

Rodger & Elizabeth Reilly
7177 Kamilo Street
Honolulu, Hawaii 96825

SUPPORT
RE: 2480

Re: Strongly Support HB2480 Relating to Historic Places
Strongly Support HB2484 Relating to Historic Preservation
Hearing on Wednesday, February 3, 2010 at 9 am - Conference Room 329

Aloha,

We are active community members in East Honolulu with interests in protecting, stewarding and celebrating our natural and cultural resources. This year we pledged to do our part to inspire a much needed "Hawaiian Cultural Renaissance" in our community. Whereas we do our best not to look beyond our island state and compare Hawai'i to other places, when it comes to the new discovery and management of historical and archaeological sites, Rome, Greece, and most of Europe sure have us beat. We envy not only their respect and celebration of their heritage but their ingenuity to build cities around and in concert with their sacred places.

Where there is a will there is a way. Until such time that the State Historic Preservation Division changes their management style, action such as the passage of both HB2480 and HB2484 are vital for the protection of Hawaii's ancient sites and rich history.

Please support HB2480 and HB2484.

Kind regards,
Rodger and Elizabeth Reilly
Hawaii Kai

Rep. Maile Shimabukuro

From: Jeannine Johnson [jeannine@hawaii.rr.com]
Sent: Monday, February 01, 2010 9:06 PM
To: HAWtestimony
Cc: 'Annmarie'; hawaii kaihui@aol.com; 'chris cramer'; 'CORI LAU'
Subject: Testimony in Strong Support of HB2480 and HB2484

SUPPORT

RE: 2480

Re: HB2480 Relating to Historic Places
HB2484 Relating to Historic Preservation
Hearing on Wednesday, February 3, 2010 at 9 am - Conference Room 329

Aloha mai kākou,

I strongly support both HB 2480 and HB2484 requiring the State Historic Preservation Division to report on the state and historical significance of an archaeological site if inadvertently destroyed and making it a violation to destroy a heiau on private lands.

Since 2007, members of the East Honolulu community where I live have raised concerns about the documented presence of historic properties within portions of a proposed construction project area in Hawai'i Kai, including petroglyphs, a traditional spring, wetlands, rock walls, and a heiau. This wahi pana (sacred place) is called Hawea Heiau, named for the famous drum brought by La'amai Kahiki. It is one of the only remnants left of a system of more than 15 heiau that surrounded Maunalua Bay and is still used by native Hawaiians for religious ceremonies. Preliminary assessment of this area indicates that it is eligible for the Hawai'i State Register of Historic Places under significance criteria D and E.

Mr. Van James, author of Ancient Sites of O'ahu (Bishop Museum Press) and other authoritative texts, and resident of East Honolulu, has described the subject area in and around the proposed project as *"one of the few remaining areas in Hawai'i Kai where remnants of ancient Hawaiian history can still be observed."* Community members were outraged about proposed development plans to turn portions of this historically-significant and sacred cultural resource into a private recreational park for a luxury condominium. Now, our community is filled with deep sadness because Hawea Heiau and the attached petroglyph complex was bulldozed into rubble and ancient walls buried under tons of debris over six months ago when construction crews without a permit bulldozed into the area.

According to Price-Beggerly and McNeill, the *"wholesale loss of cultural resources tends to accentuate the value of the few remaining sites in an area important to Hawaiian culture as reflected in its traditions and history. This makes it even more important that the cultural resources which are left be recovered or preserved."* Please support these two bills because it is OUR kuleana to make sure that the few remaining cultural resources which are left be preserved and **that our kūpuna do not get erased from the land.**

Mahalo,

Jeannine

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