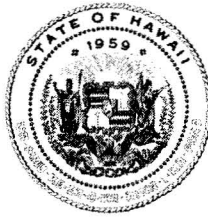


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony Of
LAURA H. THIELEN
Chairperson**

**Before The House Committees On
HAWAIIAN AFFAIRS
AND
WATER, LAND AND OCEAN RESOURCES**

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

**In Consideration Of
HOUSE BILL 2480
RELATING TO HISTORIC PLACES**

House Bill 2480 requires the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (Department) to report on the state and historical significance of an archaeological site if inadvertently destroyed. In addition to the bill being redundant, the Department has concerns that this bill may infringe on the the rights of private property owners.

The proposed new section to Chapter 6E, Hawaii Revised Statutes (HRS), regarding the inadvertent destruction of archaeological sites is redundant as oral history already takes precedence if scientific evidence is not available. Furthermore, if members of an Aha Moku would like to participate in a site visit, there is nothing to prevent them from doing so. However, issues of liability and availability will need to be addressed. Currently, SHPD will often call the Office of Hawaiian Affairs (OHA) for the initial visit and then invite community members if additional site visits are necessary or requested. OHA is also free to make its own recommendations.

The proposed amendment provided in SECTION 3 to Section 6E-2, HRS, would seem to limit archaeological sites to pre-historic native Hawaiian sites. The Department believes this is too limiting. For example, cane and pineapple era ditches are considered archaeological sites. Often cane era structures also incorporate earlier Hawaiian engineering. These items, along with artifacts from Hawaii's many cultures would seem to be excluded from the definition of an "archaeological site" or "archaeological feature."

The proposed amendment in SECTION 4, after item (2) would seem to take away the ability of a land owner to demolish an archaeological site on the Hawaii or National Register. While the Department is not arguing for the destruction of Register listed sites, the Department notes that

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

LATE TESTIMONY

RUSSELL Y. TSUJI
FIRST DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Federal law allows for the demolition of registered sites, and Hawaii law has followed national law. The Department also fears that this amendment will have a chilling effect on Historic Register nominations. Many landowners with archaeological sites do not want to list their properties for fear that the state will take away their ability to use their land.



LATE TESTIMONY

HB 2480 RELATING TO HISTORIC SITES

House Committee on Hawaiian Affairs

House Committee on Water, Land and Ocean Resources

February 3, 2010

9:00a.m.

Room: 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** House Bill 2480 which defines an archaeological site or archaeological feature, requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed, and provides for penalties for willful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

Under current and existing historic preservation law in Hawai'i, there is not enough protection for historical, cultural and archeological sites on private lands. Many of these cultural sites are the last vestiges helping to link 'ohana to their ancestors and to provide important clues and connections which enable the Native Hawaiian community to understand their past and foundation, in order to move forward to a brighter and more productive future.

A constant point of contention is the interpretation and significance assessments of cultural sites. It is important to have a Native Hawaiian input into the process where the integrity, function, and significance of historic sites are assessed to determine levels of protection and preservation. It is important to understand that sites often deemed in severe disrepair or lacking structural integrity are often still quite significant to Native Hawaiians as a source of understanding and ancestral connections. ✓

OHA would propose that line 17 of the bill be amended to read "such as an aha moku or the Office of Hawaiian Affairs." ✓

HB2480 seeks to help correct the unbalance which has led to the wanton destruction of thousands of historic places, wahi pana and the unique cultural heritage which makes Hawai'i unlike any other place in the world. Thank you for this opportunity to testify.

February 2, 2010

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

LATE TESTIMONY

From: Linda Kaleo o Kalani Paik

Re: **Testimony in support of HB 2480 Destruction of sites on the Hawaii
or National Registry**

I strongly support HB2480. This bill will further clarify the need for input by cultural expertise in making determinations regarding historical sites and the preservation therein. With the ineffectual administration of the State Historic Preservation Division, Hawaiian historical sites have suffered or are in eminent danger of being lost for the future generations.

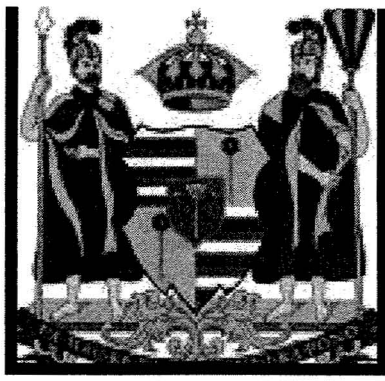
The mo'olelo of our people have long withstood western influence and the Kupuna have passed on their wisdom through their stories and sacred places. Our connection and spiritual base is intertwined and inseparable to the past and thus to the future. The sites of which we stand firm in saving represent and hold the root or piko of who we are as a people and as a culture. So much has already been destroyed so it is of the utmost urgency that we do our best to preserve what is left.

In addition to the wording of the bill as it stands, I am hopeful that the spirit of this bill will carry forth to make property owners and developers more educated in our culture and not depend solely on their hired archaeological firms to make determinations and conclusions. The cultural input is essential and should work hand in hand with science instead of making the science of archaeology the primary source of knowledge. Much of what we know about our history has been gleaned from a small number of writings. Majority of our history and customs has yet to be translated and interpreted. I believe a much different view will be acknowledged when that is accomplished. However, we must give time for these interpretations to be done and in the meantime move forward cautiously and with preservation and protection as the sole driving force.

I urge the Hawaiian Affairs Committee to vote for this bill.

Sincerely,

Linda Kaleo o Kalani Paik
P.O. Box 235393
Honolulu, HI 96823
808-354-7765



LATE TESTIMONY

The Honorable Mele Carroll
Committee on Hawaiian Affairs
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Carroll and Members: **I strongly support H.B. 2480**

RELATING TO HISTORICAL PLACES

Historic Preservation; Register of Historic Places

It defines archaeological site or archaeological feature. It requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed. The bill provides for penalties for wilful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

As a kanaka maoli on this beautiful place we call Hawaii. This bill gives and protects our heiaus that were once destroyed. It gives us rights to many of these sacred sites which were once condoned. I support HB 2480 .

Mahalo,

Mary Kawaehane Kalalau

LATE TESTIMONY

The Honorable Mele Carroll
Committee on Hawaiian Affairs
The House of Representatives
State Capitol

Aloha Chair Carroll and Members: **I strongly support H.B. 2480**

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Historic Preservation; Register of Historic Places

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As a kanaka maoli on this beautiful place we call Hawaii. This bill gives and protects our heiaus that were once destroyed. It gives us rights to many of these sacred sites which were once condoned. It gives trespassers penalties that may have cause destruction upon our heiaus. I support HB 2480.

Mahalo,

A handwritten signature in black ink, appearing to read 'Kanekoa Silva', written in a cursive style.

Kanekoa Silva

The Honorable Mele Carroll
Committee on Hawaiian Affairs
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

LATE TESTIMONY

Dear Chair Carroll and Members: **I strongly support H.B. 2480**

RELATING TO HISTORICAL PLACES

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As a kanaka maoli on this beautiful place we call Hawaii. This bill gives and protects our heiaus that were once destroyed. It gives us rights to many of these sacred sites which were once condoned. I support HB 2480.

Mahalo,

A handwritten signature in black ink, appearing to read 'Steven Kaulana Aoki', written in a cursive style.

Steven Kaulana Aoki

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Corinna "T" Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2480 – Relating to Historic Places**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2480 Relating to Historic Places which defines archaeological site or archaeological feature. This bill requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed. This bill also provides for penalties for willful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

I strongly support 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.

I urge these two committees to please provide protection of our archaeological site and features and we encourage the same protection for other sites that are designated on the historic registers. **Please pass HB 2480 and protect our archaeological sites for the future generations.**

Mahalo Nui,

Corinna "T" Kekahuna
Nahiku, Maui
(808) 248-8887

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Kumu Kamalu Kaho'okele Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2480 – Relating to Historic Places**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2480 Relating to Historic Places which defines archaeological site or archaeological feature. This bill requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed. This bill also provides for penalties for willful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

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I urge these two committees to please provide protection of our archaeological site and features and we encourage the same protection for other sites that are designated on the historic registers. **Please pass HB 2480 and protect our archaeological sites for the future generations.**

Mahalo Nui,

Kumu Kamalu Kaho'okele Kekahuna Sili
Nahiku, Maui
(808) 248-8887

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Mapu Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2480 – Relating to Historic Places**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2480 Relating to Historic Places which defines archaeological site or archaeological feature. This bill requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed. This bill also provides for penalties for willful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

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I urge these two committees to please provide protection of our archaeological site and features and we encourage the same protection for other sites that are designated on the historic registers. **Please pass HB 2480 and protect our archaeological sites for the future generations.**

Mahalo Nui,

Mapu Kekahuna
Nahiku, Maui
(808) 248-7818

LATE TESTIMONY

TESTIMONEY OF: KAHU CHARLES KAULUWEHI MAXWELL SR.

February 3, 2010

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

Re: **Testimony in support of HB 2480 Relating to Historical Places**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House
Hawaiian Affairs Committee:

For the last 40 years I have been involved in trying to save our Hawaiian sites and historical places. We have lost so much and a bill like this hopefully can preserve the remnants of our culture.

Because our culture was not a written language, it is very important that the physical evidence of our past is preserved so that the future generation can relate to their ancestral ties.

Kanani Kaaiawahia Bulawan

LATE TESTIMONY

**TESTIMONY – STRONG SUPPORT
HB 2480: RELATING TO HISTORIC PLACES**

TO: **Rep. Mele Carroll, Chair**, Rep. Maile Shimabukuro, Vice Chair, and Members,
House Committee on Hawaiian Affairs;

Rep. K. Ito, Chair, Rep. S. Har, Vice Chair, and members of the House
Committee on Water, Land & Ocean Resources

HEARING: **Wednesday, February 3, 2010 9:00 AM CR: 329**

Chairs Carroll and Ito, Vice Chairs Shimabukuro and Har, and members of the committees:

Aloha Kaua, Mahalo piha for the opportunity to provide testimony on this bill. I'm Kanani Kaaiawahia Bulawan, a Kanaka Maoli and homeowner resident of Maili.

I **STRONGLY SUPPORT** this bill which will PROTECT our archaeological sites and features.

THIS SHOULD BE A NO BRAINER! As peoples of Hawaiian descents we have the Kuleana to assure that we protect our sites and punish those who alter or destruct them for any reason. There is no excuse for not knowing where you are and where you come from.

I commend the committee and chairs for taking on such a NO BRAINER of a bill and give some form of comfort to our people by way of assuring that our history is protected and our legacy is preserved. Mahalo for giving me this time and for hearing my testimony.