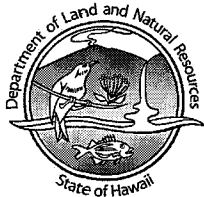


HB 2955 HD1

LINDA LINGLE
GOVERNOR OF HAWAII



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

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LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

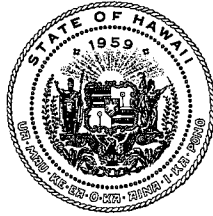
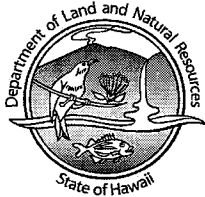
on House Bill 2955, House Draft 1 – Relating To Archaeological Data

**BEFORE THE SENATE COMMITTEES ON
ECONOMIC DEVELOPMENT AND TAXATION
and
AGRICULTURE AND HAWAIIAN AFFAIRS**

March 13, 2008

House Bill 2955, House Draft 1, establishes and designates an archaeological data survey as an online data base program of the State of Hawaii Museum of Natural and Cultural History. While the Department of Land and Natural Resources (Department) acknowledges the safeguards incorporated in this measure, the Department nonetheless is mindful that the information that will be available by way of the data base is subject to physical accessibility by an unscrupulous individual and as such, threatens the protection of the site or artifact.

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GOVERNOR OF HAWAII



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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 2955, House Draft 1 – Relating To Archaeological Data

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House Bill 2955, House Draft 1, establishes and designates an archaeological data survey as an online data base program of the State of Hawaii Museum of Natural and Cultural History. The Department of Land and Natural Resources supports the intent of this bill but notes that it has previously been made aware, by federal partners, of concerns regarding making information on certain federal historic properties available. Additionally, there are concerns that information available to the public may pose a threat to the protection of valuable historic properties.

LATE



Legislative Testimony

HB 2955, HD 1, RELATING TO ARCHAEOLOGICAL DATA

Senate Committees on Agriculture and Hawaiian Affairs;
Economic Development and Taxation; Commerce, Consumer
Protection, and Affordable Housing; and Water and Land

March 13, 2008

2:45 p.m.

Room: 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** H.B. 2955, H.D. 1, which would establish an archaeological data survey as an online database program under the State of Hawai'i Museum of Natural and Cultural History (Museum). The bill would also authorize the Museum, in consultation with OHA and the State Historic Preservation Division (SHPD), to withhold information from the database if a disclosure may pose a threat to a site or artifact.

OHA agrees with the intent of the bill, which would collect and disseminate important archeological information to the public on an easy-to-use on-line database application. This legislation has the potential to increase access for professionals who regularly go to the many public repositories to conduct archeological research. The potential downside of this bill would be the threat of disclosure, in an easy-to-access format, of the location of important and sacred historic and cultural sites. Our office is also concerned with the security access, including the tracking and record keeping of the users of the system. The potential for confidential information of OHA's beneficiaries being revealed to the general public is a concern.

Many institutions, both public and private, are currently making attempts to create similar on-line databases for their own institutional purposes, including OHA. The idea of an all-encompassing database of archeological information will require a lot of resources to both create and maintain over the long run.

Our office has also been working with SHPD to get their Geographic Information Systems (GIS) historic sites database up and running again. SHPD currently does not

have staffing with the technical experience and knowledge to handle the task of being a consulting partner with the Museum and OHA to help establish this database program. We recommend that the Legislature support increased funding at SHPD for a GIS specialist to help manage and maintain the historic sites GIS system.

OHA urges the Committee to PASS H.B. 2955, H.D. 1, taking the above concerns into account. Thank you for the opportunity to testify.



**TO: Committee on Agriculture & Hawaiian Affairs
Committee on Economic Development & Taxation
Committee on Commerce, Consumer Protection, & Affordable Housing
Committee on Water & Land**

FROM: Bishop Museum

**SUBJECT: SUPPORT OF H.B. 2955, H.D. 1
Relating to Archaeological Data**

**HEARING: March 13, 2008 at 2:45 p.m.
Room 224**

Bishop Museum was founded in 1889 by Charles Reed Bishop in memory of his wife, Bernice Pauahi Bishop. The Museum is a non-profit organization whose mission is to "to study, preserve and tell the stories of the cultures and natural history of Hawai'i and the Pacific." The Museum houses 24 million natural history and cultural collection items, making it the 4th largest museum collection in the country. In 1989, the Legislature designated Bishop Museum as the State's Museum of natural and cultural and history. The Museum currently maintains numerous internet-based natural history and cultural collections databases which provide people with virtual access to our collections-based resources.

Bishop Museum supports the creation of the Archaeological Data Survey. The goal is to create an on-line resource of Hawaiian archaeology information and improve access to these materials. The database will provide a tangible benefit to archaeologists, researchers, educators, and the public. Anyone with internet access will have unprecedented access to a rich body of archaeological information. The database will increase the awareness of traditional Hawaiian material cultures and will facilitate improved preservation of Hawaiian archaeological resources. The online resource could include the development of finding aids and the digitization of materials from Bishop Museum, other private collections, and publicly available materials. A similar bill passed the Legislature last year but was vetoed over concerns about safeguarding confidential and sensitive information. We believe that the bill at hand, H.B. 2955, H.D. 1 addresses the concerns that the Attorney General's office raised.

Bishop Museum asks this Committee to support creating a Hawaii Archaeological Data Survey by approving the passage of H.B. 2955, H.D. 1. Thank you for your consideration.

testimony

From: Thomas Dye [sha@tsdye2.com]
Sent: Wednesday, March 12, 2008 1:23 PM
To: testimony
Cc: Society for Hawaiian Archaeology
Subject: Comments on HB 2955, HD1, Relating to Archaeological Data

TO: Senator Carol Fukunaga, Chair
Senate Committee on Economic Development and Taxation and

Senator Jill Tokuda, Chair

Senate Committee on Agriculture and Hawaiian Affairs

FROM: Thomas S. Dye, Ph.D., President
Society for Hawaiian Archaeology
Telephone: 808-529-0866, FAX: 808-529-0884
Email: sha@TSDYE2.com

HEARING: March 13, 2008, 2:45 PM, Conference Room 224

SUBJECT: Comments on HB 2955, HD1, Relating to Archaeological Data

I am Dr. Thomas Dye, President of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. I am providing comments on HB 2955, HD1, a bill that proposes to amend Chapter 6E, Hawaii Revised Statutes (HRS) in order to create a Hawaii archaeological data survey as a program of Bishop Museum, the Hawaii State Museum of Culture and Natural History.

The survey is meant to be an online database of existing documentation of archaeological work from the Hawaiian archipelago. The bill further proposes to expand the use and knowledge of Hawaii's archaeological artifacts by conducting the archaeological survey in consultation with the Department of Land and Natural Resources (DLNR) and other appropriate organizations. In 1992, a Hawaii biological survey was established under §6E-61, HRS, at the Bishop Museum as the State of Hawaii museum of natural and cultural history. The proposed amendment may be intended to establish a cultural counterpart to this biological survey designation.

We previously testified in opposition to prior versions of this bill during the regular session of the 2007 Legislature and at the 2008 hearings before the House Committee on Water, Land, Ocean Resources, and Hawaiian Affairs and the Senate Committees on Economic Development and Taxation (EDT), and

Agriculture and Hawaiian Affairs (AHW). Subsequent to the Senate committee hearings, SHA collaborated with Bishop Museum, the Department of Land and Natural Resources, and the Office of Hawaiian Affairs, and the following amendments were agreed upon and proposed to the Senate committees:

"§6E- Archaeological data survey; designation. (a) There is established a Hawaii archaeological data survey designated as a program of the State of Hawaii Museum of Natural and Cultural History. The survey shall be an online database accessible to the public. The information within the database may include the collections of the Bernice Pauahi Bishop Museum, publicly available materials, and materials from private entities or organizations. The database may include archaeological information including reports, photographs, drawings, maps, and archived documents. The database may also include compilations of collections information from public and private repositories including:

- (1) A description of the types and amounts of materials and associated documentation in each collection;
- (2) A listing of the owner or owners of all materials and associated documentation in each collection;
- (3) A general assessment of the condition of the components of each collection; and
- (4) Other relevant information pertaining to each collection.

The data survey shall be developed and maintained in consultation with the state historic preservation division and other appropriate state and federal agencies and private organizations.

(b) The archaeological data survey shall not include any information required to remain confidential under federal, state, or municipal laws, rules, or regulations.

(c) The State of Hawaii Museum of Natural and Cultural History, in consultation with the office of Hawaiian affairs and the state historic preservation division, may temporarily or permanently withhold from the database any information due to a valid threat, or if disclosure may frustrate the legitimate and necessary function of protecting a valuable archaeological site or artifact. The entities shall determine what information shall be withheld from the data survey; provided that prior consultation is sought with any affected state or federal governmental agencies, or private individuals or organizations."

These proposed amendments were adopted by the Senate AHW and EDT Committees as SB 2868, SD 1. SHA supported these amendments in testimony on HB 2955, HD1 before the House Finance Committee.

In view of the above facts, we respectfully recommend that the Senate EDT and AHW Committees consider revising the subject bill by adopting the amendments found in SB 2868, SD1.

Thank you for the opportunity to testify. Should you have any questions, please feel free to contact me at the above telephone number and email address.

Thomas S. Dye, Ph.D
President, Society for Hawaiian Archaeology