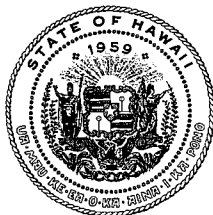
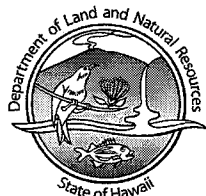


LINDA LINGLE  
GOVERNOR OF HAWAII



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

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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

on Senate Bill 2556 – Relating To Historic Preservation

BEFORE THE SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT AND TAXATION

February 26, 2008

Senate Bill 2556 adds new language to Chapter 6E, Hawaii Revised Statutes (HRS), to require private landowners to report any inadvertent discovery of historic property on private land to the Department of Land and Natural Resources (Department) for identification and recordation and requires the Department to provide appropriate treatment options for the care and preservation of historic property. The Department does not support this bill as some of its provisions are already established under Chapter 6E, HRS, and other proposed provisions would be difficult to implement.

Senate Bill 2556 adds new language, which grants the Department the right to enter private lands to investigate historic property findings. However, Section 6E-10 (e), HRS, already addresses the procedure for conducting such an investigation on private lands.

Senate Bill 2556 requires that a private landowner report inadvertent discoveries of historic properties to the Department and the Department would in turn work out the immediate and long-term treatment of the discovered historic property and be responsible for recording, survey, investigating, and salvaging the historic property. Several factors would make these tasks difficult to implement. Historic properties have proven difficult to identify consistently and with confidence, given that their form, structure, size, and functions vary greatly. Additionally, this Bill assumes that a landowner would know what a historic property is and be able to identify such a property.

Administrative rules have been adopted to implement procedures to deal with the inadvertent discovery of historic properties, which have undergone the historic preservation review process (Section 13-280-3, Hawaii Administrative Rules). The Department believes it would be more effective to strengthen the use of existing processes to meet these goals before new procedures are mandated by statute.

**testimony**

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**From:** Keshav Bidari [keshav@hawaii.edu]  
**Sent:** Monday, February 25, 2008 4:38 PM  
**To:** testimony  
**Subject:** Testimony - SB2556 Attn:EDT

**Attn: Committee on Economic Development and Taxation**

**Agenda:** SB 2556- Relating to Historic Preservation

*-Requires private landowners to report any inadvertent discovery of historic property on private land to the department of land and natural resources for identification and recordation.*

*-Requires the department to provide appropriate treatment options for the care and preservation of the historic property.*

**Hearing Date:** Tuesday, February 26, 2008

**Time:** 1:25 PM

**Place:** Conference Room 224

State Capitol

415 South Beretania Street

Dear Chairs Carol and Will and members of the committee,

My name is Keshav Bidari, a student from the Department of Urban and Regional Planning at the University of Hawaii at Manoa. I **strongly support the idea of “inadvertent discovery of the historic property”**.

I come from Nepal, a country famous for its cultural and natural heritages. Mount Everest, the highest peak in the world and sacred place where Lord Buddha was born lies in the country. I am an architect and have worked in several projects preserving world heritage sites of Kathmandu Valley, restoring Buddhist monasteries in the mountain regions including Bhutan and advocating

for preservation of natural and cultural landscapes in the South Asia region. Now I am in Hawaii for last seven months as an East-West Center fellow. In this context, I am very happy to know about the bill S.B. 2556. I believe Hawaii is also one of unique places in the world. Hawaii's Official Tourism Site mentions **"Hawaii as a Home to one of the world's most active volcanoes and the world's tallest sea mountain, Birthplace of surfing and the hula, and Former seat of a royal kingdom. Hawaii is one of the youngest geological formations in the world and the youngest state of the union. But perhaps Hawaii's most unique feature is its Aloha Spirit: the warmth of the people of Hawaii that wonderfully complements the Islands' perfect temperatures."** We all are aware that it's culturally rich. In contrast, modernization and globalization is equally endangering the heritage richness of the Hawaii. People who seem aware of heritage tend to pretend differently when economy comes in the priority. Historic properties might have been hidden in several places of Hawaii which has years of dignified history. I repeat once again that as an historic preservation architect **I am delighted to hear about the bill and support from the bottom of my heart**, which gives me pleasure to relieve pain of not understanding value of historic resources by many people in my country. I really had hard time making people aware of it.

However, I have some curiosities:

1. I am **surprised to find the hearing notice under the responsibility of "Committee on Economic Development and Taxation"**. The Chapter 6E of Hawaii Revised Statutes in its Part I Historic Preservation Program says that Department of Land and Natural Resources administers the issues related to historic preservation. **Do not we have committee for historic preservation?** If not, why the hearing is not conducted by the Energy and Environmental Protection (EEP) task force.
2. Without making people aware of essence of heritage, the bill itself is less effective. I think some policies to promote the use and conservation of such properties for the education, inspiration, pleasure, and enrichment of Hawaiian and, to expand horizon, all American

citizens, should be enacted together. If people do not recognize what they found, any information or artifacts in their private property, they could throw it in the trash. We cannot imagine an ignorant landowner shall report their discovery to the department.

3. Furthermore, the bill 2556 on its section 1 (b) mentions-**“The department shall suggest options to the landowner for appropriate treatment of the inadvertent discovery-----”**. Could we revise it **“The department will disclose it to the public depending on its privacy requirement and ??? shall suggest options with the feedback from the landowner and public ??? for appropriate treatment of the inadvertent discovery-----”** rather than directly mentioning that department will give options. **It might give sense of dictation.**
4. Do we have task force in the historic preservation department that is involved in research and archeological excavation of the sites? Otherwise we might lose our historic records with the pressure of urbanization and modernization. I see high rise structures and new development projects emerging overnight in the state of Hawaii. Once the record is lost, the history is lost. **Why do not we have Bachelor, Master/Ph. D level of Courses in Historic Preservation in the Universities in Hawaii?** May be we need to think about it.
5. **We need to be clear about compensation of the property. If the state government fails to deal with proper compensation, people might not inform the department with the lure of big amount of payment from the increasing business and economy sector instead of the government.**
6. **I have bitter experiences in my country that less attention is given by the media to historic preservation issues. So we need to encourage and force them if necessary. I do not find enough media coverage for this bill too. If identity is lost, it is lost forever. Economic prosperity could be revived.**

Mahalo for the opportunity to testify on this important bill.

Sincerely,

Keshav Bidari

East West Center

Education Program

Master in Urban and Regional Planning

Phone: (808) 944 6122