

**SB 2644**



**SB 2644, RELATING TO THE STATE HISTORIC PRESERVATION  
OFFICER**

Senate Committees on Economic Development and Taxation,  
and Agriculture and Hawaiian Affairs

February 19, 2008  
Room: 224

2:00 p.m.

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The Office of Hawaiian Affairs (OHA) **SUPPORTS** S.B. 2644, which would ensure the proper professional qualifications of the State Historic Preservation Officer through adherence to the required standards established by the United States Secretary of the Interior.

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. Part of this mission is to identify and protect traditional cultural landscapes which serve as the last vestiges of meaningful connections with the ancestors of Hawai'i and the unique and fragile natural, cultural, and historical resources these connections rely upon.

The administration of the comprehensive historic preservation program, as outlined in Chapter 6E, Hawaii Revised Statutes, and through the various promulgated administrative rules in support of this important chapter, serves as an integral component of OHA's advocacy efforts in perpetuating, protecting and preserving the historical landscape.

These proposed amendments to Chapter 6E, HRS would ensure that the SHPO would be uniquely qualified to understand the many complexities associated with the area of historic preservation. This would in turn greatly assist in the protection and perpetuation of the unique traditional cultural landscape and associated historic properties for all the people of Hawai'i and, more importantly, for our future generations.

OHA urges the Committees to PASS S.B. 2644. Thank you for the opportunity to testify.

**LATE**

From: Thomas Dye [mailto:sha@tsdye2.com]  
Sent: Monday, February 18, 2008 1:48 PM  
To: testimony  
Cc: Society for Hawaiian Archaeology; Sen. Jill Tokuda  
Subject: Testimony in Support of SB 2246, Relating to the State Historic Preservation Officer

TO: Senator Jill N. Tokuda, Chair  
Senator J. Kalani English, Vice Chair  
Senate Committee on Agriculture and Hawaiian Affairs

Senator Carol Fukunaga, Chair  
Senator Will Espero, Vice Chair  
Senate Committee on Economic Development and Taxation

FROM: Thomas S. Dye, Ph.D., President  
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HEARING: February 19, 2008, 2:00 pm, Senate Conference Room 224

SUBJECT: Testimony in Support of SB ~~2246~~ 2644, Relating to the State  
Historic Preservation Officer

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 testifying in support of SB 22462, a bill that amends section 6E-5, Hawaii Revised Statutes (HRS), to clarify and strengthen the professional qualifications required of the Hawaii State Historic Preservation Officer.

Section 6E-5, HRS, authorizes the Governor to appoint a "state historic preservation officer." This is required of all states wanting to participate in the nation-wide, federal historic preservation program and to receive annual grant support from the Historic Preservation Fund which is administered by the National Park Service. Under federal law and section 6E-5, HRS, the designated "state historic preservation officer" is responsible for ensuring that the state's comprehensive historic preservation program meets federal program requirements and that the State Historic Preservation Office is staffed with qualified professionals.

When the State of Hawaii chose to participate in the federal historic preservation program in 1976 and enacted legislation to enable Hawaii's participation, the Legislature envisioned a Hawaii State Historic Preservation Officer who would be of "professional competence" and have "experience in the field of historic preservation" (section 6E-5, HRS). The amendment proposed in SB 2644 serves to strengthen what the Legislature envisioned in 1976 by tying these qualifications to established national standards which should, in turn, reduce any ambiguity over who is and is not qualified for the position. If enacted, the Hawaii State Historic Preservation Officer would need to meet standards established for historic preservation professionals by the U.S. Secretary of the Interior ("Secretary of the Interior's Professional Qualifications Standards") which are long-standing and have been used widely in multiple circumstances as a measure of professional competence.

SHA supports this measure because it believes that having a qualified professional responsible for the statewide historic preservation program and related federal program requirements will be a significant step towards ensuring that the program is administered in a professional and competent manner, that it is staffed appropriately by professionals meeting national standards, and that decisions will be well grounded in historic preservation law and professional practice. Over the last three years, we had the opportunity to witness what can happen to the program when neither the Hawaii State Historic Preservation Officer nor Deputy State Historic Preservation Officer had a professional background in historic preservation.

There was a general and marked deterioration in the program's ability of meet its mandated responsibilities and we, collectively, are now facing the difficult task of trying to advocate for the resurrection of a viable program. Our members wish to avoid, if possible, this unfortunate situation in the future.

We ask, however, that one amendment be made to SB 2244. The second paragraph of Section 1 should be corrected. It states that the "Secretary of the Interior has established standards for determining the qualifications required for a state historic preservation officers." This is not the case. Section 101(b)(1)(A) of the National Historic Preservation Act (NHPA) authorizes the appointment of a "State Historic Preservation Officer" as follows:

(A) provides for the designation and appointment by the Governor of a "State Historic Preservation Officer" to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;"

To participate in the federal historic preservation program, NHPA only requires that a state appoint a State Historic Preservation Officer and that the appointed Officer staff the State Historic Preservation Office with qualified professionals. It does not require that the Officer him or herself meet those professional qualifications. It was the Hawaii State Legislature in 1976 that believed the Hawaii State Historic Preservation Officer should be a qualified professional.

Thank you for the opportunity to testify on the important issues raised by SB 2264. 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