



SUPPORT

HB 2484 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** House Bill 2484 which establishes fines for the knowing destruction of heiau on private lands.

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.

One of the more culturally powerful historic sites, next to ancestral burial sites, is the heiau. A place dedicated and consecrated for specific purposes and constructed specifically as a connection to the akua of the poOne of the more culturally powerful historic sites, next to ancestral burial sites, is the heiau. A place dedicated and consecrated for specific purposes and constructed specifically as a connection to the akua of the po`e kahiko. Often rededicated over time to different akua and different purposes by conquering ali`i, these communal worship sites hold a special place today in the effort to interpret and reconnect with the past. While some of the large heiau across the island chain have received recognition, many smaller heiau exist throughout the islands in danger of imminent and irreparable loss. Many have been destroyed already.

HB2480 seeks to help correct the unbalance, which has led to the wanton destruction of many important heiau and the unique cultural heritage that makes Hawai'i unlike any other place in the world. Thank you for this opportunity to testify.

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: **HB2484, Relating to Historic Preservation**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in support of the intent of HB2484, which provides civil penalties for the knowing destruction of heiau located on private lands, except as permitted by the department of land and natural resources.

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.

The intent of HB2484 is to provide protection of sacred and traditional cultural sites on private lands, but there is some ambiguity that could lead to later conflicts. HHF recommends that definitions of heiau be added to the measure, as well as guidance for reconciling differences of professional and/or cultural judgment in the event that there is disagreement about the use, archaeological features or historic integrity of the subject site. We also recommend that the measure not be limited to private property, but to apply equally to lands owned or controlled by the State or any of its political subdivisions.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

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: Support With Comments on HB 2484 (Relating to Historic Preservation)

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 2484 which establishes fines for the knowing destruction of *heiau* on private lands.

We support the intent of HB 2484 which we believe to be strengthening the protection of *heiau*, a class of historic sites particularly important to the Hawaiian people and Hawai'i's history. As currently worded, however, we believe that the bill does not provide sufficiently for the situations that are typically encountered in Hawai'i. We offer the following comments in hopes that, if adopted, they will strengthen the bill.

As currently worded, HB 2484 will not address the ***inadvertent*** destruction of such sites even if the land was subject to an approved mitigation plan that includes monitoring and preservation plans" (current s. 6E-11(b)(3), proposed to be renumbered as 6E-11(b)(4)). Since landowners are on notice of the existence of such sites and are supposedly under a legally binding obligation to follow approved mitigation plans, we respectfully ask the committee to amend the language of the proposed s. 6E-11(b)(4) to read as follows:

"~~knowingly~~ violate the conditions set forth in an approved mitigation plan that includes monitoring and preservation plans"

This change would remove the requirement that such violations be "knowing" to be subject to penalty and would require landowners or their agents to exercise due care when allowing ground-disturbing activities near archaeological sites of which they have actual knowledge (through the approved mitigation plans).

Thank you for considering our comments. We look forward to working with you and other stakeholders on the important issue of protecting historic sites that are to be preserved. 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 11:51 PM
To: HAWtestimony
Cc: Rep. Lyla B. Berg; Rep. Mele Carroll; Rep. Chris Kalani Lee; Rep. Angus McKelvey; Rep. Faye Hanohano; Rep. Maile Shimabukuro
Subject: HB 2484 Relating to Heiau - Testimony in Strong Support

SUPPORT

HB 2484 Relating to Heiau
Hearing on Wednesday, February 3, 2010 at 9 am - Conference Room 329

Heiau (sacred Hawaiian temple sites) tell the story of the Hawaiian people and their deep connection to the land, ocean, sky and spiritual world.

Heiau are found in the mountains, in valley areas, in open spaces of land, near the ocean and in the ocean. Heiau placement on the landscape

many times are aligned with stars in the evening sky or the rising and setting of the sun and moon.

Heiau serve as a place where the mortal and immortal world are tied together and where man can communicate with Ke Akua (the creator). They are significant in their architectural style and in the history of the Hawaiian people who built these structures by hand. Their mana (power) is held in each stone of the heiau.

I am writing in **strong support of HB 2484** establishing fines for the knowing destruction of heiau on private lands.

Wherever heiau are located, whether it be on private or public lands, they are on the lands of Hawai'i and therefore should be protected.

The knowing desecration and destruction of Heiau on private lands is an assault on the history and spiritual and cultural beliefs of the Hawaiian people and all those who value Hawaiian culture. If these actions take place then those responsible should incur severe fines.

I ask for your support of HB 2484.

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

annmarie@hawaii.rr.com

SUPPORT

Testimony in Support of HB 2484

I am writing in support of HB 2484 which prohibits the destruction of heiau on private lands. Currently there is a loophole which affords more protection to heiau located on public lands than private ones. We need to close this so that all these ancient sites are protected equally regardless of the ownership. This is a critical bill due to prevent the destruction which has occurred with the majority of these ancient and sacred sites and the development threats that continue to endanger these sites.

Mahalo ,

Chris Cramer

Historian

Honolulu, Hawai'i

February 2, 2010

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

SUPPORT

From: Linda Kaleo o Kalani Paik

Re: **Testimony in support of HB 2484 establishing fines for the knowing destruction of heiau on private lands.**

I strongly support HB2484. Our cultural history and spirituality rests upon the remains of many of the sites built by the ancestors, the foundation of the Hawaiian people. Many have been sadly desecrated, stones removed, treated with little or no respect, thus losing its structural integrity. However, removal of stones does not diminish the spiritual intent or sacredness of the heiau. This is evidenced by the rebuilding of sites such as Pu`ukohola, Keeku, Hapaiali`i, Ulupo and Pahua to name a few. If the integrity was lost due to the structural integrity compromised, then why was it important to rebuild? A heiau is not just the stones that mark its physical parameters but rather it is a sacred place that goes within the earth and up to the heavens.

Landowners, whose property have such sites are bound by an obligation to be stewards of such significance and to understand its meaning to the host culture. Ignorance or ones own beliefs are second to the value and importance of such sites for the well being and preservation of the Hawaiian culture.

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

Rep. Maile Shimabukuro

From: HKH [hawaiikaihui@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: 2484

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: 2484

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

Jeannine Johnson
5648 Pia Street
Honolulu, Hawai'i 96821
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Email: jeannine@hawaii.rr.com