

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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HONOLULU, HAWAII 96809

Testimony Of
LAURA THIELEN
Chairperson

Before The House Committee On
WATER, LAND, AND OCEAN RESOURCES

Monday, February 8, 2010
9:15 am
State Capitol, Conference Room 325

In Consideration Of
HOUSE CONCURRENT RESOLUTION 50
REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE
STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF
LAND AND NATURAL RESOURCES

House Concurrent Resolution 50 requests the Auditor to conduct a management audit of the Department of Land and Natural Resources' (Department) State Historic Preservation Division (Division). The Department does not believe that an audit is necessary or prudent at this time. A state audit of the Island Burial Councils and the Department was conducted in 2002, and the conditions of that audit have been met.

In addition the Division now has 2 National Park Service (NPS) qualified archaeologist, a qualified NPS architectural historian and an NPS qualified historian thus meeting staff qualifications for a State Historic Preservation Office under NPS grant requirements.

The Division has reduced its backlog of reviews despite the staff shortages. Furlough days and continuing shortages will erode our ability to keep up with reviews. Furthermore, since it is likely that permits will increase before we get additional staff, we are looking at how we will address the economic upturn and its impact on our Division.

In the Division's Architecture Branch, we have increased the number of nominations to the historic registers, as required by our NPS Grant. We have digitized many of the register nominations. This allows the Architecture Branch easier access to files.

Similarly, the Division's Archaeological Branch has begun digitizing reports, which will make it easier for staff statewide to access the same database. Ultimately, this will make responding to permit requests easier and faster.

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

RUSSELL V. 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

The Division had significantly decreased the number of human remains (iwi) in its inventories, and had increased Native Hawaiian community participation in reburials. In November we discovered that we were subject to the Native American Graves Repatriation Act (NAGPRA), due to an amendment to their rules, and we are now working to comply with NAGPRA. While this has slowed our pace of reburials, it remains a priority.

The bulk of allegations against the Division are a result of differences of opinion about archaeological matters. The Department has submitted a bill to license archaeologists in an effort to raise standards for the field of archaeology and develop better ways to address complaints about archaeology. While this will not solve all problems with the Division, or with archaeological analysis, we believe it is a step in the right direction and urge you to support the House Bill 2586 (RELATING TO THE LICENSING OF ARCHAEOLOGISTS).

While a management audit can often be very helpful, the Department believes that an audit at this time would be disruptive and counterproductive.



HCR 50

**REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE
STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF
LAND AND NATURAL RESOURCES.**

House Committee on Water, Land & Ocean Resources, and
House Committee on Housing

February 8, 2010
Room: 325

9:15 a.m.

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR 50, which requests the auditor to conduct a management audit of the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources.

OHA clearly recognizes the important kuleana involved in managing, protecting and preserving the critical historical and cultural legacy of our island home. OHA also recognizes the challenges.

A good portion of OHA's advocacy over the past five years has been in the area of historic preservation concerns. In reviewing the concerns raised by numerous beneficiaries representing many communities on many islands, there appear to be systemic breakdowns in the ability of the SHPD to carry out its important mandate.

A management audit of this division would assist in identifying possible solutions to issues facing the state's ability to successfully manage Hawai'i's historic and cultural resources. Ensuring that SHPD fulfills its mandates will allow OHA to fulfill ours.

Therefore, OHA urges the committees to PASS HCR 50. Thank you for this opportunity to provide testimony.



Kānaka Council Moku o Keawe

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COMMITTEE ON WATER, LAND, & OCEAN RESOURCES and COMMITTEE ON HOUSING

DATE: Monday, February 8, 2010
TIME: 9:15 a.m.

TESTIMONY ON RESOLUTION HCR 50

My name is Kale Gumapac, Alaka'i for Kanaka Council Moku O Keawe. I am submitting my testimony in strong support for House Resolution HCR 50. The State Historic Preservation Division (SHPD) has been crippled with allegations of mismanagement, conflicts of interest and archaeologists resigning in protest. As a result, allegations such as questionable archaeological assessments, iwi still in storage sitting on shelves, decisions regarding burial treatment plans by SHPD are suspect, conflicts of interest when staff archaeologists are also getting consulting fees from the developers.

All of these allegations and more will be cleared up by the State Auditor and recommendations made to improve SHPD for all to benefit. It is time to check under the hood and fix the problem where needed.

Malama o ke kai,
Kale Gumapac, Alaka'i

KO'OLAUPOKO HAWAIIAN CIVIC CLUB
P. O. Box 664
Kane'ohe, HI 96744

Feb. 8, 2010

TO: Rep. Ken Ito, Chair, & Members – Committee on Water, Land & Ocean Resources

FROM: Mahealani Cypher, President – Ko'olaupoko Hawaiian Civic Club

RE:

REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE
STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND
AND NATURAL RESOURCES

Aloha mai kakou, Representative Ito and Members of this Committee.

The Ko'olaupoko Hawaiian Civic Club offers its strong support for adoption of this resolution with the following comments and recommendations:

The State Historic Preservation Division (SHPD) has had a long history of problems with meeting its kuleana to malama our wahi pana (famous places) and wahi kapu (sacred sites). As people who have dealt with the staff and work of SHPD for over 20 years, the members of our civic club have personally encountered numerous examples of the agency's inability to fulfill its mandated purpose to protect and preserve our history and heritage.

While another audit will always be useful, we should point out these concerns:

- 1) The SHPD has a history of being underfunded, either through lack of adequate legislative support or through deliberate withholding of funding from various state administrations.
- 2) The management of SHPD is chosen by political appointment and, as such, will always be subjected to the whims and political forces that influence decision-making both in the administration and legislature. Unless this is changed, SHPD is doomed to repeat its mistakes of the past.
- 3) The shifting of its kuleana to the Office of Hawaiian Affairs will not resolve the continuing problems of dealing with iwi kupuna. We are troubled by the continuing conflict over iwi kupuna on both sides of the issue, but remain convinced that this matter should remain with SHPD at this time.
- 4) The focus of SHPD, the DLNR, the State Administration and the State Legislature must be radically changed to recognize that historic and cultural resources are not obstacles to smart growth, but rather they are assets to enhance both the project and our communities. It is for this reason that the issue is even included in our State Constitution.

We recommend approval of this audit and further, we urge that funding for SHPD either be increased or expended to address the recommendations of the 2002 audit.

Mahalo for this opportunity to offer our mana'o.

JEANNINE JOHNSON

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Phone: 373-2874 (h) / 537-7261 (w)

February 7, 2010

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair

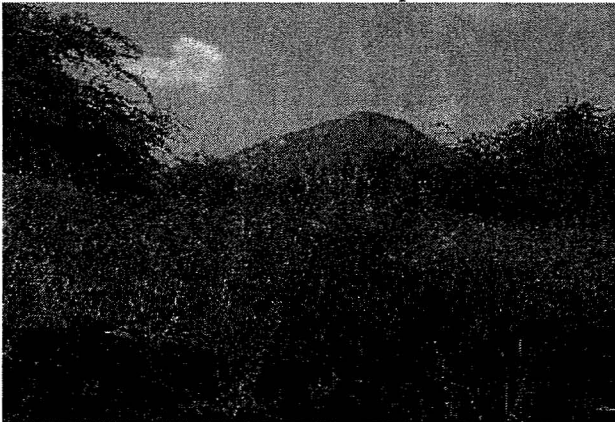
Rep. Sharon E. Har, Vice Chair

Re: HCR 50 Audit of the State Historic Preservation Division of the DLNR
Hearing: Monday, February 8, 2010 at 9:15 am in Conference Room 325

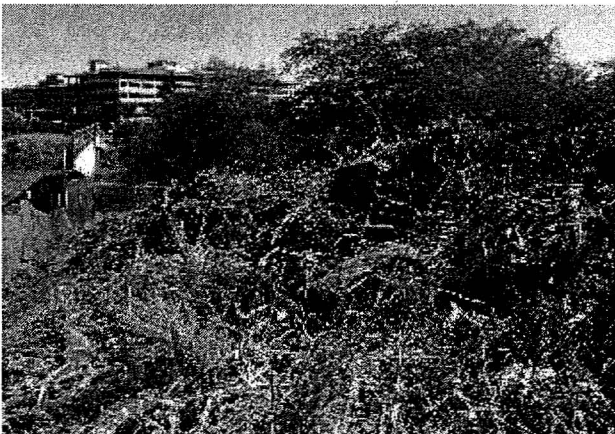
Aloha Chair Ito, Vice Chair Har and Honorable Committee Members,

I strongly support HCR 50 requesting the Auditor conduct a management audit of the State Historic Preservation Division of the DLNR.

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,



Hawea Heiau in 2007 (above) and now (below)



including petroglyphs, a traditional spring, wetlands, rock walls, and a heiau. Excavations nearby show a population in the area dating back to the 10th or 11th century. The heiau, Hawea, is a wahi pana, one of the most sacred sites in Maunaloa and is named for the famous drum brought from Tahiti by La'amai Kahiki, sometime between 1300-1400 A.D. It is one of the only remnants left of a system of more than 15 heiau that surrounded Maunaloa Bay and is still used by native Hawaiians for religious ceremonies. These heiau were located on ridge spurs overlooking the sea and alongside freshwater springs. Each had a line of sight connection to the other. With uses ranging from celestial observation, navigation, fishing and agriculture, the sites for these heiau were chosen with considerable care for their "mana" and unique geographic alignment. 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.

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

February 7, 2010


Page 2

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 construction project as "one of the few remaining areas in Hawai'i Kai where remnants of ancient Hawaiian history can still be observed." Consequently, 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. Despite repeated requests to the State Historic Preservation Division (SHPD) to protect this area, 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.

The State's public trust doctrine protects and preserves what little remains of Hawaiians' historic and cultural legacy. Because a wahi pana merges the importance of a place with that of the spiritual, Hawaiians believe it is a physical link to our ancestral past and our future. Although SHPD has the responsibility of "preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship **for future generations**," the desecration of endangered historical and cultural properties continues. There is even a basic lack of understanding by the Director of SHPD on what a heiau is as she even claimed there was no heiau located on the site.

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 HCR 50 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.

Sincerely,



Jeannine Johnson

cc: Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto