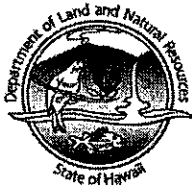


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LATE TESTIMONY

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

Testimony of WILLIAM J. AILA, JR. Chairperson

Before the House Committees on HAWAIIAN AFFAIRS and CULTURE & THE ARTS

Wednesday, February 2, 2011
10:30 AM
State Capitol, Conference Room 329

In consideration of HOUSE BILL 710 RELATING TO HISTORIC PRESERVATION

House Bill 710 proposes to ensure consultation with Native Hawaiian practitioners as part of the Department of Land and Natural Resources' (Department) State Historic Preservation Division's (SHPD) regulation of archaeology. SHPD opposes this measure because Sections 13-284, 13-276 and 13-277, Hawaii Administrative Rules already require consultation with people knowledgeable about the area, including Native Hawaiians.

More importantly SHPD consistently has problems identifying the universe of cultural practitioners which has an effect on the timeliness of consultation. This bill does not provide a timeline or any guidelines for identifying cultural practitioners and therefore the Department believes it will make consultation more cumbersome, rather than more accessible.

TO: Representative Faye Hanohano, Chair,
House Committee on Hawaiian Affairs
and
Representative Jessica Wooley, Chair
House Committee on Culture & the Arts

LATE TESTIMONY

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: February 2, 2011, 10:30 AM, Conference Room 329
SUBJECT: Comments on HB 710 (Relating to Historic Preservation)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am providing comments on HB 710.

HB 710 proposes to amend Chapter 6E-3(13), Hawaii Revised Statutes (HRS), by requiring the State Historic Preservation Division (SHPD) to consult with native Hawaiian cultural practitioners when any archaeological investigation is conducted that relates to historic or cultural properties, artifacts, burial sites, burial goods, or human skeletal remains.

Currently, several of the existing regulations governing historic preservation compliance require consultation with knowledgeable individuals, which would include Native Hawaiian cultural practitioners, under specific circumstances. The regulations for archaeological inventory surveys at Hawaii Administrative Rules (HAR) 13-276-5(g) mandate consultation with knowledgeable persons – individuals who are knowledgeable about the history of the survey area and any historic or cultural sites which may be present. In addition, HAR 13-275 and 13-284 both mandate public participation at various points in the review process conducted by SHPD. We also note that the burials rules (HAR 13-300) contain provisions for public participation and specific consultation with recognized descendants.

Given the above, it seems that the amendments to §6E-13 are unnecessary and duplicate similar consultation requirements in existing regulations. We recognize that the current process is not always effective but efforts should be made to improve what exists instead of creating new, general requirements by law. We therefore respectfully ask that your committee hold HB 710 at this time and not pass it.

Thank you for the opportunity to provide comments on HB 224. Should you have any questions, you may reach me at the above email address.