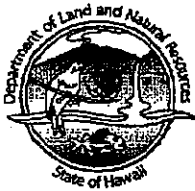


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

HEARD Before the House Committee on
WATER, LAND, AND OCEAN RESOURCES

Monday, February 14, 2011
9:00 A.M.

State Capitol, Conference 325

In consideration of
HOUSE BILL 224, HOUSE DRAFT 1
RELATING TO HISTORIC PRESERVATION

House Bill 224, House Draft 1 proposes to raise the fee for archaeological permits from \$50 to \$500 for the period from January 1, 2012, to December 31, 2012 and \$50 to \$1,000 beginning on January 1, 2013, and to create the Archaeological Permits Special Account. The Department of Land and Natural Resources (Department) opposes the creation of an additional special fund, particularly because it will generate only \$49,000.

The Department appreciates the increase in fees to cover costs of operating its State Historic Preservation Division; however we would note that application of permit fees is currently not equitable, and the increase in fees will create further inequalities. The specific problem is that large companies pay the fee once to cover their Principal Investigator and all other archaeologists operate under that one permit. Thus small companies with only one or two archaeologist will be disproportionately affected by the fee increase. The Legislature may want to consider limiting the number of archaeologists covered under one permit, in which case the Department could possibly support this measure.

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
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HB 224 HD1
RELATING TO HISTORIC PRESERVATION
House Committee on Water, Land & Ocean Resources

February 14, 2011

9:00 a.m.

Room 325

The Office of Hawaiian Affairs **SUPPORTS WITH AMENDMENTS** HB 224 HD1, which would amend Chapter 6E, Hawaii Revised Statutes, and create an “archaeological permit special account” within the Hawai’i Historic Preservation Special Fund and direct the Department of Land and Natural Resources (DLNR) to increase archaeological permit fees from \$50 to \$500 in Calendar Year 2012 and from \$500 to \$1000 in Calendar Year 2013. Under HB 224 HD1, those who conduct archaeological activities for only educational purposes or community benefit shall be exempted from permit fee increases.

If passed, OHA sees this bill as providing much needed, although rather limited monies to the account. A review of the information available from the State Historic Preservation Division (SHPD) indicates that approximately 25 to 30 for-profit archaeological consulting firms were permitted in Calendar Year 2010. OHA believes that the monies from this account should be prioritized for specific purposes which will increase public access to SHPD’s regulatory reviews of permit holder’s submittals and support SHPD’s proactive oversight of the ethics and standards by which permit holders conduct archaeological activities.

With this in mind, OHA respectfully recommends that Section 1 (b) of this bill be amended to read: Monies credited to the special account shall be used to support the development of a comprehensive system, with a third-party contractor if necessary, which shall provide public access to an on-line listing of all current SHPD regulatory reviews being conducted pursuant to Chapter §6E-8, §6E-42 and the National Historic Preservation Act. The system shall also provide on-line public access to any SHPD correspondence and documents related to the reviews. The system shall be updated weekly and provide links to previous weeks. Any remaining monies shall be used by SHPD to support communication with permit holders related to the ethics and standards by which archaeological activities are being conducted.

OHA urges the committee to amend HB224 HD1, taking our comments into consideration, and then PASS the amended bill. Mahalo for the opportunity to testify on this important measure.

TO: Representative Jerry Chang, Chair,
Representative Sharon Har, Vice-Chair
House Committee on Water, Land & Ocean Resources

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

HEARING: February 14, 2011, 9:00 AM, Conference Room 325
SUBJECT: Testimony in OPPOSITION to HB 224, HD 1 (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 testimony in opposition to HB 224, HD1.

HB 224, HD 1 proposes to amend Chapter 6E, Hawaii Revised Statutes (HRS), by creating an Archaeological Permit Special Account to be placed within the existing Hawaii Historic Preservation Special Fund. The Archaeological Permit Special Account will be the repository of all archaeological permit fees collected by the State Historic Preservation Division (SHPD) pursuant to Hawaii Administrative Rule (HAR) §§13-382-3 and 13-282-4. The collected moneys are to be used to cover the "administrative and operational costs of managing the archaeological permit system." Should any funds be left over, they are to be disbursed in accordance with §6E-16(b). The Board of Land and Natural Resources (BLNR) is directed to amend the HAR in order to raise the annual archaeological permit fee from \$50 to no less than \$1,000. The subject bill was amended primarily to allow for an incremental increase in the permit fee, and to exempt those conducting archaeological activities for an educational or community benefit purpose from paying the fee.

The subject bill may be a well-meaning attempt to give SHPD additional funds to better oversee the quality of work produced by permitted archaeologists. Nonetheless, the amended bill still lacks background information on why such a substantial fee hike is warranted or what problems this amendment to Chapter 6E, HRS will solve. Currently, apart from reviewing the permit application materials, cashing the \$50 check, and seeing that all submitted archaeological reports and plans are prepared by a permitted archaeologist, we are unaware of any significant "administrative and operational costs" imposed on SHPD in its management of the "archaeological permit system." The quality control function of SHPD's oversight, however, is more realistically exercised in its review of individual reports and plans and its ability to not accept inadequate work.

Rather than focusing on what seems to be a questionably high increase in the archaeological permit fees, we would recommend instead that SHPD and the BLNR be encouraged to revisit the fee schedules for reviewing archaeological, architectural, ethnographic, and burials-related reports and plans that are found in HAR §§13-275-4 and 13-284-4. It is this step in the review process that imposes substantial costs on SHPD, not the permitting of archaeologists. We believe an increase in the fees for reviewing plans and reports could directly support a more vigorous review process by providing more funding for staff to conduct these reviews.

We respectfully ask that your committee hold HB 224, HD 1 at this time and not pass it. Thank you for the opportunity to provide comments on HB 224, HD 1. Should you have any questions, you may reach me at the above email address.