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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 31, 2011 7:28 PM  
**To:** HAWtestimony  
**Cc:** pennysfh@hawaii.rr.com  
**Subject:** Testimony for HB224 on 2/2/2011 8:30:00 AM

Testimony for HAW 2/2/2011 8:30:00 AM HB224

Conference room: 329  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Penny Levin  
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Submitted on: 1/31/2011

**Comments:**

I support the intent of the bill to increase resources for the Historic Preservation Division which are sorely needed. However, an increase in permit fees from \$50 to \$1,000 merely adds to the already cost prohibitive permitting fees for even the smallest home which can reach \$50,000 or more. I recommend a tiered increase of \$100 for lots of 10,000sft or less, \$250 for up to 3 acres and two homes, \$500 for up to 10 acres and up to two homes; and \$1,000 for anything over 10 acres and more than two residential structures. While this bill may be targeted at larger land owners, developers and subdivisions, a flat \$1,000 fee for all applicants might discourage individual families from doing the right thing because of the burdent of the cost of a permit. Mahalo for this opportunity to testify.

TO: Representative Faye Hanohano, Chair,  
Representative Chris Lee, Vice-Chair  
House Committee on Hawaiian Affairs

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

HEARING: February 2, 2011, 8:30 AM, Conference Room 325  
SUBJECT: Testimony in OPPOSITION to HB 224 (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.

HB 224 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 proposed bill contains no 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." This may be a well-meaning attempt to give SHPD additional funds to better oversee the quality of work produced by permitted archaeologists. 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. Since the bill does not distinguish between permits issued to the Cultural Resource Management (CRM) firms and those issued to academic and government entities, we assume that all permittees will be expected to pay these high annual fees without discernable benefit.

Rather than focusing on what seems to be a questionable 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. This increase could directly support a more vigorous review process by providing funding for staff to conduct these reviews.

We respectfully ask that your committee hold HB 224 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.