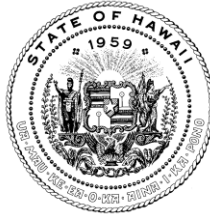


DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
JUDICIARY**

**Monday, February 24, 2020
12:15 PM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 2249, SENATE DRAFT 1
RELATING TO HISTORIC PRESERVATION**

Senate Bill 2249, Senate Draft 1 proposes to amend Section 6E-11, Hawaii Revised Statutes (HRS) to clarify the definition of civil and administrative violations to include conducting certain archaeological activities by any person who: (1) has not complied with the provisions of Sections 6E-8 and 6E-42, HRS; (2) has conducted archaeological activities without obtaining the necessary permits from the Department of Land and Natural Resources (Department) or required permits or approvals from the appropriate county or state agency; or (3) failed comply with any terms or conditions of a mitigation plan approved by the Department or any agreed upon mitigation condition or commitment. **The Department strongly supports this measure.**

Senate Bill 2249, Senate Draft 1 addresses the persistent issue involving archaeological activities conducted in violation of Sections 6E-8 or 6E-42, HRS. Senate Bill 2249, Senate Draft 1 clarifies that certain archaeological activities not consistent with Sections 6E- and 6E-42, HRS, including activities that are not consistent with the activities specified in a permit or approval, or an approved mitigation plan or commitment are violations of Section 6E-11, HRS

The Department believes that the provisions of Senate Bill 2249, Senate Draft 1 will support the efforts of participants in Chapter 6E, HRS, review processes, including agencies, developers and their project contractors and consultants, private landowners, the Native Hawaiian community, and historic preservation advocates, as well as the Department's State Historic Preservation Division by clarifying the definitions of civil and administrative violations to ensure greater compliance with the Section 6E-8 and 6E-42, HRS, review processes.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

TO: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole., Vice Chair
Senate Committee on Judiciary

**SOCIETY FOR HAWAIIAN
ARCHAEOLOGY**



FROM: Angus Raff-Tierney, M.A., Legislative Committee Chair,
Society for Hawaiian Archaeology
angusrafftierney@yahoo.com

HEARING: February, 24 2020, 12:15 PM, Conference Room 016

SUBJECT: Testimony in **support with comments** on SB 2249 SD1, Relating to Historic Preservation

I am Angus Raff-Tierney, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members including professional archaeologists and advocates of historic preservation. On behalf of SHA, we **support and offer comments** on SB 2249 SD1 (Relating to Historic Preservation).

The intent of SB 2249 is to ensure better protection of vulnerable historic properties, and to provide more accountability and transparency in historic preservation compliance, as managed by the State Historic Preservation Division (SHPD). There have been too many instances of archaeology firms and developers taking advantage of the lack of oversight and inability to intact consequences by the SHPD. This has allowed, in some cases, the destruction of sites with important research data and the states treasured heritage.

However, we caution that as it is currently written, the definitions herein are too vague. They leave open the possibility of fines being levied against persons that are not the intention of the bill. There are archaeological activities and work that are not governed by permits that can be conducted on sites from afar without ever setting foot on the site being researched, and without causing any damage to it. Examples of this archaeology are the following: background research, studying already curated collections, aerial photography, and other remote sensing. While it is clearly not the intent of this bill to target this non-invasive archaeology, we suggest adding language that clarifies this so that if it becomes law it is not misconstrued.

Should the bill pass out of this committee, we request to be consulted as a stakeholder in future deliberations on an amended bill. Should you have any questions, please feel free to contact me at the above email. Mahalo for considering our testimony.

<https://hawaiianarchaeology.org/>

The Society for Hawaiian Archaeology is a registered tax-exempt organization established in 1980 to promote and stimulate interest and research in the archaeology of the Hawaiian Islands, encourage a more rational public appreciation of the aims and limitations of archaeological research, serve as a bond among those interested in Hawaiian archaeology, both professionals and non-professionals, and aid in directing their efforts into more scientific channels as well as encourage the publication of their results, advocate and assist in the conservation of archaeological data, discourage unethical commercialism in the archaeological field and work for its elimination.

SB-2249-SD-1

Submitted on: 2/21/2020 6:55:27 PM

Testimony for JDC on 2/24/2020 12:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments: