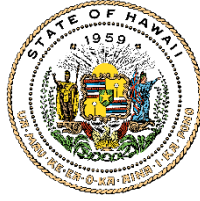


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Thursday, March 16, 2023
10:00AM

State Capitol, Conference Room 430 & Via Videoconference

In consideration of
SENATE BILL 75, SENATE DRAFT 2
RELATING TO HISTORIC PRESERVATION

Senate Bill 75, Senate Draft 2 proposes to appropriate funds to initiate the development of a comprehensive statewide inventory of historic properties and burial sites. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Senate Bill 75, Senate Draft 2 proposes to appropriate a blank level of funding for archaeological survey, burial sites inventory, and inventory of historic buildings to the Department to undertake the surveys necessary to develop a comprehensive statewide survey of historic properties, archaeological sites, and burial sites. As far as the Department is aware, development of a comprehensive inventory has never been funded.

The Department believes that the implementation of a comprehensive survey is essential to meeting the goals set in the establishment of the Department's State Historic Preservation Division (SHPD) in Section 6E-3, Hawaii Revised Statutes (HRS). SHPD does maintain an inventory, but it relies almost entirely on the supporting data provided by agencies and project sponsors submitted as part of the project review processes established by Sections 6E-8, 6E-10, 6E-42, HRS, and under federal law. As a result, SHPD's inventory has limited geographic coverage and, even in 'high' development areas, is incomplete. In the absence of better inventory data, it is extremely challenging for SHPD to assess with great confidence the

condition of Hawaii's historic resources. A comprehensive inventory would provide information essential to managing and protecting the state's cultural and heritage resources.

Equally important, a comprehensive inventory as contemplated in this measure would greatly facilitate development of critical projects, such as affordable housing, renewable energy, and essential infrastructure, and associated permit reviews by providing project planners, designers, and consultants to have access to a comprehensive inventory of historic properties and burial sites. The inventory will ensure that they have best available and current information when siting and designing their projects from the earliest stages of project planning to avoid adverse impacts rather than to discover these resources during construction. It would facilitate permit review as information on historic properties and burials would be available to permitting agencies allowing them to make better decisions about what projects needed to be submitted to SHPD for review. The inventory would also assist SHPD in making better decisions on those projects it does receive for review and expedite the review process as SHPD will have more of the essential data for its review already at hand.

While Senate Bill 75, Senate Draft 2 does not specify the level of funding, the Department believes that \$750,000 per year for each category may be appropriate to initiate the first phase of the multi-year effort necessary to complete the statewide survey. The Department recommends that these funds be appropriated to the Historic Preservation Fund so that they will remain available until expended for the purposes of this act.

The Department also notes that SHPD will have to contract all the work necessary to carry out the inventory effort as it does not have the in-house capacity to carry out the essential activity of creating a comprehensive inventory. However, we believe the investment in developing a comprehensive inventory now will facilitate the project review and development in the long run.

Mahalo for the opportunity to provide testimony in strong support of this measure.

SB-75-SD-2

Submitted on: 3/13/2023 7:33:24 PM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeannine Johnson	Niu Valley Community Association	Support	Written Testimony Only

Comments:

Aloha Chair Ichiyama, Vice Chair Poepoe, and WAL Committee Members,

My name is Jeannine Johnson and I have been the Secretary of the Niu Valley Community Association for over 15 years. I am also the Niu Valley representative on the Kuli'ou'ou / Kalani Iki Neighborhood Board. The Niu Valley Community Association strongly supports SB75, SD1 which appropriates funds to the Department of Land and Natural Resources to inventory historic properties and burial sites in the State, collect data on burial site locations, and conduct an archaeological surface survey. Last year our community was shocked and dismayed to watch an important cultural and historical resource in Niu be allowed to be dismantled, stone by stone, so that a landowner could have a "larger driveway."

McAllister in 1933 described Kulepeamoa Heiau with "Portions of terrace, 120 feet wide, and 5 feet high, with the length ranging from 40 to 100 feet." Clorinda Lucas, descendant of Captain Alexander Adams who was gifted Niu by King Kamehameha I in 1822, has told our community a mo'olelo about a large pōhaku atop these ancient terraces as a bell stone. This bell stone, which could be heard for miles, was sounded when Kamehameha would arrive at Niu with his canoes out in the ocean, for a stay at his summer home (Kalauha`iha`i Spring) which had fresh water. Pahu drums were also kept on the terraces and sounded to announce to the people the arrival of the Ali'i Nui.

When excavation equipment came perilously close to these terraces during construction of a home in May of 2021, I and other angry residents and the Office of Hawaiian Affairs called SHPD and DPP (see the story in the Star Advertiser:

<https://www.staradvertiser.com/2021/05/13/hawaii-news/state-city-step-in-to-protect-niu-valley-archaeological-site/>) We all were alarmed that SHPD and DPP only reacted to public complaints instead of proactively protecting the area. OHA said "This lack of regulatory oversight leading to the **destruction of irreplaceable 'public trust resources' time and time again seems to be a recurring systemic problem.**"

The response from SHPD to our complaints about this situation brought this response from Alan Downer "Regarding this specific complaint, SHPD is aware of this situation. Unfortunately, DPP didn't send the permit for this project to SHPD for review even though **we have repeatedly advised them that this is a highly sensitive area and that new construction has a high**

potential to damage or disturb historic properties. Indeed, as I recall it, this heiau is actually on our maps. “

I'd like to quote from Mark Fukui, who also was born and raised in Niu and speaks for many of us: “We only have so many of these sites left, so to see one get demolished right in my backyard is really frustrating.”

Without an inventory of historic properties and burial sites in our State, the DPP will continue allowing cultural and historic sites to be erased. Please support SB75, SD1 so that what happened to our community, won't happen to other communities.

Mahalo for your support.

HISTORIC HAWAII FOUNDATION

TO: Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land (WAL)

FROM: Kiersten Faulkner, Executive Director
Historic Hawai'i Foundation

Committee: Thursday, March 16 2023
10:00 a.m.
Via Video Conference and Conference Room 430

RE: **SB 75 SD2, Relating to Historic Preservation**

On behalf of Historic Hawai'i Foundation (HHF), I am writing **in support for SB 75 SD 2**. The bill appropriates an unspecified amount of funds to the Department of Land and Natural Resources for the Historic Preservation Division to inventory historic properties and burial sites in the State, collect data on burial site locations, and conduct an archaeological surface survey.

Historic property inventories and surveys are a crucial step in the historic preservation process. The context studies and inventories provide research, evaluation and examples of patterns, themes and trends in which a building, structure, site, object or district is understood. The contexts provide information on meaning and provide the necessary background to understand why a given resource may be historically significant. The inventories then provide information on specific properties and features that convey that significance and are important to the cultural heritage of the community and the public.

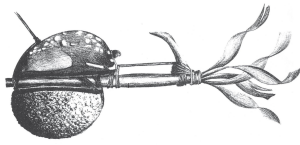
The State's current inventory and historic property surveys are ad hoc rather than deliberative or methodical. Additions to the State Inventory of Historic Properties are often the result of supporting data provided when another agency or applicant submits a project proposal to SHPD. The resulting inventory is therefore piecemeal and incomplete in terms of identification of the individual properties and features. It also lacks information that would allow for a more robust understanding of the historic context in which individual sites and properties may be understood.

A comprehensive inventory should also include thematic context studies that would identify and explain historic themes and patterns as well as describe the types of properties associated with that context. The inventories should include descriptions of the physical characteristics and the locations where the properties are found. Contexts are required components of nominations to the Hawai'i and National Registers of Historic Places. The contexts summarize the themes to which the resources relate, explain how the properties illustrate that theme and compare the nominated resource to other resources associated with the theme.

On a pragmatic level, a thorough and credible inventory would facilitate appropriate project review by providing the necessary information about the presence of significant historic properties so that projects may be sited and designed in a way to avoid, minimize and mitigate effects on those properties.

Therefore, Historic Hawai'i Foundation supports the measure to provide resources for the development of inventories of historic buildings and structures, archaeological properties and burial sites.

Thank you for the opportunity to comment.



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

TO: Senator Linda Ichiyama, Chair
Senator Mahina Poepoe, Vice Chair
Committee on Water & Land (WAL)

FROM: Mara Mulrooney, Ph.D.
President, Society for Hawaiian Archaeology
membership@hawaiianarchaeology.org

HEARING: March 16, 2023, 10:00AM, Conference Room 430 & Videoconference

SUBJECT: Testimony regarding SB 75, Relating to Historic Preservation

I am Mara Mulrooney, President 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 SB 75, with comments.**

The intent of SB 75 is to provide adequate funding and resources that will enable the staff of the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD) to conduct comprehensive inventories of Hawai'i's irreplaceable historic properties and burial sites. The SHPD relies on the documentation submitted in support of reviews for projects and knowledge gained from individuals and the public. These invaluable resources contribute new information to the division's existing data.

SHPD experiences varying degrees of difficulties when collecting data, due to portions of historic properties, historic buildings, and burial sites located in undeveloped or restricted areas around the State. SHPD's current database does not provide accurate accounts or comprehensive information. These difficulties hinder the division's responsibilities to provide key information on a site's location. In many instances, SHPD does not acquire such information until a permit application is addressed.

We offer the following comments on SB 75, which appropriates funding to SHPD to develop a comprehensive and complete inventory of Hawai'i's historic properties and burial sites:

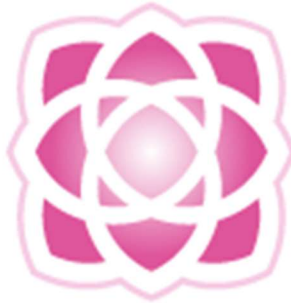
- 1) The first step to implementation of an archaeological surface survey must be the integration of existing data into the recently-launched HICRIS system. This will ensure that appropriate areas are targeted once existing data have been compiled.
- 2) Funds should be allocated for dedicated positions to plan and develop an appropriate strategy for an archaeological surface survey, as SHPD does not currently have adequate staffing to initiate this project.
- 3) Historic properties are currently at risk due to the lack of comprehensive information at SHPD. SB 75 should take effect immediately.

If implemented in a thoughtful manner, SB 75 would ensure better protection of vulnerable historic properties, and will provide more accountability and transparency in historic preservation compliance, as managed by SHPD.

Should SB 75 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 the opportunity to comment.

<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.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
THURSDAY, MARCH 16, 2023 AT 10:00 A.M.

To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land

SUPPORT FOR SB75 SD2 RELATING TO HISTORIC PRESERVATION

The Maui Chamber of Commerce **SUPPORTS SB75 SD2** which appropriates funds to the Department of Land and Natural Resources to inventory historic properties and burial sites in the State, collect data on burial site locations, and conduct an archaeological surface survey.

The Chamber notes that historic property inventories and surveys are a crucial step in the historic preservation process. The surveys and inventories provide research, evaluation and examples of patterns, themes and trends in which a building, structure, site, object or district is understood. The surveys provide information on meaning and provide the necessary background to understand why a given resource may be historically significant. The inventories then provide information on specific properties and features that convey that significance and are important to the cultural heritage of the community and the public.

If a developer knows what structures/land would need to go through review by the State Historical Preservation Department (SHPD), due to burials on a certain parcel, then other areas may be more practical to develop affordable housing. Knowing where there are no burials could potentially expedite the permitting process for affordable housing and rentals as well as easing the burden on SHPD.

For these reasons, the Chamber **SUPPORTS SB75 SD2**.

Sincerely,

Pamela Tumpap
President

SB-75-SD-2

Submitted on: 3/14/2023 7:07:09 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keao NeSmith	Individual	Support	Written Testimony Only

Comments:

This will help ensure that Hawaii's past is understood better and better as time goes on. Please support this bill.

SB-75-SD-2

Submitted on: 3/14/2023 11:41:11 PM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB75 SD2.

SB-75-SD-2

Submitted on: 3/15/2023 9:49:09 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rona Ikehara-Quebral	Individual	Support	Written Testimony Only

Comments:

Aloha All,

I have worked in the Cultural Resources Management industry for over 30 years as a bioarchaeologist and archaeologist. I am submitting this testimony in **support of SB 75**. SB 75 would enable the State Historic Preservation Division (SHPD) to inventory historic properties, document burial site locations, and assess the potential sensitivity of areas by conducting surface surveys. Allocating funds for these important tasks would allow the SHPD to better manage and protect burial sites and our archaeological resources and better assess the potential level of sensitivity of areas that contain burials. This is everyone's kuleana.

Thank you for considering this testimony.

Kind Regards,

Rona Ikehara-Quebral, Ph.D.

Manager & Senior Bioarchaeologist

International Archaeological Research Institute, Inc., Honolulu

SB-75-SD-2

Submitted on: 3/15/2023 10:06:50 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angus Raff-Tierney	Individual	Support	Written Testimony Only

Comments:

I support SB 7B for critical funding to the SHPD to support cultural resource surveys. As a professional archaeologist, the SHPD plays a key role in managing our State's treasured cultural heritage. This helps construction jobs in the state that could be held up by archaeological issues on their job site. Please join me in my support for SB 75.

SB-75-SD-2

Submitted on: 3/16/2023 9:57:32 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I opose this bill. The legislature is not lawfully elected thus does not have the authority to enact laws and bills. All actions are treason against the United States of America.