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H.B. NO. 182

A Bill for an Act Relating to Cultural Landscapes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Article IX, section 7, of the Constitution of the State of Hawaii gives the State the power to conserve and develop objects and places of historic or cultural interest and provide for public sightliness and physical good order.

Section 6E-1, Hawaii Revised Statutes, states that:

- (1) The historic and cultural heritage of the State is among its most important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage;
- (2) It is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of historic and cultural property for the education, inspiration, pleasure, and enrichment of the State's citizens; and
- (3) It is the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property.

Section 226-12, Hawaii Revised Statutes, requires that planning for the State's physical environment be directed toward achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources. To achieve the scenic, natural beauty, and historic resources objective, it is the policy of this State to:

- (1) Promote the preservation and restoration of significant natural and historic resources;
- (2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities;

- (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, oceans, scenic landscapes, and other natural features;
- (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage; and
- (5) Encourage the design of developments and activities that complement the natural beauty of the islands.

Section 226-25, Hawaii Revised Statutes, requires that planning for the State's socio-cultural advancement with regard to culture be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people. To achieve the culture objective, it is the policy of this State to:

- (1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii;
- (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaii's people and which are sensitive and responsive to family and community needs;
- (3) Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawaii; and
- (4) Encourage the essence of the Aloha spirit in people's daily activities to promote harmonious relationships among Hawaii's people and visitors.

Although the legislature approved the state functional plan on historic preservation in 1984, the plan adds little in the way of additional regulatory controls with respect to historic sites since most of the plan's objectives and policies are directed toward the compilation of records, the taking of inventories, the preservation of records, skills, and oral histories, and streamlining the existing system of nominating and listing properties on the Hawaii Register of Historic Places.

While the State has turned much responsibility for historic site protection over to the counties, and each of the State's four counties have enacted historic preservation zoning schemes offering various degrees of protection to historic sites within a historic or scenic district, the administration of historic site protection by the counties is inconsistent and varies greatly in effectiveness.

The legislature believes that the feasibility of establishing regulatory controls to protect and preserve cultural landscapes or those districts, sites, buildings, structures, and objects of state or community importance that possess integrity of location, design, setting, materials, construction, feeling, and association, and:

- (1) That are associated with the culture of a people who have made a significant contribution to the broad patterns of the State's or a community's cultural heritage;
- (2) That are associated with the culture of a people significant in the State's or a community's past;
- (3) That embody the distinctive characteristics of a type, period, or culture of a particular people, or that represent the works of a particular people, or represent a significant and distinguishable people whose works may lack individual distinction; or
- (4) That have yielded, or may likely yield information important to the State's or a community's cultural heritage;

should be assessed in order to ensure the uniform administration of cultural landscape preservation by the State and counties.

To loosely paraphrase the National Trust for Historic Preservation, to preserve Father Damien De Veuster's church is to preserve a building. To preserve the

town of Kalaupapa where he lived and died is to preserve a cultural landscape. Buildings form only part of the human environment; the land, the space between buildings, the trees and plants, the patterns of the land—the infinite ways that people impact the world—are also part of our historical legacy. The National Park Service, which defines landscapes for the National Register of Historic Places, utilizes five cultural landscape types: ethnographic landscapes, historic scenes, historic sites, historic vernacular landscapes, and historic designed landscapes.

“Ethnographic landscapes” are those landscapes imbued with such important intangible meanings that they continue to be deemed significant or even sacred by contemporary peoples who have continuous ties to the site or area. In this State, these landscapes could include Kilauea Crater (ka lua o Pele or the pit of Pele).

“Historic scenes” are those scenes that aid in understanding and interpreting significant cultural and historical developments. In this State, these scenes could include the Nuuanu Pali lookout (the cliffs where Kamehameha I drove many Oahu warriors to their deaths in the famous battle of Nuuanu in 1795).

“Historic sites” are those sites where an important event or activity transpired, or where a person of note is identified with the entire landscape ensemble. In this State, these sites could include the Iolani Palace (the site where Queen Liliuokalani was deposed on January 17, 1893).

“Historic vernacular landscapes” are those landscapes where contemporary development activities have not yet altered local historical integrity. In this State, these landscapes could include Waipio Valley on the island of Hawaii (the site of taro farming).

“Historic designed landscapes” are those landscapes with noticeable form or design features. In this State, these landscapes could include the National Memorial Cemetery of the Pacific.

SECTION 2. (a) There is established within the department of land and natural resources for administrative purposes, a temporary state, county, and Office of Hawaiian Affairs task force to:

- (1) Develop specific criteria for designating certain sites, scenes, and landscapes as cultural landscape districts;
- (2) Specify activities and uses that are consistent with the designation of certain sites, scenes, and landscapes as cultural landscape districts; and
- (3) Develop specific procedures to define certain sites, scenes, and landscapes as cultural landscape districts and to establish their boundaries.
- (b) The task force shall be composed of:
 - (1) The chairperson of the board of land and natural resources or the chairperson's designated representative;
 - (2) The chairperson of the board of agriculture or the chairperson's designated representative;
 - (3) The chairperson of the land use commission or the chairperson's designated representative;
 - (4) The chairperson of the board of trustees of the Office of Hawaiian Affairs or the chairperson's designated representative;
 - (5) The planning director of the county of Kauai or the planning director's designated representative;
 - (6) The chief planning officer of the city and county of Honolulu or the chief planning officer's designated representative;
 - (7) The planning director of the county of Maui or the planning director's designated representative;
 - (8) The planning director of the county of Hawaii or the planning director's designated representative;

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- (9) The director of the office of state planning or the director's designated representative;
- (10) Representatives of appropriate Hawaiian organizations; and
- (11) Representatives of major or affected large property owners.

(c) The chairperson of the department of land and natural resources, or the chairperson's designated representative, shall serve as the chairperson of the task force, and shall provide such technical and administrative staff support as may be required to carry out the purposes of this Act.

(d) The members of the task force shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(e) The task force shall report its findings and recommendations to the legislature not less than twenty days prior to the convening of the regular session of 1994, and shall cease to exist on June 30, 1994.

SECTION 3. This Act shall take effect on July 1, 1993.

(Approved June 9, 1993.)