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HB 1955
RELATING TO HISTORIC PRESERVATION

Senate Committee on
Higher Education, Culture, Arts, and Historic Preservation

Public Hearing - March 19, 1993
1:00 P.M., Room 504 SOT

By
John T. Harrison, Environmental Center
Carolyn Abad, Anthropology
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HB 1955 would amend Section 6E-3, HRS, to provide for adoption of general rules specific and appropriate to significant cultural, historic, and prehistoric sites and monuments.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

In general, we concur with the intent of this measure which recognizes shortcomings in the present application of general rules of the state parks system to sites of historic and cultural significance. The adoption of more specifically appropriate regulation would be a significant step in the right direction.

However, the proposed measure could be strengthened greatly by including these additional provisions:

1. Included in the rules to be adopted should be specification of the circumstances under which such regulation should apply in general, as well as recognition of the need for case by case evaluation to evaluate whether a particular site or complex of sites meets criteria for specific regulation.

2. Some specific recognition of the cumulative significance of site assemblages above and beyond the importance of individual sites should be incorporated into the rules. Too often, data recovery decisions on individual features are made without adequate consideration of the wider historic setting in which the feature occurs.

3. The degree to which rules applying to cultural or historic sites on public lands may provide guidance for management of sites on private property should be addressed in the rules.

Finally, in view of the extraordinary length of time which has elapsed since the Department initiated its most recent rulemaking related to historic preservation, and given that revised rules have yet to be adopted, we suggest that the legislature establish a reasonable time frame within which the intent of this measure shall be accomplished.