HB 1214, HB 1216, and HB 1218 would make amendments to the provision of HRS Chapter 6E that relate to historic preservation. This statement on the three bills does not represent an institutional position of the University of Hawaii.

SB 1214

SB 1214 would require that discoveries of human bones or relics at construction sites be reported to the State Historic Preservation Officer and that the Officer determine the cultural value of the bones or relics, and it would prohibit the destruction of or irreparable damage to a native Hawaiian burial site and or shrine if not clearly required by the public interest.

At present, it is not clear what should be done when human burials are found during construction or to whom they should be reported. Construction equipment operators may report such burials to the police, to the University, to the Bishop Museum, or to the State Historic Preservation Office, and such reporting is to be commended. If, however, the report is made to the police, for example, they will then contact the Department of Health, which may finally contact the Historic Preservation Office. A delay will result that is costly to the developer. Considering the lack of clarity as to proper procedure and the delays, it is not surprising the construction is often not halted when human burials are encountered and Hawaiian burial sites are often lost without study.

Even if the human remains are not destroyed, it is often the practice on construction sites (possibly in violation of current State law concerning disinterment) to "package or bag" the remains, i.e., remove them from their original position. It is precisely this practice which leads to the loss of valuable scientific information concerning human burials. The context of the burial should be recorded—what layer it was buried in, what layers the grave was dug from, the position of the burial relative to other cultural remains, associated grave goods and their placement on the body, the association with possibly datable materials (charcoal, shell, volcanic glass), the way the
body was laid out, and the evidence of associated ceremonies such as funeral feasts and grave offerings. This is the minimal amount of recording which should be done prior to "packaging or bagging" the remains.

When human remains are "packaged or bagged" and given to DOH they are often subsequently incinerated once it is established that they are of the result of recent homicides. Recently a small collection of human remains was given by DOH to the University of Hawaii for teaching and research purposes. Without information on where the burials had the context of the burials, the value of the remains was negligible. Clearly, responsibility for human remains found during construction should rest with a more suitable and interested arm of the State, the State Historic Preservation Office.

In reviewing development projects, this Office frequently has recommended or required that, in the event any previously unidentified sites or remains are encountered during construction, the developers stop work and contact the Office. The proposed change in HRS would give more force to such a recommendation or requirement which is frequently ignored.

We would suggest one minor amendment of the bill the replacement of the. The replacement of lines 7 and 8 on page 1 by the following:

...the person responsible for the construction shall prevent further disturbance of the human remains and relics and shall report the discoveries to the state historic...

SB 1216

SB 1216 would require adoptions of rules establishing minimum standards for archaeological reconnaissance and intensive archaeological studies. Such standards are needed. We would suggest insertion of the phrase "that are also stages of archaeological work" after the word "surveys" and before the words "used for" in line 12 on page 3 of the bill.

SB 1218

SB 1218 proposes two amendments to the requirement that agencies exercise certain functions with respect to historic properties or values that will be affected by projects of the agencies. Where the requirement is now limited to projects on lands owned by the State, the requirement would be extended by the first of the amendments to projects on lands owned by political subdivisions of the State. The second amendment would add "curation" (i.e. caring for) to the functions of investigation, recording, preservation, and salvage, that are now required with respect to the historic properties or values. Both amendments are desirable.