November 13, 1985

Senator Robert Stafford, Chair
Environment and Public Works Committee
U.S. Senate
Washington, D.C. 20510

Dear Senator Stafford:

Senate Bill 1796

The Environmental Center was established by the University of Hawaii in 1970 in response to the State Environmental Quality Act (Hawaii Revised Statutes, Chapter 341). The Center serves to "stimulate, expand, and coordinate education, research, and service efforts of the University" in environmental matters. In meeting these responsibilities, we provide objective environmental expertise, from the University faculty to federal, state, or county agencies and the public so as to assure fully informed decision making on environmentally related issues.

The recent introduction of SB 1796 concerning the H3 Freeway planned for Hawaii has been called to our attention and we are writing to express our concern. We note that this bill, currently before your committee, would allow construction of the H3 Freeway "notwithstanding any other provision of federal law enacted heretofore or subsequently." It has come to our attention that significant archaeological sites have been identified in the highway corridor in the Luluku area, including prehistoric irrigated terraces which apparently date back to the 10th century A.D. We say "apparently" because the report of the archaeological investigations conducted there by the Bishop Museum has not been released by the Federal Highway Administration for review by interested scientists and other concerned persons. We understand that a 10th-11th century A.D. date makes this archeological site the earliest dated prehistoric irrigation system in the Hawaiian islands and therefore a site of national importance.

We are concerned that if this legislation is passed, the significant archaeological resources and other environmental resources of the Luluku area could be destroyed without any further study, and without any consideration given to their preservation or to the mitigation of adverse effects of construction activities. Furthermore, the precedent set by such a law could affect the enforcement of all existing and subsequent environment laws.
Senator Robert Stafford

We would thus like to express our opposition to SB 1796 until such time as adequate provisions are included in it for the protection and consideration of the important archaeological sites and natural resources of the Luluku area.

Yours truly,

Jacque Tin N. Miller
Acting Associate Director

cc: Senator Daniel Inouye
Senator Spark Matsunaga
Representative Daniel Akaka
Representative Cecil Heftel
Office of Environmental Quality Control
Patrick Takahashi,
Acting Director, Environmental Center

bcc: Matthew Spriggs
Charles Lamoureux
James Parrish