



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

Office of the Director

RL:0276

HB 2404-78, HB 2584-78, and HB 2877-78

RELATING TO HISTORIC PRESERVATION

Statement for the
House Committee on Water, Land Use Development and Hawaiian Homes
House Committee on Culture and Arts
Public Hearing 1 March 1978

by
Doak C. Cox, Environmental Center
Rhoda Hackler, History
Pauline King Joerger, History
Donald D. Johnson, History
David Tuggle, Anthropology

Because HB 2404, HB 2584, and HB 2877, all relate to the Historic Preservation Program, we combine our comments on these bills in a single statement. The statement does not reflect an institutional position either of the University or of the Review Board for the Register of Historic Properties, of which Tuggle is a member.

HB 2404

The first amendment proposed in HB 2404 is in the form of a new section of HRS Chapter 171 which would require that, within three years of the designation of a historic property by the State, the site must be acquired by the State. It seems assumed that the designation of a historic property in all cases implies its public acquisition. Under HRS Chapter 6E on Historic Preservation, Section 6E-3 permits, but does not require DLNR to acquire historic properties, and indeed Section 6E-10 recognizes that there may be privately-owned historic properties. The purpose of the historic preservation program is to provide protection to historic properties, but the protection may be provided by regulation of use independent of ownership.

An important effect of HB 2404 would be resistance to having properties officially designated as historically important by both the State and private owners--the State because it would have to provide funds for acquisition, and private owners because they would be deprived of the use of the properties. The effectiveness of the historic preservation program would thus be reduced, not enhanced. This detrimental effect might be warranted if it were clear that

the State universally provided better protection to historic properties than private owners, but many excellent examples may be found of private protection and use of historic properties.

The same amendment would require State acquisition of properties designated as historic by the federal government. Again public acquisition is not always intended in such designation; it is not appropriate that the State obligate itself to purchase properties at federal initiative; and the State could not acquire a historic property owned by the federal government without federal consent.

The second amendment would require counties to acquire properties they designate as historic. The same objections may be raised to this amendment as with the provision regarding the properties designated by the State in the first amendment.

We consider that the amendments proposed in HB 2404 would be detrimental to the Historic Preservation Program.

HB 2584 and HB 2877

HB 2584 and HB 2877 propose to replace the requirement in HRS 6E-5 that the State Historic Preservation Officer shall be a person with professional competence in the field of historic preservation with a provision that the Chairperson of the Department of Land and Natural Resources shall serve as the Historic Preservation Officer. The responsibilities of the Historic Preservation Officer, which are identified in the same section, require professional competence. The quality of the Historic Preservation Program depends critically on the competence of its chief officer and on his relative freedom from political pressures. If passed, the amendment, proposed in HB 2584 or HB 2877 would result inevitably in the weakening of the program.

HB 2877 would, in addition, allow the Historic Preservation Officer to request assistance from the administrator of the Division of State Parks, Outdoor Recreation, and Historic Sites. Legislation to authorize such request for assistance should not be necessary.