From: Ossi, Joseph (TPL)
To: Braegelmann, Carol (TPL)
Sent: 3/20/2002 9:31:26 AM
Subject: FW: DOT article: SHPO is inadequate, in Hawaii

FYI
-----Original Message-----
From: Luden, Hymie (TRO-09)
Sent: Tuesday, March 19, 2002 7:22 PM
Subject: DOT article: SHPO is inadequate, in Hawaii

State Historic Preservation Division 'needs to be fixed'
Critics:Some projects proceeding without adequate review
By MARK ADAMS
Wailuku Maui News
3/14/02

WAILUKU -The State Historic Preservation Division - charged with protecting Native Hawaiian cultural sites and other historic properties in the state - may be in need of a serious overhaul.
Observers ranging from Maui County planners, Maui/Lanai Burial Council members, the former Maui-based archaeologist for the division and state senators say the division is historically slow to respond when assessing whether new development will harm historic sites, and some projects are proceeding without adequate review.
In some cases, county planners say, development applications are moving forward without review by the division because it has simply failed to provide a comprehensive response.
In those cases, mostly where local planners don't see an immediate impact on historic sites, a standard clause is inserted in county permits asking the developer to comply with any conditions that may be placed on the project by the division - when and if it catches up with the project.
And that's not good enough, one critic said.
"The system is not working and needs to be fixed," said Charles Kauluwehi Maxwell Sr., who has been involved with the Maui/Lanai Burial Council since its inception in 1991. "There are instances where the division has not ruled one way or the other on an application and burials were later found or sites were not protected. It's really after the fact, that's what's happening."
A group of senators introduced a resolution at the state Legislature this week asking State Auditor Marion Higa to conduct an audit of the operations of the State Historic Preservation Division, including reviews of personnel practices and of the division's finances.
Some county planners say one problem is that division Director Don Hibbard must sign off on each assessment of how a project might affect historic sites. At times he's on vacation or otherwise not available, creating a bottleneck in the approval process.
Hibbard is based in downtown Honolulu and his staff in Kapolei. A veteran Maui County planner said she has been told by division staff on Oahu that the director goes by once a week to review reports. If a staff member misses him, another week is added to the historic sites review process.
Hibbard did not return two phone calls Wednesday for comment.
Those who deal with the State Historic Preservation Division on a regular basis say they think staff members are dedicated professionals, but the office is understaffed and overworked.
Maui County has its own division archaeologist based in Wailuku.
That position was initially filled by Theresa Donham from 1991 to 1997 in an "experiment" that she said worked more often than not. But she had no support staff on Maui and as the development of the island increased, applications soared.
"I was thrown out there with no support in our office and basically having to just go for it," she said. "I had to get out for my own sanity."
Donham, now pursuing her doctorate in archaeology at the University of Hawaii while working on a 21-acre preservation project at Palauea for the school, said she is sympathetic to the plight of a staff that she says "works their butts off."
"They haven't had the budgeted staff to cover the increasing workload, and anything like that is going to catch up with you," she said. "So they're caught up in day-to-day crises" without having time to look at the big picture.
"It's hard to do when you're putting out fires," she said.
An outside, impartial audit that involves archaeologists' input and looks at how other states are handling historic preservation could be a good thing, she said.
The State Historic Preservation Division was created in 1967 as a division of the Department

of Land and Natural Resources following passage of the National Historic Preservation Act of 1966. The division gets about 40 percent of its funding from the federal government and the rest from the state.

State Sen. Jan Yagi Buen, one of nine senators who signed off on the resolution requesting an audit, wants to know exactly how that money is being spent. She said her experience on the senate committee investigating how Felix Consent Decree funds are used now has her thinking about the division's budget.

"There's a lot of federal money involved," she said. "We'll find out if it and the state money is being spent properly."

There is another large concern regarding how the division operates: It has never adopted a final set of administrative rules setting down the historic preservation process.

Several sets of draft rules have been used, or not used, Buen said. The result has been an inconsistent handling of applications. State and county agencies wait for the division to advise if a project should move forward, be stopped or be modified to protect a historic site.

"If they don't have rules, they can come up with whatever they choose and be very selective in the approvals they're making," Buen said.

One of the Maui panels that has often waited for the division to respond to a request for review of a project is the county Cultural Resources Commission.

State Sen. J. Kalani English is a former chairman of the commission, and said Wednesday that experience is one of the reasons he is supporting the audit request.

There were many times when the commission simply had to act on an application after receiving no response from the division, English said.

"I felt for the people" with pending development requests requiring cultural review that were stuck in limbo, English said. If the commission were ready to decide on an application, commissioners ended up simply telling the state division they would proceed as if it had no comment on the project.

"You need a timely review, and it's not being done that way," the senator said.

English said he also believes the division staff is hard-working and dedicated, but the agency is short-staffed while the number of development applications requiring historic site review has skyrocketed.

"If we're going to continually give them more work, we need to give them more money," English said.

But the problem may be a combination of understaffing "and perhaps the management style of top managers," he said. "The audit should be viewed as a healthy exercise to make improvements."

English also acknowledged the realities of the state's fiscal crunch.

"We'll probably give them more work and no more funding," he said.

Archaeologist Donham said her experience with the division showed that there are many areas that could be streamlined. The division makes little use of tools like the Internet, e-mail, standard application checklists or computer databases that pinpoint critical areas of the state that need protection.

"With the information age here, I don''t see how it can survive," she said of the current division system that has been used since the 1980s. "It just hasn't moved forward with the times."

Maui County should consider creating its own historic preservation office to speed up the review of development applications while fully protecting historic sites, she said. It's an idea that county planners and English are also backing.

English said the state audit, which senators want completed prior to the beginning of next year's legislative session in January, is a positive move.

"If it goes through it will actually be a valuable tool to make the Historic Preservation Division more responsive and protect historic resources even more," he said.