



April 10, 2013

The Honorable Donna Mercado Kim
President of the Senate
Room 409, the State Capitol
Honolulu, HI 96813

The Honorable Joseph Souki
Speaker of the House
Room 431, the State Capitol
Honolulu, HI 96813

Dear President Kim and Speaker Souki,

The Society for American Archaeology joins several of its sister organizations in opposition to Senate Bill 1171, which is scheduled to be considered by the House this afternoon. The changes sought by the bill's proponents could be achieved administratively, without recourse to this over-reaching and unnecessary legislation.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

SB 1171 was written in response to a recent Hawaii Supreme Court decision (*Kaleikini v. Yoshioka*), which held that the State Historic Preservation Division (SHPD) violated its own rules by allowing construction of the Honolulu Rapid Transit Corridor to start prior to the completion of an archeological survey for the entire project. Supporters of the bill believe that it will bring Hawaii's historic preservation law into parallel with federal procedures, which allow for the phased review of areas affected by undertakings. In fact, provisions allowing for phased reviews are contained in federal regulations, not statute. The best way to accommodate such reviews is for Hawaii's Department of Land and Natural Resources to amend its regulations at Hawaii Administrative Rules (HAR) 13-275 and 13-284, as recommended by the State Supreme Court. There is no need for legislative action. Statutory changes would only result in confusion and uncertainty.

SAA respectfully requests that SB 1171 be set aside, and that the Hawaii Supreme Court's recommendations be implemented. This will secure the greater efficiencies sought by stakeholders.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey A. Altschul". The signature is written in a cursive, flowing style.

Jeffrey Altschul, Ph.D., RPA
President