

DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
DENISE ISERI-MATSUBARA
Hawaii Housing Finance and Development Corporation
Before the

HOUSE COMMITTEE ON WATER & LAND

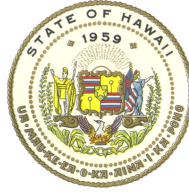
February 2, 2021 at 9:00 a.m.
State Capitol, Room 430

In consideration of
H.B. 245
RELATING TO HISTORIC PRESERVATION.

The HHFDC supports H.B. 245, which amends the definition of "historic property" in §6E-2, HRS, to clarify that such properties must meet the criteria for being entered into the Hawaii Register of Historic Places. The bill will allow SHPD to focus on actual historic properties and help to clear their backlog of reviews.

Thank you for the opportunity to provide written comments in support of this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER AND LAND**

**Tuesday, February 2, 2021
9:00AM**

State Capitol, Via Video Conference, Conference Room 430

**In consideration of
HOUSE BILL 245
RELATING TO HISTORIC PRESERVATION**

House Bill 245 proposes to amend the definition of “historic property” in Section 6E-2, Hawaii Revised Statutes (HRS), by adding the requirement that properties must be eligible for inclusion in the Hawaii Register of Historic Places. **The Department of Land and Natural Resources (Department) supports this measure.**

Section 6E-2, HRS, currently defines a historic property as “any building, structure, object, district, area, or site, including heiau and under water site, which is over fifty years old....” House Bill 245 proposes to amend this definition by requiring that the property also be eligible for inclusion in the Hawaii Register of Historic Places. To be eligible for inclusion in the Hawaii Register of Historic Places, a property must be at least 50-years old, and be “significant in the history, architecture, archaeology, or culture of this State, its communities, or the nation.” (Hawaii Administrative Rules 13-198-2).

The Department believes that addition of the requirement that a property be significant in Hawaii’s history is reasonable and an important clarification that will make administration of the State’s Historic Preservation Program more rational and effective. The Department fully supports this measure.

Thank you for the opportunity to comment on this measure.



HB2443
RELATING TO HISTORIC PRESERVATION
House Committee on Water & Land

February 2, 2021

9:00 a.m.

Room 430

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees **COMMENT** on HB245, which would amend the definition of “historic property” to require that any building, structure, object, district, area, or site, including heiau and underwater sites, in addition to being over fifty years old, must meet the criteria for being entered into the Hawai‘i Register of Historic Places (HRHP). While OHA appreciates the apparent desire to better manage the growing number of buildings over 50 years old that would currently be subject to historic preservation review, OHA notes that there is a vast distinction between historic buildings and Native Hawaiian cultural sites, and that a proposed amendment to the definition of historic property should take into account possible impacts to both site types; **accordingly, should the Committee choose to move this measure forward, OHA respectfully offers language to ensure that Native Hawaiian cultural sites remain appropriately protected under Hawai‘i Revised Statutes (HRS) Chapter 6E.**

To be eligible for the HRHP, historic properties must 1) possess integrity of location, design, setting, materials, workmanship, feeling, and association, and, 2) be considered significant per one of four criteria: a) associated with events that have made a significant contribution to broad patterns of our American or Hawaiian history, b) associated with the lives of persons significant in our past, c) embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or d) has yielded, or may be likely to yield information in prehistory or history.

OHA acknowledges that as we move forward in time, the number of buildings eligible for consideration under HRS 6E review will keep increasing since any building over fifty years can be considered historic. In some instances, this has caused problems for homeowners and organizations that must comply with the HRS Chapter 6E historic preservation review process when permits are sought for various improvements. From an administrative standpoint, this can place a greater burden on the State Historic Preservation Division (SHPD) since the number of projects they review will likely increase. The current historic preservation review process can also make it difficult to demolish or repair dilapidated buildings that do not obviously meet the standards of historic integrity or significance criteria simply due to the fact that they are fifty years old. In that sense, OHA could see relief being granted to homeowners, organizations, and SHPD by adding additional qualifications, such as those described for the HRHP, for buildings to be considered subject to historic preservation review.

However, OHA does have concerns regarding the application of the HRHP significance criteria to Hawaiian cultural sites as a prerequisite to their being considered “historic property” eligible for the protections of historic preservation review and consultation. Amending the definition of historic property to now require HRHP eligibility could disqualify many cultural sites from being considered historic properties, and limit mitigation options and consultation requirements. For example, many Native Hawaiian cultural sites have intangible and spiritual aspects that are often difficult to evaluate by Western archaeologists, in contrast to historic buildings that are often solely evaluated on their physical characteristics. For this reason, consultation is an important part of the HRS 6E process for Native Hawaiian cultural sites. Should the definition of a historic property be altered to require eligibility under HRHP, cultural sites with intangible or spiritual aspects could be disqualified from the HRS Chapter 6E review process, thus eliminating a critical nexus for consultation and mitigation consideration.

If the intent of the current amendment is to target historic buildings, then the proposed amendment to the definition of historic property should be tailored to target historic buildings only. Otherwise, the current draft of this measure may have unintended consequences for Native Hawaiian cultural sites currently considered and protected as historic properties. In order to prevent the potential irrevocable loss or destruction of the last remaining vestiges of our cultural and historical heritage, OHA respectfully offers the following language to replace that found on page 1, lines 6-7 of this bill, to read as follows:

“~~which~~ that is over fifty years old[-]; provided that buildings, inclusive of privately owned homes, must also meet the criteria for being entered into the Hawaii register of historic places.”

Mahalo for the opportunity to comment on this measure.



LATE

TO: Representative David. A. Tarnas, Chair
Representative Patrick Pihana Branco, Vice Chair
Committee on Water & Land (WAL)

FROM: Kiersten Faulkner, Executive Director
Historic Hawai'i Foundation

Committee: Tuesday, February 2, 2021
9:00 a.m.
Via Video Conference/Conference Room 430

RE: HB 245, Relating to Historic Preservation

On behalf of Historic Hawaii Foundation (HHF), I am writing in **support for the intent of HB 245, with additional recommendations.** The bill would amend Hawai'i Revised Statutes §6E-2 to revise the definition of "historic property" to include those properties that are 50 years of age and that meet the criteria for being entered into the Hawai'i register of historic places.

The Constitution of the State of Hawai'i recognizes the value of conserving and developing the historic and cultural property within the State for the public good, and the Legislature has declared that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of its citizens.

In order to meet this mandate and to ensure that the historic and cultural resources of Hawai'i are treated appropriately, it is necessary to have a framework based on criteria and standards to define and differentiate which properties are subject to the state's historic preservation program.

Currently, HRS §6E-2 defines historic properties as any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old. This definition has the advantage of being simple to understand and simple to evaluate, as it relies on a single piece of data: age of construction.

However, that definition is also unnecessarily broad, and assumes that age is equivalent to historic importance. Within the discipline and practice of historic preservation, there are two additional criteria used to screen properties: *historic significance* and *integrity*. The criteria for being entered into the State of Hawai'i Register of Historic Places address these additional aspects and are appropriate to add to the State's definition of "historic property."

Historic Hawai'i Foundation supports amending HRS 6E-2 to include the requirement that properties meet the criteria for being entered into the state register of historic places.

However, we also note that with such an addition, the reference to the property's age is no longer needed or relevant. Therefore, the definition could simply read:

"Historic property means any building, structure, object, district, area, or site, including heiau and underwater site, that meets the criteria for being entered in the Hawai'i register of historic places."

Thank you for the opportunity to comment.

680 Iwilei Road Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • preservation@historichawaii.org • www.historichawaii.org

Historic Hawai'i Foundation is a statewide nonprofit organization established in 1974 to encourage the preservation of historic buildings, sites, structures, objects and districts on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.