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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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CONSERVATION AND RESOURCES
ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS
Thursday, March 27, 2025
2:00 PM

State Capitol Conference Room 325 & Videoconference

In consideration of
SENATE BILL 15, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO HISTORIC PRESERVATION

Senate Bill 15, Senate Draft 1, House Draft 1 proposes amending the definition of “historic property” to require that the property meets the criteria for inclusion within the Hawaii Register of Historic Places or has important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still carried out, at the property or associations with traditional cultural beliefs, events, or oral accounts that are important to history, traditional cultural practices, and cultural identity. **The Department of Land and Natural Resources (Department) supports this measure.**

Under Chapter 6E-2, HRS, provides the definition of “historic property,” which informs how the State Historic Preservation Division (Division) evaluates historic and cultural resources and the impacts projects submitted to the Division, pursuant to sections 6E-8, -10, and -42, HRS, have on historic and cultural resources.

The current definition of “historic property” is overly broad and does not take into consideration if a historic or cultural resource maintains sufficient integrity and significance to be identified as an “historic property”. This bill will make a critical change to the definition of “historic property” that allows a resource to be evaluated on its integrity and significance, rather than just its age. Additionally, the definition change will be similar to the definition of “historic property” under federal regulations. This will allow historic preservation reviews that require compliance with both federal and state historic

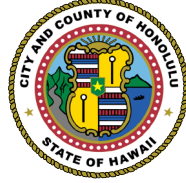
preservation policies to be completed in a more streamlined manner that is easier to understand and complied with.

Mahalo for the opportunity to provide testimony on this measure.

O'AHU HISTORIC PRESERVATION COMMISSION
KOMIKINA A'OA'O MĀLAMA HALE KUMUPA'A O O'AHU
CITY AND COUNTY OF HONOLULU

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N. MEHANAOKALĀ HIND
THOMAS S. DYE

March 26, 2025

The Honorable Senator David A. Tarnas, Chair
The Honorable Senator Mahina Poepoe, Vice Chair
and members of the Committee on Judiciary and Hawaiian Affairs

Subject: HB15 Relating to Historic Preservation

Dear Chair, Vice Chair, and committee members:

On behalf of the O'ahu Historic Preservation Commission, we would like to convey our appreciation for the opportunity to offer testimony in **strong opposition** to SB15 HD1.

This bill would allow project proponents to treat a parcel of land as if it contains **no historic properties** if the presence of such properties is not already documented in existing records or databases. This approach runs contrary to both logic and law. **A lack of existing data is not proof of absence**—it is simply a reflection of the many places in Hawai'i where surveys have not yet occurred, or where subsurface features such as iwi kūpuna remain unknown until properly assessed.

By allowing projects to proceed under the assumption that historic properties do not exist unless already confirmed, this bill opens the door to irreparable harm—to iwi kūpuna, to historic and cultural features, and to the credibility of the preservation process itself. In effect, SB15 HD1 **seeks to circumvent the historic preservation review process**, rather than strengthen it.

This is not the kind of future our communities deserve. We believe Hawai'i is capable of supporting housing, infrastructure, and other development needs **without compromising** our commitments to history, culture, and respectful treatment of ancestral remains.

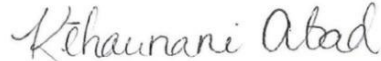
Instead of weakening protections, we urge the Legislature to invest in real solutions:

1. **Provide sufficient funding to SHPD** to ensure timely and professional review of proposed projects.
2. **Support hiring and retention efforts** within SHPD to address staffing shortages and build long-term capacity.
3. **Maintain the integrity of the Chapter 6E process**, which is one of the few legal tools that recognizes the rightful place of historic sites and iwi kūpuna in our landscape.

SB15 HD1 takes us in the wrong direction—toward assumptions of absence, rather than a framework of care and kuleana.

We respectfully urge you to hold this measure.

Me ke aloha a me ka 'oia'i'o,

A handwritten signature in cursive script that reads "Kēhaunani Abad".

Dr. Kēhaunani Abad, Chair

SB-15-HD-1

Submitted on: 3/25/2025 6:10:30 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mahealani Cypher	Ko`olau Foundation	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members:

The Ko`olau Foundation objects to House Draft 1 of Senate Bill 15, S.D.1, and urges your committee to vote against this latest version of the bill.

Our organization has been working to advocate for historic preservation and cultural sites for many years, and this latest version reverses all current protections for the historic and cultural treasures of our islands.

We suggest you might consider reporting out the earlier version of S.B. 15, the Senate Draft 1, which we feel is much better and more appropriate for this matter.

Mahalo for your consideration of our mana`o.

Mahealani Cypher



HISTORIC HAWAI'I FOUNDATION

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

TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs (JHA)

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

Committee: Thursday, March 27, 2025
2:00 p.m.
Via Video Conference and Conference Room 325

RE: SB 15 SD1, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **opposition to SB 15 SD1 HD 1**, as amended in the current version.

HHF supported the previous version of the bill, which would have amended Hawai'i Revised Statutes §6E-2 to change the definition of historic property to add that properties 50 years or older shall meet the criteria to be placed onto the Hawai'i register of historic places or has important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still being carried out, at the property or due to associations with traditional beliefs, events, or oral accounts that are important to the group's history, traditional practices, and cultural identity.

However, the bill as presented in House Draft 1 adds a new Section 2 to the measure which amend §6E-42, which relates to review of projects that have the potential to affect historic properties.

Historic Hawai'i Foundation opposes Section 2 of the bill and recommends reverting to the SD1 draft that stays focused on the relevant issue of definition of historic property.

Legislative Intent and Public Policy Context

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.

Any changes to this policy and public benefit need to demonstrate both how the substantive outcomes will be met—that is, to conserve and protect historic resources—and that the administration of the program is fair, clear, unbiased and consistent for all concerned.

Currently, HRS §6E-2 defines historic properties as any building, structure, object, district, area or site, including heiau and underwater site, which is over 50 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 Comments

Sec 1: 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.

HHF is also concerned that some cultural sites or features may have been significantly altered over time, thus affecting their historic integrity. As presented with the HD 1 version, such properties – especially those significant to Native Hawaiian cultural, tradition and religion, as well as those significant to the culture and traditions of other ethnic groups of the state – would be potentially excluded from the proposed definition.

HHF recommends including the previous language in the definition of historic property to allow properties that have, "important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still being carried out, at the property or due to associations with traditional beliefs, events, or oral accounts that are important to the group's history, traditional practices, and cultural identity."

Sec 2: HRS §6E-42.2 already exempts single family residential dwelling units and townhouses from project review and compliance by the State Historic Preservation Division. The proposed language would expand the exemption from review to include ground-disturbing work and thus remove archaeological testing or review for work that has the potential to disturb iwi kūpuna or archaeological features.

HHF believes this provision would lead to increases in disturbances to human remains and archaeological or cultural resources. The exemption would apply if there has been previous disturbance or if no significant historic properties have been previously identified. However, many such areas have never

been surveyed – that is, there may be no previously identified properties because no one has looked. Even in previously disturbed areas, cultural layers and resources may still be present.

HHF recommends deleting Section 2 from SB 15 SD 1 HB 1 in its entirety, and amending Section 1 to amend the definition of historic property in HRS §6E-2 to include the requirement that properties meet the criteria for being entered into the state register of historic places or that have important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still being carried out, at the property or due to associations with traditional beliefs, events, or oral accounts that are important to the group’s history, traditional practices, and cultural identity.

Thank you for the opportunity to comment.

March 27, 2025, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary and Hawaiian Affairs
Rep. David Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: SB15 SD1 HD1 — RELATING TO HISTORIC PRESERVATION

Aloha Chair Tarnas, Vice-Chair Poepoe and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [SB15 SD1 HD1](#), which would redefine the term “historic property.”

Currently, the term is defined as “any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.”

SB15 SD1 HD1 would change the definition to read: “any building, structure, object, district, area, or site, including heiau and underwater site that is over fifty years old and meets the criteria for being entered into the Hawaii register of historic places.”

The bill would also expand exemptions for work done on single-family homes on the Hawaii Register of Historic Places and for projects in nominally sensitive areas — places known to have a low density of historic, cultural or archaeological resources or those where a large amount of excavation has taken place without discovering any historic properties.

Grassroot supports this measure because historic preservation review of projects often takes months, and the State Historic Preservation Division faces a large and growing number of projects that will need its review.

On Oahu alone, there are 8,583 improved parcels in the industrial, commercial and hotel and resort property tax classes. Of these, 4,524 or 52.7% host buildings were built in 1975 or before. Meanwhile, 4,315 or 50.3%

host buildings were constructed in 1976 or later.¹ And the number of parcels that could be subject to SHPD review will only increase as Hawaii's buildings age.

A recent Grassroot white paper, "[Preserving the past or preventing progress?](#)" analyzed SHPD data and found that more than 90% of the projects the agency reviewed from 2021 to 2024 had no impact on historic properties.

The average review time for projects issued determinations has been 94 days. However, SHPD reviewed less than half of the applications it has received during this period.

Grassroot supports the current draft of the bill and would ask that the Committee retain this draft going forward. A prior draft contained language that would have added substantial uncertainty to the historic review process and slowed down reviews instead of moving projects out of the queue.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ Hawaii Information Service database, accessed Jan. 31, 2024. Figures exceed 100% because some parcels in a given tax class have multiple buildings with multiple construction dates, resulting in double counting. A subscription is needed to access the data.



March 26, 2025

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs

RE: **SB 15 - Relating to Historic Preservation**
Hearing date: March 27, 2025 at 2:00 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **STRONG SUPPORT on SB 15 - RELATING TO HISTORIC PRESERVATION**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

SB 15 SD1 HD1 amends the definition of "Historic Property" to require that the property is over 50 years old and meets the criteria for inclusion in the Hawai'i Register of Historic Places. Further the measure has been amended to exclude proposed projects on existing residential property and proposed projects that are in nominally sensitive areas from the State's Historic Preservation Program review, under certain circumstances.

Primarily, NAIOP Hawaii appreciates the amendments made by the previous committee and supports the amended definition of "historic property" which balances the need protecting historically significant properties with the need for expedited review to clear the current backlog for the State Historic Preservation Division (SHPD).

Currently, the backlog of historic reviews is encumbering permits throughout the state. Reviews by SHPD are significantly slowing down the permitting process, adding costs and delays to a substantial number of projects across the State. Consequently, much needed housing, economic development, and critical infrastructure projects often face significant delays in permit approvals and project implementation. These delays result in decreased economic and construction activity and delivery of housing units.

Ultimately, the issue at hand is that far too many projects are being sent to SHPD for review that don't qualify as historic under any reasonable interpretation associated with historic importance. Nearly half of Oahu's housing stock is 50 years old including projects built in the 60s and 70's which should not be deemed historic based on age alone.

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affair
March 27, 2025
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NAIOP understands the great importance that these reviews hold in preservation of Hawaii's historic sites, however, a balance needs to be found to: 1) reduce overwhelming volume of reviews placed on an understaffed department; and 2) allow SHPD staff to focus on properties of true historic significance.

NAIOP Hawaii opposed previous versions of this legislation which included “meets the criteria to be placed on the Hawaii register of historic places or has important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still being carried out, at the property or due to associations with traditional beliefs, events, or oral accounts that are important to the group's history, traditional practices, and cultural identity” as it was overbroad and could exacerbate the current backlog of reviews.

In turn, the current version of the measure acknowledges this necessary balance by ensuring that truly historic properties 50 years and older that meet criteria for inclusion in the Hawai‘i Register of Historic Places receive review while the additional a focused scope of review and additional exemptions prioritize reviews for particular projects.

NAIOP Hawaii recommends passing SB 15 as currently drafted. Ultimately, SB 15 addresses a critical issue in the development of more affordable housing and critical infrastructure for Hawaii residents. NAIOP appreciates the Legislature’s commitment to collaborating on this issue and look forward to working together.

Mahalo for your consideration,



Reyn Tanaka, President
NAIOP Hawaii



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Thursday, March 27, 2025 AT 2:00 P.M.

To The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

SUPPORT SB15 SD1 HD1 RELATING TO HISTORIC PRESERVATION

The Maui Chamber of Commerce **SUPPORTS SB15 SD1 HD1** which amends the definition of "historic property" to require that the property is over 50 years old and meets the criteria for inclusion in the Hawaii Register of Historic Places; and excludes proposed projects on existing residential property and proposed projects that are in nominally sensitive areas from the State's Historic Preservation Program review, under certain circumstances.

The Chamber notes that, previously, any structure over 50 years old was automatically considered historic. Under this bill, however, a property must also meet the criteria for inclusion in the Hawai'i Register of Historic Places.

We support how this bill refines historic preservation efforts by ensuring that only truly significant properties receive protections, thus balancing conservation with development needs.

For these reasons, we **SUPPORT SB15 SD1 HD1**. We appreciate the opportunity to provide testimony on this matter and respectfully ask that you pass this bill.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-15-HD-1

Submitted on: 3/26/2025 10:22:53 PM

Testimony for JHA on 3/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah King	Individual	Oppose	In Person

Comments:

Aloha Chair and Members of the Committee:

I attended the O'ahu Historic Preservation Committee meeting on Tuesday, March 25, 2025 and listened as this bill was discussed with the HD1 amendments. There is confusion about what some of the terms mean. It is my understanding that the O'ahu Historic Preservation Committee opposed this bill as written.

I ***strongly oppose*** this bill as written since it may give advantages to developers and private organizations.

Mahalo for you time and considering my testimony.

Deborah W. King