

6E HISTORIC PRESERVATION INTERACTION GROUP REPORT

**SIMPLIFYING PERMITTING FOR
ENHANCED ECONOMIC
DEVELOPMENT (SPEED) TASK FORCE**

December 2025

AGENDA



- 01 Introduction/Background**
- 02 Findings**
- 03 Recommendations For Adoption**
- 04 Recommendations For Further Study**

Introduction/Background

What is Historic Preservation?

"The research, protection, restoration, rehabilitation, and interpretation of buildings, structures, objects, districts, areas, and sites, including underwater sites and burial sites, significant to the history, architecture, archaeology, or culture of this State, its communities, or the nation."

**IN 1976 THE HAWAI'I STATE LEGISLATURE ADOPTED
CHAPTER 6E, THE HISTORIC PRESERVATION
PROGRAM.**



Introduction/Background

Importance of Historic Preservation

- **Historic properties—including Iwi Kūpuna (ancestral burials), archaeological sites and structures, and cultural landscapes—are non-renewable resources that embody community identity and Native Hawaiian history.**
- **Protecting these sites ensures that cultural practices, traditions, and ancestral connections are honored and passed on to future generations.**
- **Preservation promotes responsible land use by requiring development to consider cultural impacts and avoid irreversible harm to historic resources.**

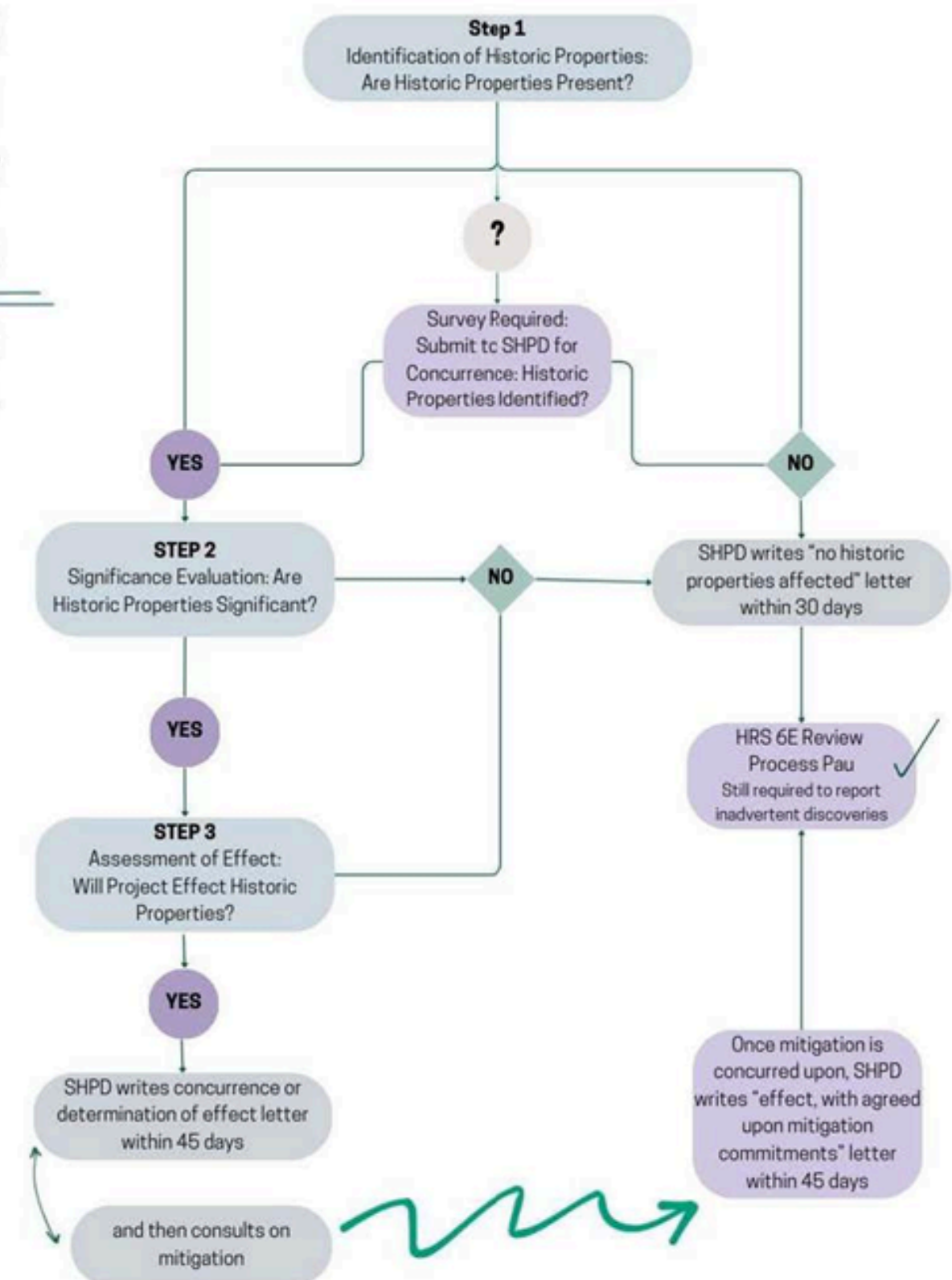
Introduction/Background

SHPD

State Historic Preservation Division (SHPD) serves to protect and preserve historic properties significant to Hawai'i's history through several program areas.

HISTORIC PRESERVATION REVIEW PROCESS

HRS 6E-42 and HAR 13-284



Introduction/Background

SHPD TOOLS FOR HISTORIC PRESERVATION



Archaeological survey

Purpose: To identify all significant archaeological sites within a given project area before construction begins.

Archaeological monitoring

Purpose: To observe ongoing construction and provide immediate protection for any archaeological resources discovered accidentally during ground disturbance.

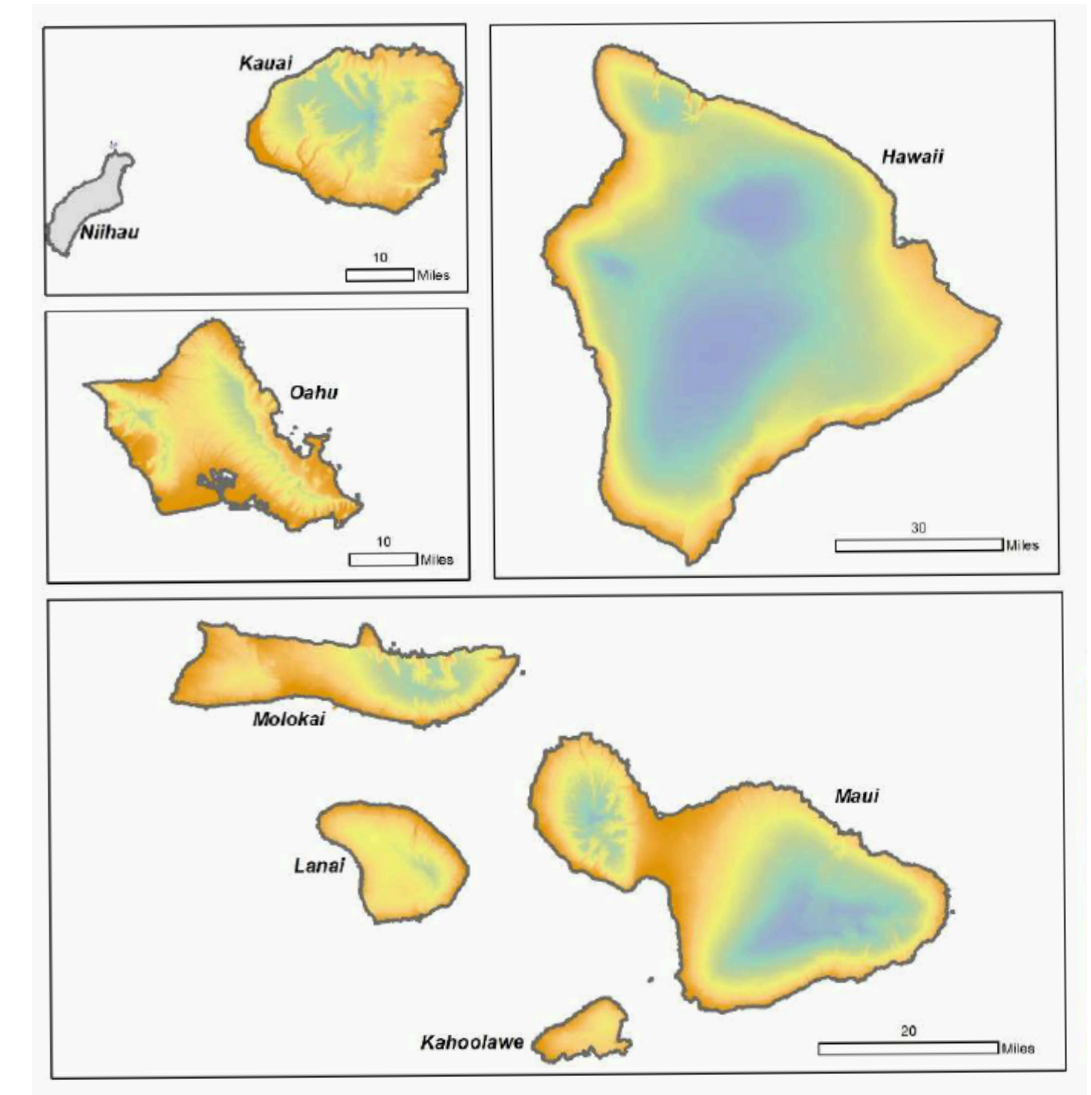
Preservation Plans

Purpose: The Hawai'i State Historic Preservation Plan serves as a guiding document for protecting and stewarding our islands' historic and cultural resources. It identifies preservation goals, outlines strategies for protecting historic sites, and supports local capacity-building, education, and collaboration.

Finding 1:

Uncertainty in sensitivity determinations increases risk and conflict

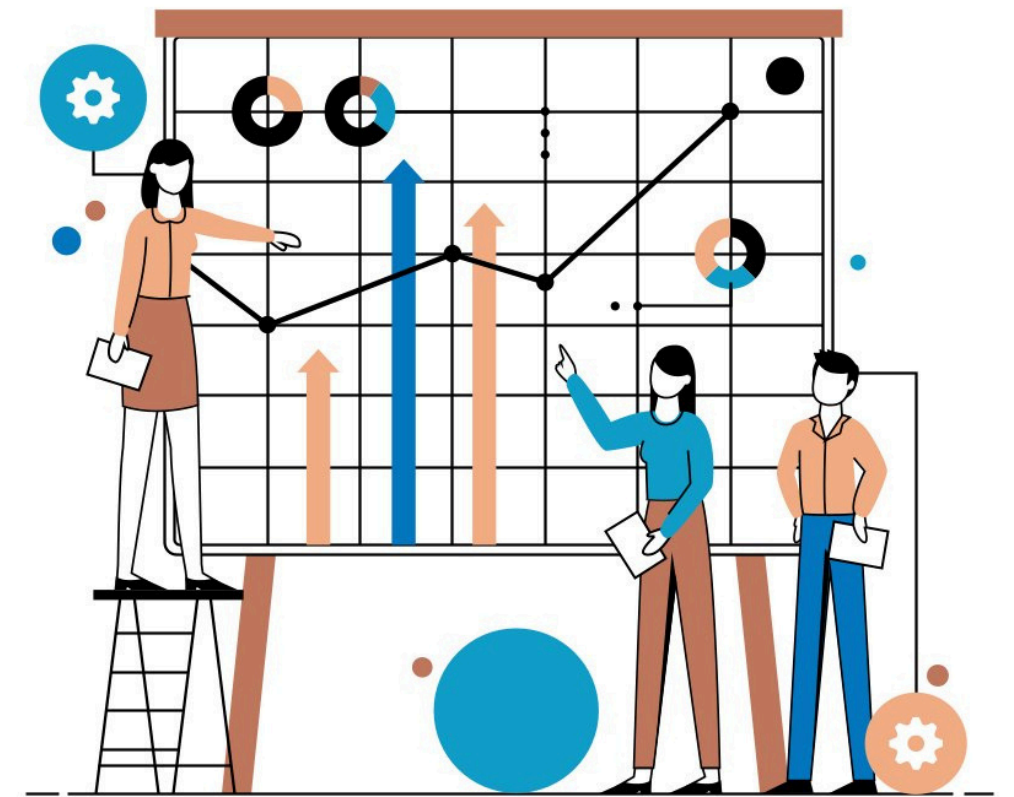
- There is substantial uncertainty in how SHPD and applicants determine the sensitivity of project sites for iwi kūpuna and other subsurface historic resources, even in areas with prior archaeological work.
- Participants stressed that a more nuanced, risk-based approach is needed—one that combines sensitivity mapping, careful selection of AIS methods, and early consultation with descendants to reduce both the probability and consequences of misjudging burial risk.
- This uncertainty has translated into litigation and community conflict in high-profile projects.
 - Walmart development case (Hui Malama I Na kūpuna 'O Hawaii Nei v. Wal-Mart Stores, Inc.)
 - North Shore Hale'iwa



Finding 2:

Current process and systems produce multiple reviews of projects

- The same project may be re-introduced to SHPD multiple times as a series of “new” cases, rather than being managed as a single, coherent undertaking. When projects require sequence of approvals each step can independently trigger SHPD review.
- Subsequent changes to previously approved permits can trigger re-review even if the risk to historic properties or appropriate mitigation measures remain the same.
- The PIG finds that treating each permit as a separate case in HICRIS, without a robust project-level view, increases the risk of fragmented files, loss of context, and contradictory guidance as different staff encounter different slices of the same project over time.



Finding 3:

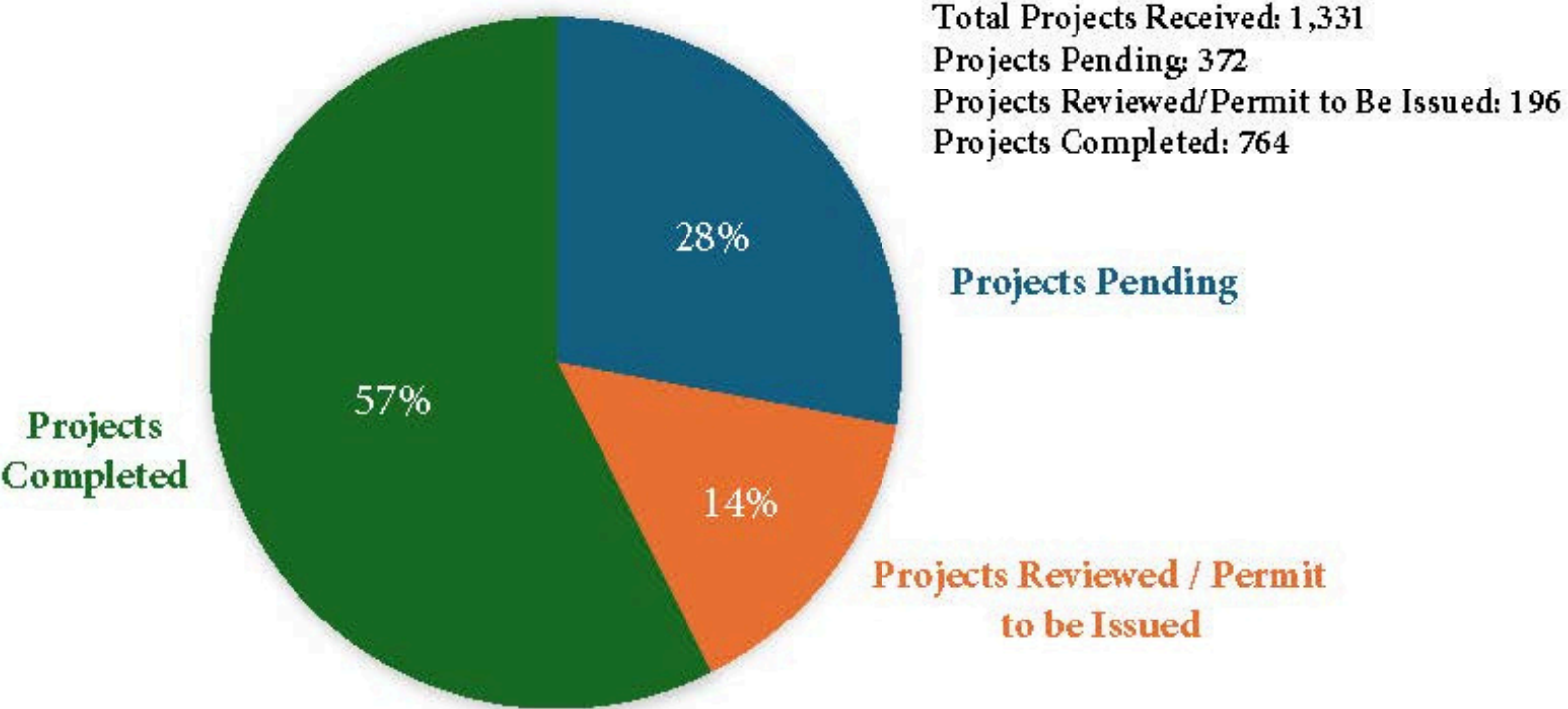
Staffing and technical capacity remain central constraints

- Staffing and technical capacity constraints at SHPD, county agencies, and within the consulting community remain a principal driver of delay in historic review.
- Members consistently pointed to shortages of qualified archaeologists, architectural historians, and cultural resource specialists in both the public and private sectors, noting that even after recent salary adjustments and new positions, the division continues to experience vacancies and high workloads per reviewer.
- The limited pool of qualified consultants has also created backlogs in the preparation of AIS, monitoring plans, and mitigation reports that are prerequisites for SHPD determinations.



Finding 3: Graphs

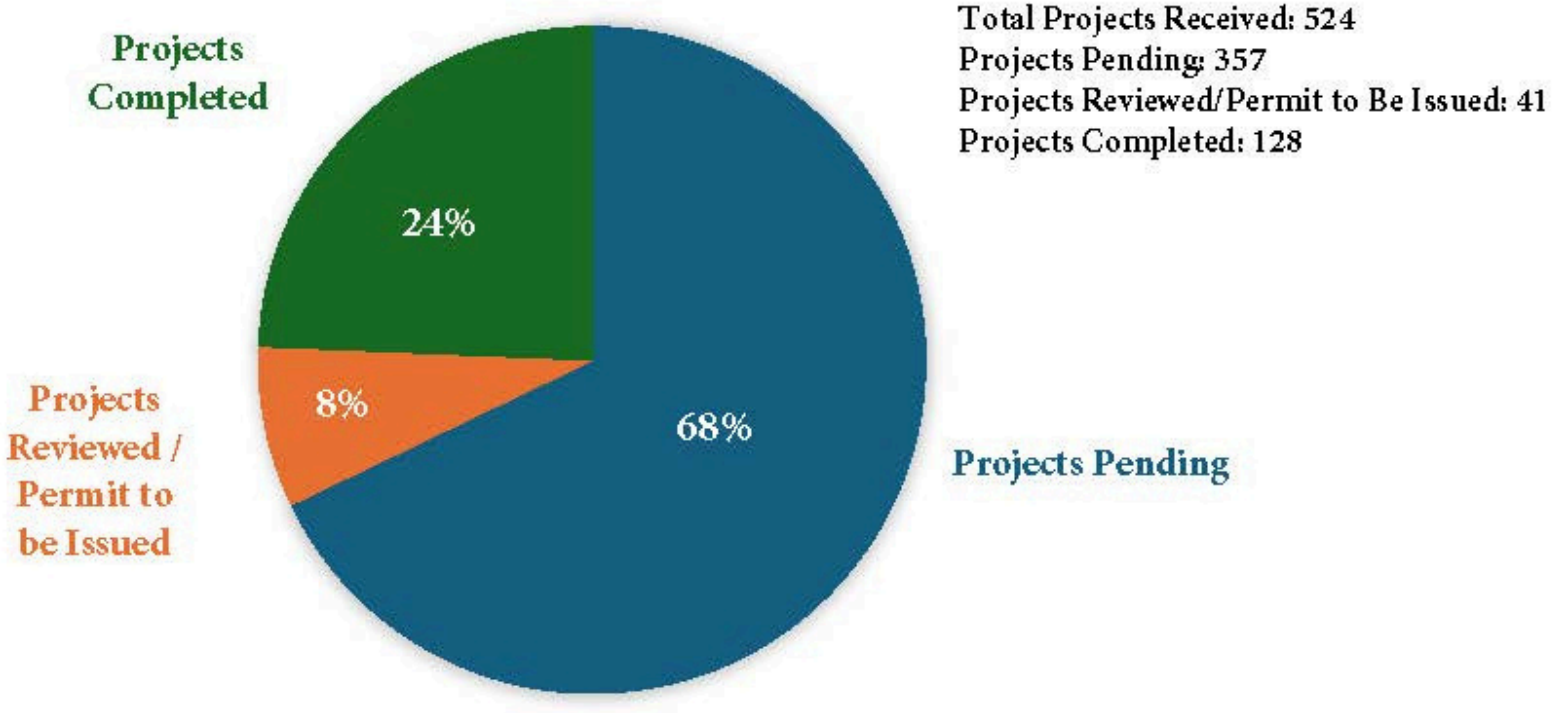
Status of SHPD Project Applications, FY2025 (July 2024 – June 2025)



Total Projects Received: 1,331
Projects Pending: 372
Projects Reviewed/Permit to Be Issued: 196
Projects Completed: 764

Please note that due to rounding, the percentages listed may not add up to precisely 100%.

Status of SHPD Project Applications, FY2026 (July 2025 – Current)



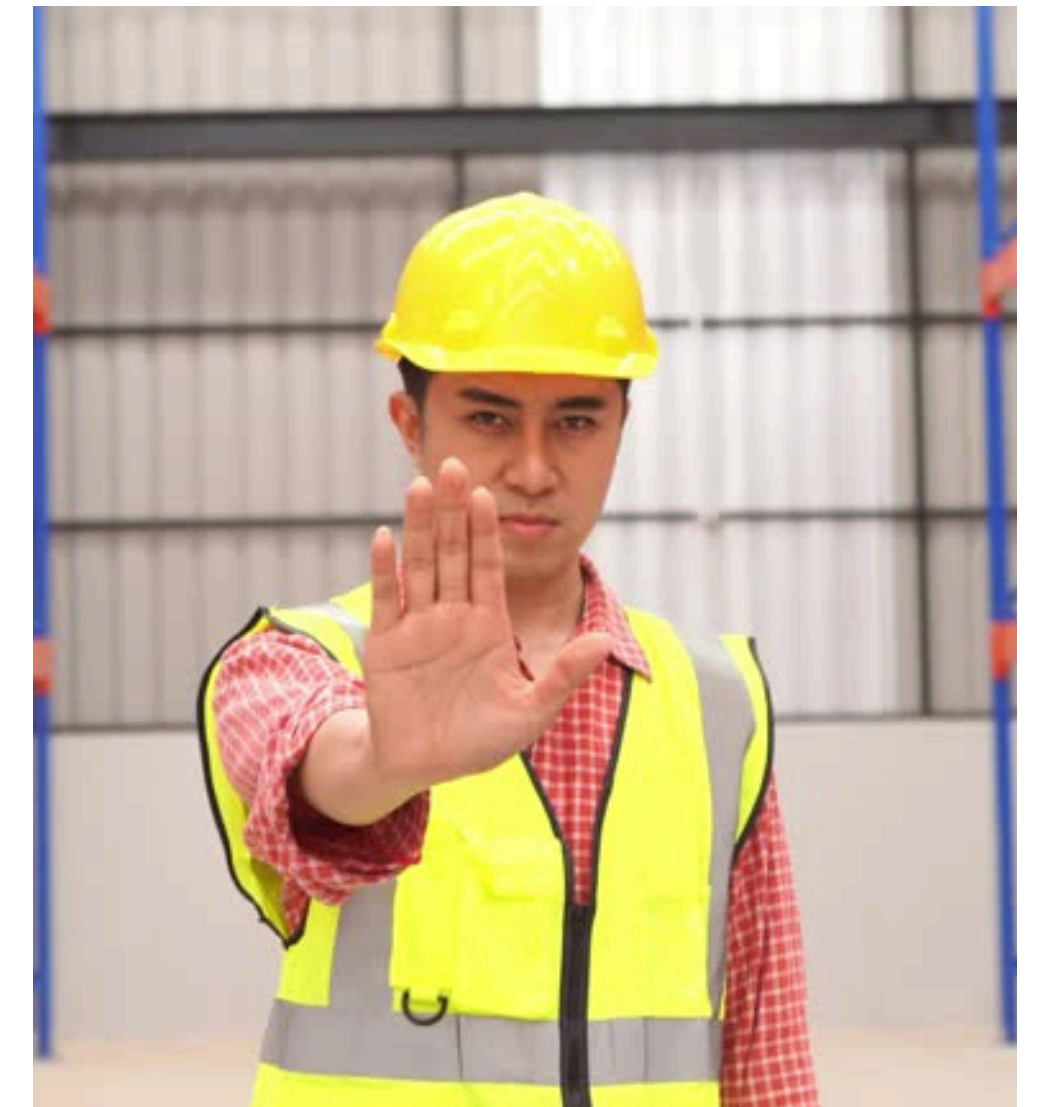
Total Projects Received: 524
Projects Pending: 357
Projects Reviewed/Permit to Be Issued: 41
Projects Completed: 128

Please note that due to rounding, the percentages listed may not add up to precisely 100%.

Finding 4:

Early, planned historic review is more effective than relying on exemptions

- Projects are more likely to experience predictable timelines and lower overall costs when historic preservation issues are identified and addressed early in project planning, rather than deferred or avoided through exemptions.
- Members emphasized that while residential exemptions were intended to streamline smaller projects, in practice they have created confusion among applicants and counties about when SHPD review is required.
- The group highlighted the need for clearer guidance and tools—such as pre-application screening, early AIS for major projects, and better integration of archaeological and environmental review—to support applicants in planning for historic preservation obligations before committing to final project designs.



Finding 4: Table

SHPD PROJECT REVIEW METRICS, FY25 (JULY 2024–JUNE 2025)

Measure	Projects Reviewed	Inadvertent Discoveries	Recorded Burials	Previously Identified Burials	Inadvertent Discovery of Burials	Key Statistic: Out of the 960 projects SHPD reviewed, there were only 69 inadvertent discoveries of burials.
Value	960	151	118	49	69	
Description	<i>Projects that have completed SHPD review.</i>	<i>Total inadvertent discoveries of an object of historical significance.</i>	<i>Total burials that were assigned SHPD numbers: burials that were previously identified, inadvertent discoveries, or registered by descendants.</i>	<i>Recorded Burials that were previously known by SHPD.</i>	<i>The number of inadvertent discoveries of burials.</i>	

Finding 5:

Legal ambiguities and inconsistencies lead to uncertainty

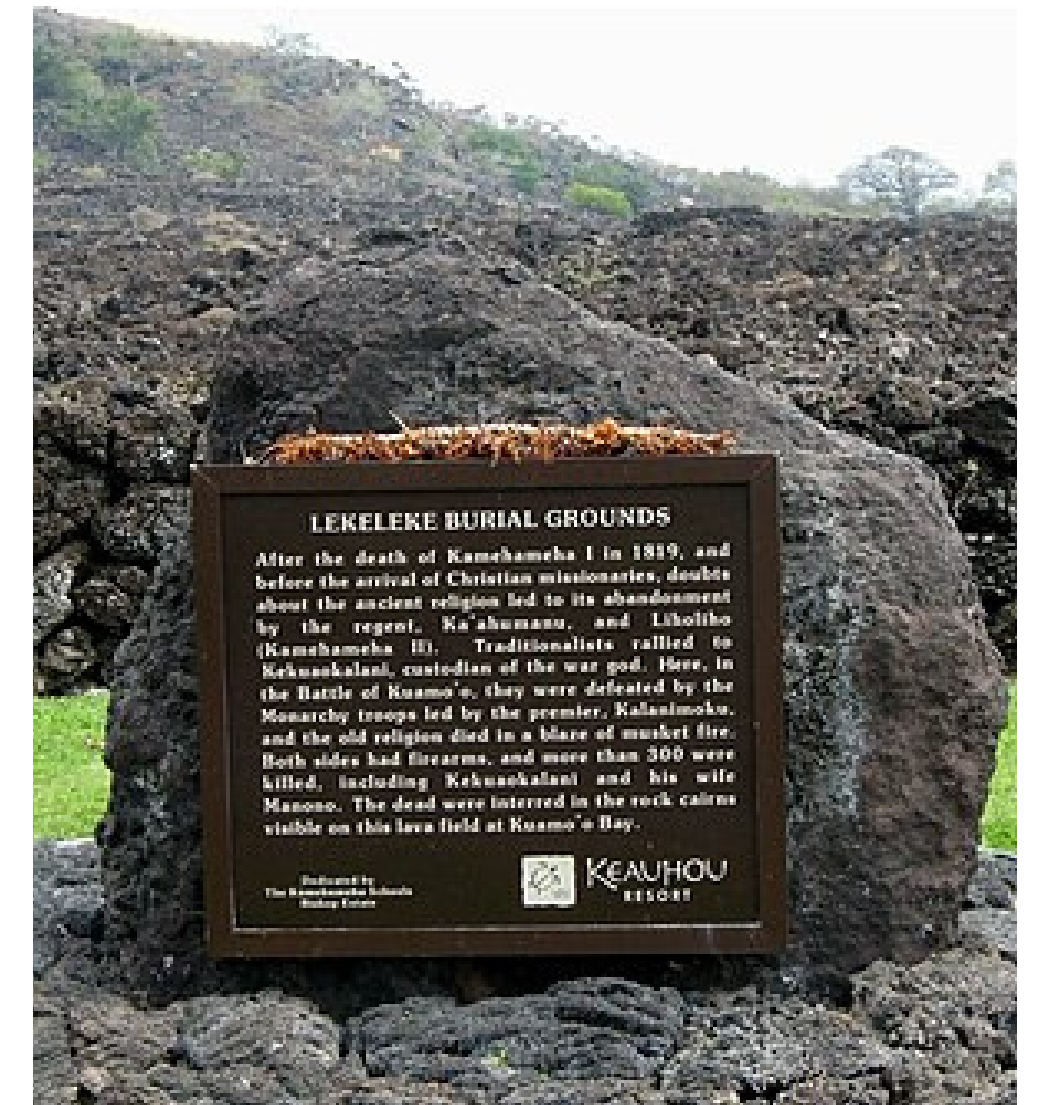
- Applicants and agencies face fragmented and sometimes inconsistent rules, data sources, and guidance in attempting to comply with Chapter 6E.
- While HAR chapters 13-275 and 13-284 set out a stepwise review process, members noted that statutory provisions, administrative rules, SHPD internal practices, and informal guidance do not always align.
- The recent enactment of Act 160 (SB 1263) introduced a clear “complete submittal” definition and timelines for certain state projects, but these provisions do not yet appear consistently in HRS §§6E-10 or 6E-42.
- Members described uneven access to SHPD’s GIS layers across counties, limited integration with local permitting systems, and the absence of user-friendly guidance on when historic review is required for common project types.



Finding 6:

Burial council structure and process affect protection and predictability

- Island burial councils established under HRS §6E-43.5 play a central role in determining the treatment of previously identified burial sites, yet structural and resource constraints limit their ability to fulfill this role consistently.
- Members raised concerns about difficulties in achieving quorum, the volunteer nature of council service, and the volume and complexity of cases requiring council decisions.
- When councils cannot meet or act promptly, SHPD and applicants face prolonged uncertainty, which can delay projects and exacerbate tensions around Iwi Kūpuna protection.
- The Task Force finds that the distinction between previously discovered and inadvertent burial sites, is not always operationally clear to applicants and contractors.



Recommendation for Adoption 1: Clarify and Extend Statutory Timelines under Chapter 6E

- **Recommendation that the Legislature amend Act 160 (SB 1263, 2025) to apply its “complete submittal” standard and associated review timelines to all state projects subject to HRS §6E-8, and consider extending the same framework, with appropriate tailoring, to county projects reviewed under §6E-42.**
- The Task Force further recommends **adding a consistent definition of “complete submittal” to other core sections of chapter 6E (including §§6E-10 and 6E-42) and expressly providing for restart dates when applicants submit new or substantially revised information**, so that statutory timelines reflect SHPD’s actual review windows and provide predictable expectations for agencies and applicants.

Recommendation for Adoption 2: Increase SHPD Staffing and Digitization Capacity

- **Recommendation that the Legislature appropriate additional funds to expand SHPD staffing, including archaeologists, architectural historians, cultural specialists, GIS analysts, and administrative support, with flexibility to use intern, temporary, or project-based positions where appropriate.**
- The PIG further **recommends dedicated funding for short-term teams**—such as interns or limited-term staff—focused on digitizing archival records and integrating them into SHPD’s electronic systems, to improve access to legacy information and reduce delays caused by incomplete or inaccessible files.

Recommendation for Adoption 3:

Invest in SHPD GIS Tools

- **Recommendation that the Legislature appropriate funds for upgrades and ongoing maintenance of HICRIS, digital maps, and GIS layers.**
- This investment should support development and regular updating of archaeological sensitivity datasets, secure handling of confidential burial information, and technical integration with county permitting platforms so that cultural and historic resource flags are available early in project planning and review.

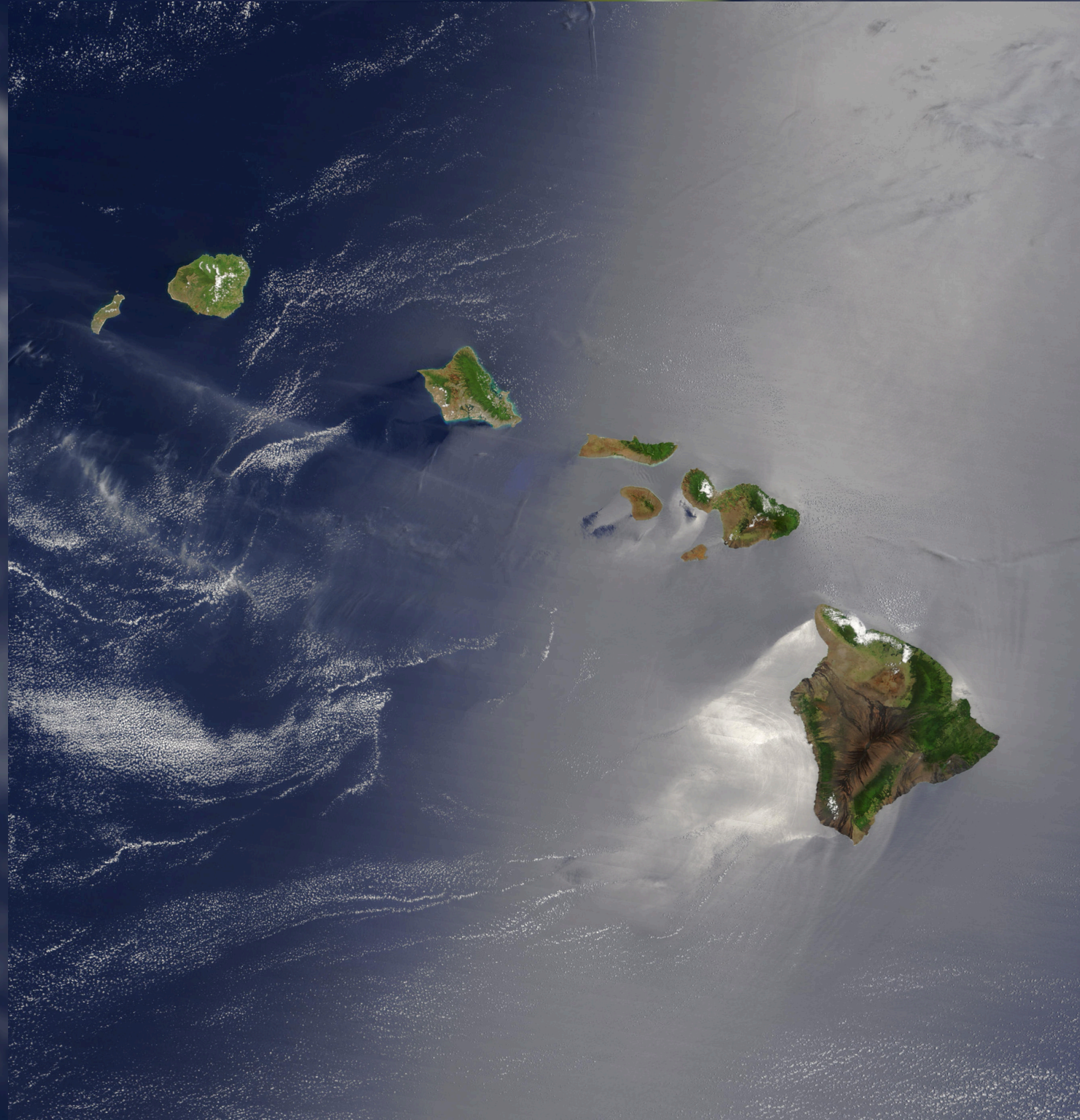
Recommendation for Adoption 4:

Convene 6E Stakeholders Regularly

- **Recommendation to hold regular, structured stakeholder meetings to review how the historic preservation program is functioning in practice and coordinate statutory, regulatory, and program changes.**
- Participants should include representatives from SHPD, island burial councils, counties, the Legislature, the Office of Hawaiian Affairs, the University of Hawai‘i, federal partners as needed, cultural practitioners, and industry professionals in archaeology and real estate development.
- Meetings should function as true working sessions that include shared data, clearly outlined agendas, and transparent public reporting of decisions and action items.

Recommendations for Further Study

- **Explore Expanded Programmatic and Expedited Review Frameworks**
- **Assess Structural and Procedural Improvements for Burial Councils**
- **Evaluate a Self-Certification Pathway for Low-Sensitivity Projects**



THANK
YOU

December 2025