

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR



**DEAN MINAKAMI**  
EXECUTIVE DIRECTOR

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
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Statement of  
**DEAN MINAKAMI**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON WATER AND LAND  
AND  
SENATE COMMITTEE ON HOUSING**

February 07, 2025 at 1:14 p.m.  
State Capitol, Room 229

In consideration of  
**S.B. 1327**  
**RELATING TO HISTORIC PRESERVATION REVIEWS OF STATE AFFORDABLE  
HOUSING PROJECTS.**

Chairs Inouye and Chang, Vice Chairs Elefante and Hashimoto, and members of the Committees.

HHFDC **supports** SB 1327, which requires the Department of Land and Natural Resources (DLNR) to determine the effect of any proposed State affordable housing project within ninety days of a request for determination. It sets forth the historic review requirements based on the project area's known historic, cultural, and archaeological resources.

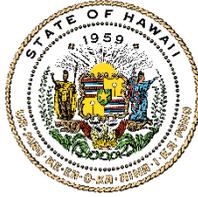
Lengthy and backlogged historic preservation reviews historically prevent the timely development of affordable housing and drive up their costs. The goal of the bill is to streamline the historic review process while avoiding or minimizing any effect on significant historic properties.

Under the current process, it can take years for projects to go through the historic review process. For affordable housing projects without significant impacts to historic resources, this bill creates a quicker pathway with greater certainty to enable homes to be delivered more quickly.

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committees on  
WATER AND LAND  
and  
HOUSING  
Friday, February 7, 2025  
1:14 PM  
State Capitol Conference Room 229 & Videoconference

In consideration of  
SENATE BILL 1327  
RELATING TO HISTORIC PRESERVATION REVIEWS OF STATE AFFORDABLE  
HOUSING PROJECTS

Senate Bill 1327 amends Chapter 6E, Hawaii Revised Statutes (HRS), to require the Department of Land and Natural Resources to determine the effect of any proposed State affordable housing project within ninety days of a request for determination and sets forth the historic review requirements based on the project area's known historic, cultural, and archaeological resources. **The Department of Land and Natural Resources (Department) supports this measure and offers recommended amendments.**

Chapter 6E, HRS, provides the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is the review of projects as required by sections 6E-8, 6E-10, 6E-42, and 6E-43 HRS. These statutory provisions reflect the Legislature's intent to require project proponents to consider the impact of their projects on iwi kūpuna, as well as historic and cultural resources.

The Department recognizes the need to streamline the historic preservation review process in order to help address the current housing crisis in Hawai'i and support the State's efforts to provide affordable housing. This bill will allow affordable housing project to proceed in an expedited manner while establishing measures that will support the identification, documentation, and avoidance of iwi kūpuna, as well as historic and cultural resources during planning and construction of affordable housing projects. The amendments and additions to Chapter 6E, HRS and alternative approaches established within this bill are both reasonable and feasible.

**To further strengthen this bill, the Department recommends the following edits and additions for clarity and completeness:**

Pg. 2, line 1-12

“(1) If the department determines that the proposed project is located in a highly sensitive area known to include a high density of historic, cultural, or archaeological resources, or in an area that is likely to contain a high density of historic, cultural, or archaeological resources, the department shall require an archaeological inventory survey in accordance with rules adopted by the department unless an archaeological inventory survey has already been previously reviewed and accepted by the department for the same or a substantially similar project located in the same project area, in which case the department may allow the project to proceed under an archaeological monitoring program in accordance with rules adopted by the department.”

Pg. 2, line 13-18

“(2) If the department determines that the proposed project is located in a moderately sensitive area where an archaeological inventory survey has already been previously reviewed and accepted by the Department, in which no significant historic properties have been previously identified, the department may allow the project to proceed under an archaeological monitoring program in accordance with rules adopted by the department.”

Pg. 3, line 6-8

“The department shall provide its written determination within ninety days after the filing of a complete and accurate project request with the department.”

Pg. 3, line 17-21

“(c) The agency or officer of the State or its political subdivisions shall obtain state inventory of historic places numbers for all historic properties ~~located within the affordable housing project area prior to the start of construction~~ identified within the affordable housing project area during the archaeological inventory survey, if an archaeological inventory survey is conducted, prior to the start of construction, and for all historic properties identified within the affordable housing project area during archaeological monitoring prior to completion of construction.”

Pg. 4, line 1-13

“(d) Before any agency or officer of the State or its political subdivisions commences any affordable housing project that may adversely affect a significant historic property, the agency or officer shall make a reasonable and good faith effort to avoid or minimize any effect to significant historic properties. If an adverse effect cannot reasonably be avoided, the agency or officer shall mitigate the adverse effect. Mitigation may take different forms, including but not limited to preservation, archaeological data recovery, burial treatment, ethnographic documentation, historic data recovery, and architectural recordation. The terms under which mitigation will be implemented shall be approved by the department prior to the agency or officer commencing the affordable housing project.”

Pg. 4, line 14-19

“(e) If human remains are identified during archaeological monitoring or affordable housing project construction, all work within a 20-foot-radius the vicinity of the finding and within a 20-foot radius of the back-dirt pile containing the soil removed during excavation in proximity of the finding of human remains shall be stopped, and both areas shall be securely covered and protected from the natural elements and adjacent activities. ~~although w~~ Work in other areas of the project may continue, and may only proceed in accordance with section 6E-43.6.

Pg. 4, line 20-22 and Pg. 5, line 1-2

“(f) If historic property is identified during archaeological monitoring or affordable housing project construction, all work within a 20-foot radius the vicinity of the finding shall be stopped and the agency or officer shall contact the Hawaii state historic preservation division.

Mahalo for the opportunity to provide testimony on this measure.



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**  
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI  
A HO'OMĀKA'IKĀ'I

**JOSH GREEN, M.D.**  
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Statement of  
**JAMES KUNANE TOKIOKA**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**SENATE COMMITTEE ON WATER AND LAND  
AND  
SENATE COMMITTEE ON HOUSING**

Friday, February 07, 2025  
1:14 PM  
State Capitol, Conference Room #229

In consideration of  
**SB 1327**  
**RELATING TO HISTORIC PRESERVATION REVIEWS OF STATE AFFORDABLE  
HOUSING PROJECTS.**

Chairs Inouye and Chang, Vice Chairs Elefante and Hashimoto, and members of the Committees. The Department of Business, Economic Development, and Tourism (DBEDT) supports SB 1327, which would help expedite the historic review process under HRS 6E for State affordable housing projects.

Affordable housing projects must comply with various regulatory requirements intended to minimize the adverse effects of development on the environment. However, these requirements add complexity and delays to project planning and implementation, which could affect affordability considerations. In particular, the State Historic Preservation Division is resource-constrained, which means its historic review process often adds significant time to the approval process.

This bill streamlines the historic review process while avoiding or minimizing any effect on significant historic properties. The end result will be quicker delivery of affordable homes for Hawaii's residents.

Thank you for the opportunity to testify.



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**LATE**

**HEARING BEFORE THE SENATE COMMITTEES ON WATER AND LAND and HOUSING  
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229  
Friday, February 7, 2025, 1:14 P.M.**

To The Honorable Senator Lorraine R. Inouye, Chair  
The Honorable Senator Brandon J.C. Elefante, Vice Chair  
Members of the Committee on Water and Land  
To The Honorable Senator Stanley Chang, Chair  
The Honorable Senator Troy N. Hashimoto, Vice Chair  
Members of the committee on Housing

### **SUPPORT FOR SB1327 RELATING TO RELATING TO AFFORDABLE HOUSING**

The Maui Chamber of Commerce would like testify in **SUPPORT for SB1327** which requires the Department of Land and Natural Resources to determine the effect of any proposed State affordable housing project within ninety days of a request for determination and sets forth the historic review requirements based on the project area's known historic, cultural, and archaeological resources.

Housing is a top priority for the Maui Chamber of Commerce and remains critical as the crisis worsens following the wildfires, directly impacting businesses and our economic revitalization. Prior to the wildfires, the need for over 10,000 housing units by 2025 was already a pressing issue, but that number has increased due to the loss of 3% of our housing stock in Lahaina. This is a key factor driving the ongoing rise in housing prices.

The Chamber notes that the longer the development process takes, the higher the associated costs, which in turn drives up housing prices. This bill will help affordable housing projects navigate the process more quickly, thereby lowering development expenses and making housing more affordable.

For these reasons, we **SUPPORT SB1327**.

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.

## SB1327

Companion: HB1008

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I have COMMENTS on SB1327

**Department of Land and Natural Resources (DLNR)** to assess the potential impact of **State affordable housing projects** within **90 days** of receiving a request for determination. Additionally, it establishes **historic review requirements** that vary depending on the known **historic, cultural, and archaeological resources** in the project area.

### **POTENTIAL EFFECT ON CULTURAL SITE**

This proposal could have significant implications for **Native Hawaiian cultural sites**, depending on how the **historic review process** is structured and enforced. Concerns and potential effects:

#### **1. Time Constraint (90-Day Review Period)**

- A **90-day deadline** might **rush** the review process, limiting the ability to **thoroughly assess** the impact on historic and cultural sites.
- In cases where **additional archaeological studies** or **community consultations** are needed, this timeframe could be insufficient.

#### **2. Depth of Cultural & Archaeological Assessments**

- If the review is **based only on "known" historic resources**, there is a risk that **undiscovered or undocumented** cultural sites, including **burial sites (iwi kūpuna)**, heiau (temples), or other significant locations, could be **overlooked or disturbed**.
- The **quality of the review process** depends on whether **qualified experts**, such as cultural practitioners and lineal descendants, are consulted.

#### **3. Potential for Inadequate Consultation**

- This should ensure that **Native Hawaiian cultural practitioners, kūpuna, and lineal descendants** are consulted **early and meaningfully** in the process.

- There is a concern that the review might rely only on **archaeological surveys** rather than engaging **living knowledge holders** who can provide insight into **intangible cultural heritage**.

#### 4. Impact on Burial Sites (Iwi Kūpuna)

- Many **State affordable housing projects** involve large-scale development, which increases the risk of disturbing **unmarked burials**.
- There should be clear guidelines for **what happens if iwi kūpuna are found**, ensuring proper protocol and respectful treatment **in accordance with Native Hawaiian practices**.

#### 5. Weighing Development vs. Cultural Preservation

- If the review process is not **strict enough**, it may favor **fast-tracking development** over **proper cultural resource protection**.
- There should be safeguards ensuring that if significant cultural resources are found, **mitigation measures** (such as site preservation or redesigning the project) are required.

#### Possible Improvements to Strengthen Protection

- **Require early consultation** with Native Hawaiian cultural organizations, practitioners, and descendants.
- Ensure that reviews include both **archaeological and cultural impact assessments**.
- Strengthen **iwi kūpuna protections** by ensuring **State Burial Councils** play a central role in decisions.
- Allow for **extensions** beyond 90 days in cases where significant cultural resources may be impacted.

#### Proposed Amendments to Strengthen Cultural Site Protections

##### 1. Strengthening the Historic & Cultural Review Process

###### Requirement for Comprehensive Cultural and Archaeological Assessment

(a) Prior to the approval of any State affordable housing project, a **Cultural Impact Assessment (CIA)** shall be conducted in addition to an **Archaeological Inventory Survey (AIS)** to assess the potential impact on Native Hawaiian cultural, historic, and archaeological resources.

(b) The CIA shall include, but not be limited to:

1. Oral histories from **kūpuna (elders)** and **lineal descendants** with ancestral or historical ties to the area;
2. Documentation of **mo‘olelo (traditional stories)** and **cultural practices** associated with the land;
3. Consultation with **Native Hawaiian cultural practitioners, Hawaiian Civic Clubs, and cultural organizations**;
4. Analysis of potential impacts on traditional **access rights, gathering rights, and customary practices**.

(c) The findings of the **CIA and AIS** shall be made **publicly available** and incorporated into the environmental review process.

## 2. Strengthening Protections for Iwi Kūpuna (Ancestral Burials)

### Protection of Native Hawaiian Burial Sites

(a) If a project site is located within a region of known or probable **iwi kūpuna (ancestral burial sites)**, the developer must conduct a **Burial Site Assessment (BSA)** in consultation with the **State Historic Preservation Division (SHPD)** and the respective **Island Burial Council** before approval.

(b) If **iwi kūpuna are discovered during project development**, the following procedures shall apply:

1. **Immediate cessation of all ground disturbance** within a 50-foot radius of the discovery site;
2. Notification of the **appropriate Island Burial Council and SHPD** within 24 hours;
3. No further development shall proceed **until the Island Burial Council has determined proper treatment and disposition** in accordance with Native Hawaiian protocols.

(c) Any **unauthorized disturbance, removal, or destruction** of iwi kūpuna shall result in:

1. A **mandatory halt** to the project pending investigation;
2. Civil penalties not less than **\$100,000 per violation**;
3. Criminal liability for willful violations, including fines and imprisonment.

## 3. Extending Review Timelines When Necessary

### Flexibility in Historic & Cultural Review Deadlines

(a) If a proposed project is within an area of high cultural sensitivity or contains significant **Native Hawaiian cultural or archaeological resources**, the Department of Land and Natural Resources (DLNR) may extend the **90-day review period** by an additional **60 days** to allow for **proper consultation and assessment**.

(b) The extension may be granted upon request by:

1. The **Island Burial Council** for areas with known or suspected **iwi kūpuna**;
2. **Recognized Native Hawaiian organizations** with demonstrated cultural or historical ties to the project area;
3. The **Office of Hawaiian Affairs (OHA)** if cultural concerns have been raised.

## 4. Ensuring Transparency & Community Oversight

### Public Notification & Oversight

(a) All reports related to **archaeological, burial, and cultural assessments** shall be **published and made available for public review** no later than **30 days** before project approval.

(b) In cases where a project site contains significant **Native Hawaiian cultural sites**, at least **one public hearing** shall be held to allow for **community input and consultation with Native Hawaiian cultural practitioners**.

(c) A **Cultural & Burial Site Advisory Board** shall be established to oversee **compliance with cultural protection requirements** and ensure that projects follow proper protocols. The Board shall include representatives from:

1. The **Island Burial Councils**
2. The **Office of Hawaiian Affairs (OHA)**

3. Recognized **Native Hawaiian cultural organizations**
4. The **State Historic Preservation Division (SHPD)**

Mahalo,

\_\_\_\_\_/s/\_\_\_\_\_  
Cindy Freitas