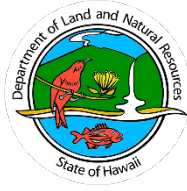


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
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
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, January 31, 2023
9:00AM
Conference Room 430 Via Videoconference

In consideration of
HOUSE BILL 201
RELATING TO HISTORIC PRESERVATION

House Bill 201 proposes to amend the definition of "historic property" in Section 6E-2, Hawaii Revised Statutes (HRS), by changing the eligibility date from the current "50-years old" to 100-years. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure, but it cannot support it and offers the following comments.**

The Department agrees that the current definition which relies entirely on age alone to define what is or is not historic is flawed. In prior sessions, the Department has supported measures in the past sessions to amend the definition. However, the 100-years standard proposed in this measure would exclude, for example, places associated with people with historical events such as World War II and Statehood. The Department believes that defining historic property by age alone is the problem. Historical value is a reflection of age *and* association with events, people, architectural distinction, or valuable historic, scientific, or cultural information.

The Department recommends that Section 6E-2, HRS, be amended to read

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site~~[, which]~~ that is over fifty years old[-] and meets the criteria to be placed into the Hawaii register of historic places [or have important value to Native Hawaiians or other ethnic group of the state due to associations with cultural practices once carried out, or still 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 on this measure.

HISTORIC HAWAII FOUNDATION

TO: Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land (WAL)

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

Committee: Tuesday, January 31, 2023
9:00 a.m.
Via Video Conference and Conference Room 430

RE: HB 201, Relating to Historic Preservation

On behalf of Historic Hawaii Foundation (HHF), I am writing in **opposition to HB 201**. The bill would amend Hawai'i Revised Statutes §6E-2 to revise the definition of "historic property" to include only those properties that are over 100 years of age.

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. HHF is concerned that changing the age threshold to 100 years will disadvantage numerous sites that are important to the history and culture of Hawai'i.

Under the current system, properties must be at least 50 years old even to be considered for listing on the Hawai'i Register of Historic Places and for the Hawai'i Historic Places Review Board to determine if the nominations demonstrate eligibility. It is unclear whether the State would be able to accept and approve new nominations to list properties to the State Register if such property was built after 1923, or if it would affect those that are already listed but not yet 100 years old. The changed definition could throw the entire Hawai'i Register of Historic Places into chaos.

It would also be a departure from the criteria for listing on the National Register of Historic Places, which uses the 50-year ago as a rule of thumb, but includes additional criteria of historic significance and integrity to evaluate all properties, of any age, in determining eligibility.

Just of few of the many historic properties that are already listed on the Hawai'i Register that could be illegitimated by this bill include:

- Alexander & Baldwin Building (1929)
- Aloha Tower (1926)

- Arizona Memorial (1962) and other sites associated with the December 7, 1941 attack and all of World War II (1941-1945)
- National Memorial Cemetery of the Pacific (1948) and the Honolulu Memorial (1964)
- Civilian Conservation Corps Camp at Kōkeʻe State Park (1934-1941)
- Dillingham Transportation Building (1929)
- East West Center Complex (1962)
- ʻEwa Sugar Plantation Villages (1890 – 1957)
- Hawaiʻi State Capitol (1969)
- Honolulu Museum of Art (1927)
- ʻĪao Theater, Wailuku (1928)
- ILWU Jack Wayne Hall, Honokaʻa (1954)
- Kalaupapa Historic District (1866-1969)
- Kunia Camp Historic District (1928-1963)
- Līhuʻe Post Office (1939)
- Palace Theater, Hilo (1925)
- Sueoka Store, Kōloa (1933)

The proposed change would have a disproportionate outcome and adverse effect on properties associated with women, people of color and less affluent groups. In recent decades, there have been deliberate and methodical attempts to diversify the National and the Hawaiʻi Registers of Historic Places to include underrepresented groups and untold stories in order to include the full history of both the state and the nation.

As many of those individuals and communities did not have the opportunities available to them in earlier eras, it is only now that their stories and sites are becoming known. The proposed age threshold of 100 years places an unnecessary barrier and penalizes historically marginalized communities from recognition of their historic significance and contributions to Hawaiʻi and the nation.

HHF offers a few examples to illustrate this concern:

- In 2012, the Legislature established a working group through the Department of Land and Natural Resources to develop recommendations to preserve and protect Honouliuli, a major site on Oʻahu where Japanese-Americans were interned during World War II from 1943-1946. At

that time, the Honouliuli Confinement Camp site was 70 years old. It was unknown if it retained enough integrity to be listed on the Hawai'i or National Register of Historic Places.

If the proposed definition of historic property had been in place at that time, Honouliuli would not be considered a historic property until 2043. The State would have foregone that research and designation effort, and the now-designated **Honouliuli National Historic Site** would still be a forgotten gulch rather than a place remembering this era of history to serve as an illustration of the dangers of civil rights violations.

- In 1944 (79 years ago), 163 naval personnel were killed and 396 were injured at West Loch at the Pearl Harbor Naval Base when the 29th Decontamination Unit were loading ammunition and fuel on landing ship tanks in preparation for the U.S. invasion of the Japanese-held Mariana Islands. The victims were primarily African American sailors; in the aftermath of the disaster, the Navy made drastic changes to both its ordnance handling procedures and social changes that eventually lead to integration within the services.

The **West Loch Disaster** was classified until the 1960s. It became better known with annual commemorative events beginning in 2009 through the efforts of the African American Diversity Cultural Center of Hawai'i, but this historic event is still not widely known. The site itself has not been evaluated to determine if it meets the criteria for being listed individually on the Hawai'i Register of Historic Places, although it is contained within the boundaries of the Pearl Harbor National Historic Landmark, which is listed for its World War II significance generally.

Under the bill's proposed definition of historic property, the site of the West Loch Disaster might not be considered a historic property for association with this catastrophic event and SHPD would not have a nexus to participate in efforts to preserve and interpret this part of history.

- Many of Hawaii's most **notable architects, artists and designers** did outstanding work between 100 and 50 years ago. Many of the buildings, structures and artworks from this period have only recently become recognized and valued. A few of those who are only now coming into wider public awareness are listed below.

Many of their works still need to be added to the Hawai'i Inventory of Historic Properties and evaluated for eligibility for the state register for design, engineering and construction significance. Under the proposed definition of historic property, many of them would remain obscure or ignored by the official historic preservation program of the State.

- **Ray Akagi** was a draftsman in the 1930s with C.W. Dickey, Hart Wood and Guy Rothwell. He became a licensed architect in 1947 and operated his office until 1971. He designed the Buck Toy Society Hall on Vineyard Avenue, Niu Valley Elementary School, and a number of churches for the Roman Catholic Church, including Holy Family on Hickam Air Force Base, St. Peter and Paul in Honolulu, and St. Anthony's in Kailua;

- **Juliette May Fraser** was a talented painter, muralist and printmaker who received a WPA commission in 1934 to prepare murals for the Hawai'i State Library. Her other works can be seen at the Board of Water Supply and Ben Parker School in Kāneʻohe.
- **Hego Fuchino** opened his engineering office in Honolulu in 1919. Shortly after the bombing of Pearl Harbor, Fuchino was arrested and sent to an internment camp in Wisconsin where he was held for five years. With his release he returned to Hawai'i and reopened his office. Major works prior to the war include the Makiki Christian Church and the Izumo Taishakyo Mission. In 1947 he entered into partnership with Robert Katsuyoshi, which lasted until Fujino's death. The Soto Zen Mission on Nuʻuanu Avenue and the Waipahu Hongwanji are among his noteworthy post-war designs.
- **Ernest Hideo Hara** opened his architectural firm in 1945. He designed a number of apartments and hotels, including the Queen Kapiʻolani (1968), Waikiki Grand (1962), Hilo Hawaiian (1976), and the Waikiki Shopping Plaza (1975). He was a founding member of Central Pacific Bank and served on its board from 1954-1980. In 1969 he was the first person of Asian descent appointed to Punahou School's Board of Trustees.
- **Erica Karawina** was a renowned stained-glass artist whose works adorn many churches, businesses and public buildings. She came to Honolulu in 1949 and created dozens of stained-glass murals. Her works include the windows in the Kalanimoku Building, St. Anthony's in Kailua, Mānoa Valley Church, Wesley Methodist Church, and St. John's Episcopal Church in Kula, Maui.
- **Stephen Oyakawa** was born in Hawai'i and worked for Frank Lloyd Wright from 1944 until 1959. His works include the 'Aiea Library, Liliha Library, Līhu'e Library, the Hale Aloha complex of four round dormitories at the University of Hawai'i.
- **Kenneth Sato** was born on the North Shore of Oʻahu, graduated from McKinley High School, and received a degree in civil engineering from the University of Hawai'i in 1930. He owned the Kewalo Steel Company and designed a number of churches, apartments, and low-rise commercial buildings. He also worked on a number of public schools and bridges for the Territory of Hawai'i.

These are only a few of the events, people and design achievements that are important to the history of Hawai'i that have occurred less than 100 years ago but that nevertheless need to be included in Hawai'i's historic preservation program.

HHF believes that the revised definition of "historic property" as proposed in **HB 201** would introduce a great deal of confusion, conflict and delay. It would negate and marginalize the many contributions, lessons and achievements of prior generations and deny those sites the recognition that they deserve, as well as access to programs to help preserve and share them.

Therefore, HHF opposes the bill as respectfully asks that it be held in committee.



Ko`olau Foundation

P. O. Box 4749
Kane`ohe, HI 96744

January 29, 2023

TO: Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
& Members, Committee on Water & Land

FROM: Aaron Mahi, President
Ko`olau Foundation

SUBJECT: H.B. 201, Relating to Historic Preservation

Aloha Chair Ichiyama, Vice Chair Poepoe and Committee Members:

The Ko`olau Foundation strongly opposes House Bill 201, which would increase the minimum age of historic places from 50 to 100 years, for application under our state's historic preservation program.

Our organization is dedicated to honoring, respecting, and recognizing the importance of historic and cultural sites within our state because they serve to remind us of our rich history and heritage.

History did not begin, nor did it cease occurring, 99 years ago. These buildings, structures, objects, districts, areas and sites – whether discovered or constructed 51 or 101 years ago – are part of the tapestry of our island landscapes and communities.

We find it troubling to note that this legislation has been offered for consideration, and are concerned that the issue may have come up because of the challenges encountered by our historic preservation staff who are charged with reviewing projects that affect historic properties.

If this is among the justifications for this measure, we urge the committee to consider, instead, increasing the capacity of our State historic preservation office to enable it to fulfill its kuleana as efficiently and promptly as possible.

To remove half a century's worth of historic value from among our legacy of treasures in Hawai`i would be very unfortunate.

We urge that H.B. 201 be deferred or amended to reflect the suggestion we have made herein.

Mahalo for allowing us to share our mana`o.

January 31, 2023

The Honorable Linda Ichiyama, Chair

House Committee on Water & Land

State Capitol, Conference Room 225 & Videoconference

RE: House Bill 201, Relating to Historic Preservation

HEARING: Tuesday, January 31, 2023, at 9:00 a.m.

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR **supports** House Bill 201, which increases the minimum age of a building, structure, object, district, area, or site that would define it as historic property for purposes of the historic preservation program.

Currently, Hawai'i Revised Statutes Chapter 6E, 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. With the current definition, the number of homes and buildings that qualify has continued to increase. This can be challenging for homeowners that must comply with the historic preservation review process for permits, even when their properties have no historical significance. For example, homes in Mililani were built in 1968, and homes there can be over 55 years old.

Furthermore, current law can also be challenging for the State Historic Preservation Division, as they will have to review properties simply because the property is over 50 years old, even without historical significance. As such, increasing the definition of a historic property to over 100 years may help address these challenges.

For the foregoing reasons, Hawai'i REALTORS® supports this measure. Mahalo for the opportunity to testify.



GENERAL
CONTRACTORS
ASSOCIATION
OF HAWAII

Uploaded via Capitol Website

January 31, 2023

TO: HONORABLE LINDA ICHIYAMA, CHAIR, HONORABLE MAHINA POEPOE, VICE CHAIR, COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

SUBJECT: **SUPPORT OF H.B. 201, RELATING TO HISTORIC PRESERVATION.**
Increases the minimum age of a building, structure, object, district, area, or site that would define it as historic property for purposes of the historic preservation program.

HEARING

DATE: Tuesday, January 31, 2023
TIME: 9:00 a.m.
PLACE: Capitol Room 430

Dear Chair Ichiyama, Vice Chair Poepoe and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

GCA is in support of H.B. 201, which increases the minimum age of a building, structure, object, district, area, or site that would define it as historic property for purposes of the historic preservation program.

This measure attempts to address the backlog of historic reviews by narrowing the scope of projects requiring review. Nearly half of Oahu's housing stock is 50 years old and this measure would allow SHPD to focus on true historic projects while reducing the amount of required reviews.

QUALITY PEOPLE. QUALITY PROJECTS



**HOUSE COMMITTEE ON WATER & LAND
State Capitol
415 South Beretania Street
9:00 AM**

January 30, 2023

RE: HB 201 - RELATING TO HISTORIC PRESERVATION

Chair Ichiyama, Vice Chair Poepoe, and members of the committee:

My name is Max Lindsey, 2023 Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in support of HB 201, Relating to Historic Preservation. This bill would amend the definition of "historic property" to increase the minimum age of a building structure, object, district, area, or site from 50 to 100 years to be defined as a historic property for purposes of the historic preservation program. The intent of the measure is to help reduce the backlog at the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD), by narrowing the scope of projects which require review while preserving historic properties which meet the 100-year definition.

Many homes in Hawaii will soon be considered "historic properties" under the current definition, which defines historic property as "any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old". This would mean that many homeowners' construction projects would have to go through the SHPD process. We support changing the definition to 100 years, as this would immediately lower the amount of construction projects that would be subject to SHPD analysis and approval.

The state of Hawaii is in a dire housing crisis. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 153,967 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB).

We appreciate the opportunity to express our support for HB 201.

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COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

HAWAII CHAPTER

January 30, 2023

Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land

RE: **HB 201 - Relating to Historic Preservation**
Hearing date: January 31, 2013 at 9:00AM

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

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** on HB 201. 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.

HB 201 amends the definition of "Historic property" to increase the minimum age of a building structure, object, district, area, or site from 50 to 100 years to be defined as a historic property for purposes of the historic preservation program. The intent of the measure is to promote more timely reviews of projects conducted the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD) by narrowing the scope of project which require review while preserving historic properties which meet the 100-year definition.

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 70s which should not be deemed historic.

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 the truly aged projects to determine if they are indeed

Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land
January 30, 2023
Page 2

historic. An increase to 100 years is the most cost-effective solution to reducing the volume of reviews while still preserving historic properties.

NAIOP greatly supports the intent of the measure to identify a solution to the significant backlog of much needed projects awaiting SHPD review. Ultimately, HB 201 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,

A handwritten signature in black ink, appearing to read "J Camp", written in a cursive style.

Jennifer Camp, President
NAIOP Hawaii



Monday, January 30, 2023

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

I'm writing to you in support of HB201, which would extend the site age requirement for qualification in the state historic preservation program.

Currently “any building, structure, object, district, area, or site” that is over fifty years old qualifies for historic preservation. As that age range now encompasses the construction boom of the 1960s, and historic preservation status confers coveted tax breaks, the State Historic Preservation Division is hopelessly overwhelmed by a tidal wave of 2,400-2,700 requests per year¹.

This overwhelm has real consequences. In a cruel twist of irony, our current historic preservation policies actually imperil our ability to preserve historic sites. As state historic preservation administrator Alan Downer said last year, the immense volume of applications means “There is no question in my view we don't have enough resources to do enough proactive preservation stuff”². The need for proactive preservation was made painfully clear when the Boyd-Irwin-Hedemann Estate, a former retreat for King David Kalakaua and Queen Liliuokalani and the “the oldest intact country estate associated with Hawaiian alii on Oahu”³, burned down last year as a result of neglect.

Other bills introduced this session are aimed at whittling down the backlog of outstanding applications. They are necessary but not sufficient. We also need to narrow the funnel of sites deserving of consideration for historic preservation, and extending the age requirement is an obvious way to do this. I'm sure there will be opposition to extending the requirement another fifty years, and the committee process is the right way to determine if this is the right number, but even if it isn't, this bill deserves to move forward. I think we can all agree that most subdivision tract houses from 1973 are not deserving of historic preservation consideration under the SHPD's current resource and personnel limitations. Historic preservation should be a tool to preserve genuinely valuable historic sites, not to unnecessarily keep Hawai'i stuck in the 1970s.

I urge your support for this bill. Thank you for the opportunity to testify.

Mahalo,
Matt Popovich

Hawai'i YIMBY | hawaiiyimby.com
matt@hawaiiyimby.com

1. <https://www.civilbeat.org/2022/08/honolulu-lacks-a-historic-preservation-commission-that-may-put-some-sites-at-risk/>

2. <https://www.civilbeat.org/2022/08/what-is-a-historic-property/>

3. <https://www.civilbeat.org/2022/06/denby-fawcett-this-historic-house-didnt-have-to-burn-down/>