

SB

1672

EDT

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committees on
ECONOMIC DEVELOPMENT AND TECHNOLOGY
and**

TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS

**Wednesday, February 4, 2009
2:00 PM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 1672
RELATING TO HISTORIC STRUCTURES**

Senate Bill 1672 proposes to change the requirement of archival photographs for permits allowing the demolition, construction, or other alteration of a historic building to photographs in any format, including electronic for demolition or major alterations of buildings eligible for listing on the Hawaii or National Register of Historic Places. The Department of Land and Natural Resources (Department) appreciates the intent of this bill but nonetheless has some concerns. As such, the Department prefers the Administration's, Senate Bill 954, RELATING TO PHOTOGRAPHS OF HISTORIC BUILDINGS.

The intent of Act 228, Session Laws of Hawaii 2008, is to ensure that a quality record of historic buildings lives on even after the buildings are demolished. While the Department and its Historic Preservation Division acknowledges the benefit of creating an inventory of Hawaii's built environment, the Department is nonetheless concerned that this Act places a financial burden on owners of buildings over fifty years of age without considering the structure's condition or the type of work being done. In addition, while photographs are a valuable tool for the Historic Preservation Division when reviewing applications for eligibility for listing on the state or national register, the department certainly does not need photographs for all buildings over 50 years old nor is there the capacity to maintain an inventory of this overly-broad category of buildings. This bill addresses those concerns by allowing photos in any format and limiting the requirement to demolitions and major alterations. While the Department acknowledges that these changes address concerns expressed by building owners we are concerned that this bill removes a requirement to ensure greater scrutiny for buildings already listed on the state and national registers. Any renovations to houses on the Hawaii and National Registers should follow the Secretary of Interior's standards as they pertain to the historic aspects of a building's nomination. For example, if the exterior of a building is significant, modifying windows and

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

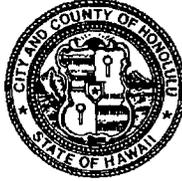
doors could cause significant changes to the exterior appearance of a building on the register. The Department suggests that rather than modify §6E-10, Hawaii Revised Statutes (HRS), §6E-42, HRS, be modified using similar language.

In addition, while the Department agrees that 15 days should be sufficient to review a permit if all documentation and the alteration is relatively simple, not all single family homes are simple to review and some require extensive research on past alterations, house style and location. Fifteen days may not be an adequate time to review given the volume of work and level of staffing.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



DAVID K. TANOUE
ACTING DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

February 4, 2009

The Honorable Carol Fukunaga, Chair
and Members of the Committee on Economic
Development and Technology

The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation,
International and Intergovernmental Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Fukunaga, English and Members:

**Subject: Senate Bill No. 1672
Relating to Historic Structures**

The Department of Planning and Permitting (DPP) **supports, with amendment**, Senate Bill No. 1672, which allows required photographs submitted to the Department of Land and Natural Resources to be in any format, including electronic, when engaging in a demolition or major alteration of a historic building eligible for listing on the Hawaii or national register of historic places.

However, we request that the language to Section 1, Paragraph (2) of the definition to "Major alteration" be amended to add the word "commercial" and read as follows:

(2) A two story addition to a single story commercial structure."

In fiscal year 2008, the DPP issued 1,019 building permits for alteration and repairs of single family and two family dwellings. Many of these permits involved alterations that included two story additions to single story dwellings. We believe that by requiring residential property owners to submit photographs

The Honorable Carol Fukunaga, Chair
and Members of the Committee on Economic
Development and Technology

The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation,
International and Intergovernmental Affairs
The Senate
February 4, 2009
Page 2

of their homes for simple additions places an undue burden and time delay on them. By limiting the definition of "major alteration" to two story commercial structures, the DLNR would still be able to review all significant buildings which is what the bill is intended to accomplish. With this minor amendment to Section (2) of the definition of "major alteration", the DPP **supports** Senate Bill 1672.

Thank you for the opportunity to testify.

Sincerely yours,


for David Tanoue, Acting Director
Department of Planning and Permitting.

DKT: jmf
sb1672-act.doc

**Testimony before the Committees on Economic Development and Technology and
Transportation, International and Intergovernmental Affairs
Senate, Regular Session of 2009**

**by Philip Hauret
Senior Land Agent, Land & Rights of Way Department
Hawaiian Electric Company, Inc.**

**February 4, 2009
2:00p.m.**

Senate Bill 1672, Relating to Historic Structures

Chair Fukunaga, Chair English and Members of the Committees:

My name is Phil Hauret and I am testifying on behalf of the Hawaiian Electric Company (HECO) and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We believe SB 1672 is the best vehicle to address concerns relating to Act 228 and recommend its approval by the Committees.

As background, HECO was the only private party to express concerns last year about Act 228, which this bill attempts to amend. HECO owns and continues to operate a number of older buildings that were either affected by Act 228, or will soon be. We have also participated in the working group that was formed late last year to address the negative and unintended consequences of Act 228.

While a number of bills have been introduced this year to address the pitfalls of Act 228, we believe that SB 1672 is a best vehicle for addressing them. SB 1672 came out of the working group and is preferable to other legislation because it better defines the universe of properties and alterations that trigger the submittal of photographs, establishes broader standards for the photographs themselves, and launches a process whereby a listing of truly historic properties, whether on an existing register or not, is identified going forward.

Thank you for the opportunity to testify.

HISTORIC HAWAII FOUNDATION

VIA EMAIL: EDTtestimony@capitol.hawaii.gov

To: Senator Carol Fukunaga, Chair
Senator Rosalyn H. Baker, Vice Chair
Committee on Economic Development and Technology

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
Committee of Transportation, International and Intergovernmental Affairs

From: Kiersten Faulkner *Kiersten Faulkner*
Executive Director, Historic Hawai'i Foundation

Committee Date: Wednesday, February 4, 2009
2:00 pm
Conference Room 016

Subject: **Opposition to SB1672, Relating to Historic Structures**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in opposition to some provisions in SB1672 related to amending current law that requires the State Historic Preservation Division (SHPD) to review and concur with projects that may affect historic property.

Since 1974, Historic Hawai'i Foundation has been a 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, economic viability and environmental sustainability of the state.

SB1672: SECTION 2

Although HHF supports efforts to provide technical corrections to current law related to photo-documentation of buildings over 50 years old, SB1672 goes well beyond that scope and would undermine other powers and responsibilities related to SHPD's mandate to protect historic sites.

SB1672 Section 2 would reduce the timeframe for SHPD to review effects on buildings that are both eligible for and listed on the Hawai'i or National Registers of Historic Places from 90 days to 30 days for commercial structures and 15 days for single family dwellings. Absent review and concurrence, projects would be automatically approved.

The historic preservation division is already drastically understaffed and underfunded, with only one employee in the Architectural Branch to conduct these reviews. With hiring for staff positions frozen and under threat of being eliminated entirely, the State is in danger of losing its standing under federal law to implement the provisions of the National Historic Preservation Act. SB1672 would compound this problem by severely reducing the amount of time for the division to do its work.



Causing further damage, SB1672 Section 2 would also change the applicability for all reviews (not just for the purposes of photo-documentation) from “construction or other alteration” to “major alteration” for both designated historic structures and those that are eligible for designation. While some professional judgment needs to be used to address the workload for the State, it needs to be done thoughtfully and deliberately, in a way that does not compromise the safeguards for Hawai‘i’s irreplaceable historic legacy. If the current net is too broad, this proposed amendment is too narrow. In seeking efficiency, the State must not sacrifice effective mechanisms to protect historic resources.

HHF opposes Section 2 of SB1672 and recommends that it be deleted.

SB1672: SECTION 1, SECTION 3 and SECTION 4

Aside from the overly-broad amendments to the general powers and review authority of SHPD under HRS 6E-43, Section 3 and Section 4 of SB1672 would provide technical corrections to the law requiring owners of historic buildings to provide archival-quality black and white photographs of any building older than 50 years to SHPD prior to demolition, construction, or other alteration of a historic building.

The intent of the photo-documentation law is to build a photographic record of the built environment of Hawai‘i, capturing images of the historic buildings prior to permitting construction or demolition activities that would alter or destroy them. However, the Act included overly broad language that does not differentiate those structures that meet the requirements of inclusion on the state register of historic places from those that do not. It also does not include definitions of the types of permits that represent substantial alteration, and it does not include standards and protocols for the types of the photographs that would meet the legislative intent.

Not all historic buildings have the level of significance that would necessitate preservation or restoration. In addition, many alteration and rehabilitation activities are benign or beneficial for the maintenance, repair and preservation of historic structures. For both ineligible buildings and insubstantial work, high quality photographs are unnecessary and present an undue burden to both applicants and government agencies.

For those structures which are historically significant and for which substantial alteration, addition or demolition is proposed, the public benefit is served by having a state depository of photographic documentation for future study, understanding the context of the site, historic analysis and a complete architectural record. For projects of this kind, technical specifications based on nationally-accepted standards should be used to provide predictability and consistency.

The law as currently constituted has four areas that should be addressed:

1. The types of historic resources to which the requirement would apply;
2. The types of permits to which the requirement would apply;
3. The standards for the type, number, size, format and quality of required photographs; and
4. Explicit rule-making authority for the Department of Land and Natural Resources and the county governments that are Certified Local Governments under the National Historic Preservation Act.

HIF supports Sections 3 and 4 of SB1672 as it addresses most of these issues, but the bill does not address all of the concerns. HIF recommends that the bill be amended further to provide for the following:

A. Definition of Applicability

1. Structures at least 50 years old; and
2. Eligible for listing on the Hawai'i State Register of Historic Places, as determined by a person meeting professional qualifications listed in HAR 13-281, documented through:
 - a. SHPD determination in the course of reviewing a previous project or undertaking; or
 - b. SHPD determination in the course of reviewing permits per 6E-42 powers or National Historic Preservation Act (NHPA) powers; or
 - c. Hawai'i Historic Places Review Board determination of eligibility; or
 - d. Certified Local Government determination of eligibility.

B. Definition of types of permits that trigger the requirement:

1. Demolition; or
2. Changes to the exterior of the structure; or
3. Additions or new construction that affects the footprint, façade, massing or bulk of the structure.

C. Photographic Standards

Establish standards for the submitted photographs as those that meet the National Park Service standards for National Register of Historic Places, including high resolution digital images.

D. Rule-Making

Provide that the rule-making processes of DLNR or Counties designated as Certified Local Governments be used to address the submittal requirements, timelines, review and comment procedures, storage and research protocols or other administrative functions to implement this program.

SB1672: SECTION 5

HIF supports the intent of Section 5, which would allow for DLNR and the Counties affirmatively to identify and preserve culturally or historically significant structures. The State currently lacks a comprehensive plan and strategy for systematically and consistently inventorying its historic sites, or for developing programmatic and funding mechanisms for their preservation. Instead, it relies on reacting to proposals as they are developed and then trying to understand, avoid, minimize or mitigate adverse effects. HIF strongly supports initiatives that would address this shortcoming.



**Hawaii Chapter
AMERICAN PUBLIC WORKS ASSOCIATION**

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Actus Lend Lease

February 1, 2009

EMAILED TESTIMONY TO: EDTTtestimony@Capitol.hawaii.gov

Hearing: Wednesday, February 4, 2009; 2:00 pm, CR 016

Senate Committee on Economic Development and Technology
Senate Committee on Transportation, International and Intergovernmental Affairs

Honorable Senator Carol Fukunaga, and Senator Kalani English, Chairs

Subject: SB 1672, Relating to Historic Structures

The American Public Works Association Hawaii Chapter represents over one hundred engineering design professionals in public and private sector. **We Oppose SB 1672, Relating to Historic Structures (as proposed)**. This bill proposes to fix the unintended problems created by last years Act 228, which required archival photographs for permits allowing the demolition, construction, or other alteration of a historic building. The intent was to obtain photographs of buildings eligible for listing on the Hawaii or National Register of Historic Places. The implementation of Act 228, resulted in much confusion and delays in the permit process because instead of only focusing on buildings eligible for listing on the State or National Register, it caught ALL buildings 50 years old or older.

This is unacceptable, and we **highly recommend that ACT 228 be repealed**. The underlying problem is the inability to simply identify which buildings should be required to provide photographic documentation prior to any work being done

Thank you for an opportunity to express our views regarding this bill.

Sincerely,

American Public Works Association, Hawaii Chapter

Lester H. Fukuda, P.E., FACEC



February 4, 2009

Senator Carol Fukunaga, Chair
Committee on Economic Development and Technology:
Senator J. Kalani English, Chair
COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL
AFFAIRS
Conference Room 016
State Capitol
415 South Beretania Street

Senators Fukunaga and English:

Subject: **Senate Bill No. 1672 Relating to Historic Structures**

My name is Jim Tollefson, President of the Chamber of Commerce of Hawaii. The Chamber of Commerce of Hawaii works on behalf of its members and the entire business community to:

- Improve the state's economic climate
- Help businesses thrive

The Chamber of Commerce of Hawaii is opposed to S.B. No. 1672 as proposed.

The proposed legislation is required to address the "unintended consequences" resulting from the passage of Act 228 last year. We understand that the intent of Act 228 was rather simple in that it attempted to require archival photographs for permits allowing the demolition, construction, or other alteration of a historic building. The intent was to obtain photographs of buildings eligible for listing on the Hawaii or National Register of Historic Places. When it became law last year, the implementation resulted in confusion and delays because in its attempt to focus on only those building eligible for listing on the State or National Register, the Act caught ALL buildings 50 years old or older. For many areas on Oahu, this included large tract subdivisions constructed in 1959 such as Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

Since last session, there have been attempts to address the problem by clarifying the language in Act 228.

At this point the legislature keeps trying to address the problem by "fixing" the language. The current versions propose language that will limit the application. However, the underlying problem is the inability to simply identify which buildings should be required to provide photographic documentation prior to any work being done. The language still provides for someone (not sure who) to decide if the structure is significant or not.

At this point, we respectfully suggest a total repeal of Act 228 be considered with some type of working group to develop legislation that makes sense. The existing situation is unacceptable in that it creates more uncertainty in the permitting process.

We strongly recommend repeal of Act 228.

Thank you for the opportunity to provide comments.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

February 4, 2009

**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
2:00 P.M. , Room 016**

Senate Bill No. 1672 Relating to Historic Structures

Chairs Fukunaga and English:

I am Karen Nakamura, Chief Executive Officer 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.

BIA-HAWAII is opposed to S.B. No. 1672 as proposed.

The proposed legislation is required to address the “unintended consequences” resulting from the passage of Act 228 last year. We understand that the intent of Act 228 was rather simple in that it attempted to require archival photographs for permits allowing the demolition, construction, or other alteration of a historic building. The intent was to obtain photographs of buildings eligible for listing on the Hawaii or National Register of Historic Places. When it became law last year, the implementation resulted in confusion and delays because in its attempt to focus on only those building eligible for listing on the State or National Register, the Act caught ALL buildings 50 years old or older. For many areas on Oahu, this included large tract subdivisions constructed in 1959 such as Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

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At this point, we respectfully suggest a total repeal of Act 228 be considered with some type of working group to develop legislation that makes sense. The existing situation is unacceptable in that it creates more uncertainty in the permitting process.

We strongly recommend repeal of Act 228.

Thank you for the opportunity to provide comments.

Karen I. Nakamura

Executive Vice President & Chief Executive Officer, BIA-Hawaii



February 4, 2009

Senator Carol Fukunaga, Chair
Committee on Economic Development and Technology:
Senator J. Kalani English, Chair
COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS
Conference Room 016
State Capitol
415 South Beretania Street

Senators Fukunaga and English:

Subject: **Senate Bill No. 1672 Relating to Historic Structures**

My name is Dean Uchida, Vice President of the Hawaii Developers' Council (HDC). We represent over 200 members and associates in development-related industries. The mission of Hawaii Developers' Council (HDC) is to educate developers and the public regarding land, construction and development issues through public forums, seminars and publications.

It is also the goal of HDC to promote high ethics and community responsibility in real estate development and related trades and professions.

The HDC opposed to S.B. No. 1672 as proposed.

The proposed legislation is required to address the "unintended consequences" resulting from the passage of Act 228 last year. We understand that the intent of Act 228 was rather simple in that it attempted to require archival photographs for permits allowing the demolition, construction, or other alteration of a historic building. The intent was to obtain photographs of buildings eligible for listing on the Hawaii or National Register of Historic Places. When it became law last year, the implementation resulted in confusion and delays because in its attempt to focus on only those building eligible for listing on the State or National Register, the Act caught ALL buildings 50 years old or older. For many areas on Oahu, this included large tract subdivisions constructed in 1959 such as Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

Since last session, there have been attempts to address the problem by clarifying the language in Act 228.

At this point the legislature keeps trying to address the problem by "fixing" the language. The current versions propose language that will limit the application. However, the underlying problem is the inability to simply identify which buildings should be required to provide

photographic documentation prior to any work being done. The language still provides for someone (not sure who) to decide if the structure is significant or not.

At this point, we respectfully suggest a total repeal of Act 228 be considered with some type of working group to develop legislation that makes sense. The existing situation is unacceptable in that it creates more uncertainty in the permitting process.

We strongly recommend repeal of Act 228.

Thank you for the opportunity to provide comments.

February 3, 2009

The Honorable Carol Fukunaga, Chair

Senate Committee on Economic Development & Technology
State Capitol, Room 016
Honolulu, Hawaii 96813

RE: S.B. 1672 Relating to Historic Structures

HEARING DATE: Wednesday, February 4, 2009 at 2:00 p.m.

Dear Chair Fukunaga and Members of the Committee on Economic Development and Technology:

On behalf of our 9,600 members in Hawai'i, the Hawai'i Association of REALTORS® (HAR) **strongly supports** S.B. 1672 which amends Act 228, Session Laws of Hawai'i 2008. S.B. 1672 would amend Act 228 to allow the use of any photographic format. Further, the requirements of the Act would only apply in the cases of demolition or major alteration.

Act 228 was intended to preserve bona-fide historic buildings, especially in light of structures that have been recently demolished such as the Varsity Theatre on University Avenue.

Unfortunately, Act 228 created unintended consequences by requiring that for all properties 50 years or older one must submit archival quality photographs to the State Historic Preservation Division (SHPD) prior to the issuance of a permit.

S.B. 1672 is the result of the assistance of Senator Carol Fukunaga and Representative Ken Ito. S.B. 1672 is also the product of comments from various stakeholders. This bill will alleviate burdens placed on homeowners who do not intend to demolish or undertake major alterations.

HAR looks forward to participating in continued dialogue with stakeholders and legislators, and urges the passage of S.B. 1672 because it clarifies the true intent of Act 228.

Mahalo for the opportunity to testify.



February 2, 2009

Honorable Carol Fukunaga, Chair
Senate Committee on Economic Development and Technology
Honorable J. Kalani English, Chair
Senate Committee on Transportation, International and Intergovernmental Affairs

RE: Senate Bill 1672
Relating to Historic Structures

Dear Chair Fukunaga and Chair English, and Members of the Committees:

Although the language revisions proposed by this bill make some progress in addressing the concerns of the public, there are still two serious flaws in the bill and one minor one. The major flaws are as follows:

- The definition of "major addition" must be further refined. For example, under this language, a single story addition could be made to the entire front of a single story house, completely obliterating the original look of the house, and no recordation would be required.
- By far the most serious problem with the bill is the language defining properties "eligible for listing on the Hawaii or National Register of Historic Places". Since the language does not require that a formal determination have already been made, it means that every building that is 50 years old must have that determination made by a qualified professional (page 4, lines 11 thru 14). This puts the situation back to the way it was under the previous bill, since the Counties lack the trained staff to make that determination and all buildings over 50 years old shall have to go to the State Historic Preservation Division for review. We recommend that the language be changed to read "previously determined eligible for listing on the by SHPD as a result of previous EA, EIS and other public actions."

We recommend rewording page 4, lines 20 and 21 and page 5, lines 1 and 2 as follows to clarify intent: "Photographs" means dated pictures taken within one

month of applying for any building permit covered by this Act. The photographs can be submitted in any clearly visible format, including electronic formats.”

We look forward to working with your Committees to further address the concerns outlined above.

Thank you

A handwritten signature in blue ink that reads "Glenn Mason" with a long horizontal flourish extending to the right.

Glenn Mason, AIA

cc. John Fullmer, President, AIA Hawaii State Council
Paul Louie, AIA
Dan Chun, FAIA

TO: Senator Carol Fukunaga, Chair
Senate Committee on Economic Development & Technology and
Senator J. Kalani English, Chair
Senate Committee on Transportation, International & Intergovernmental
Affairs

FROM: Sara L. Collins, Ph.D., Legislative Committee Chair
Society for Hawaiian Archaeology
Telephone: 808-348-2937
Email: scollins@lava.net

HEARING: February 4, 2008, 2:00 pm, Senate Conference Room 016
SUBJECT: Comments on SB 1672 (Relating to Historic Structures)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am providing comments on SB 1672 which proposes amendments to Chapters 6E and 46, HRS. During the 2008 Legislature, Act 228 was passed in order to ensure adequate review by the State Historic Preservation Division (SHPD) of any repairs, alterations, or demolitions proposed for publicly and privately owned buildings and structures that are historic in age. A key element of SHPD review was the submission of archival quality black and white photographs of historic structures. Implementation of the 2008 changes to Chapters 6E and 46, HRS became very difficult for the owners of buildings, who experienced excessive delays in the permitting of lawful activities, and difficult for SHPD, who lacked sufficient resources to conduct timely reviews of submitted materials.

By our count alone, at least 11 bills (three in the Senate and eight in the House) have been introduced this session in order to remedy the various shortcomings of Act 228. We have not yet reviewed all submitted bills and are still evaluating the various proposed amendments. Consequently, we cannot recommend one or more over the others at this time. We do, though, have some general concerns and comments regarding the subject bill that may also apply to the remaining nine bills:

- We don't believe that it is useful or practical to stipulate percentages (e.g., 5% or 50% alteration of a structure is a threshold for SHPD review), as proposed in SB 1672 and some other measures. Most importantly, it is quite possible for significant historic characteristics to be present in less than 5% of a building's area, or many if not all of a building's defining historic characteristics to be included in 49% of a building's area.
- We believe that the stipulations regarding the architectural details required to be shown in the black-and-white photographs are best left to administrative rules or even SHPD policy statements. It may be best for the statute only to require initial photographs – in a variety of formats – in order for SHPD to conduct an initial evaluation.
- We do endorse the need for time limits of review since the Department of Planning & Permitting (DPP) ordinarily processes permits for single-family and two-family dwellings that qualify for its automatic approval process within one to two working days. We are concerned, though, that inadequate staffing at SHPD

may allow automatic approvals of actions with potential to harm historic resources because there aren't sufficiently qualified personnel to conduct timely reviews.

- We question the need for having a qualified historic preservation professional carry out an assessment of eligibility at the beginning of the process. Perhaps a landowner could first submit non-archival photographs to SHPD in digital or other formats, and then, upon review of the photographs, SHPD could in turn require further assessment and documentation, if warranted.

Thank you for the opportunity to testify on the important issues raised by SB 1672. We look forward to working with the committee on these and other measures intended to improve the historic preservation review process. Should you have any questions, please feel free to contact me at the above telephone number and email address.

Sara L. Collins, Ph.D.
Chair, Legislative Committee
Society for Hawaiian Archaeology