

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 Senate Committee on
WATER AND LAND

Friday, February 10, 2023
2:05PM

State Capitol, Conference Room 229 Via Videoconference

In consideration of
SENATE BILL 309
RELATING TO HISTORIC PRESERVATION

Senate Bill 309 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 to amend the definition. However, the 100-years standard proposed in this measure would exclude, for example, places associated with people of historic significance, and places associated 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 not a reflection of age alone but a reflection of age *and* association with events, people, architectural distinction, or valuable historic, scientific, or cultural information. Any definition of historic property that relies solely on age will be problematic.

The Department notes that Senate Bill 68 amends the definition of historic property to require that it be both 50-years old and eligible for inclusion in the Hawai'i Register of Historic Places. The Department believes that this provides an appropriate definition of historic property. The Department strongly prefers Senate Bill 68, and urges the committee to hold this measure.

Mahalo for the opportunity to comment on this measure.

LATE

SB-309

Submitted on: 2/9/2023 2:58:37 PM

Testimony for WTL on 2/10/2023 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Nani Medeiros	Testifying for Office of the Governor, Chief Housing Officer, State of Hawaii	Support	Written Testimony Only

Comments:

In support, Mahalo.



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

February 9, 2023

Senator Lorraine Inouye, Chair
Brandon Elefante, Vice Chair
Committee on Water and Land

RE: **SB 309 - Relating to Historic Preservation**
Hearing date: February 10, 2013 at 2:05PM

Aloha Chair Inouye, Vice Chair Elefante and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** on SB 309. 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 309 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 historic. An increase to 100 years is the most cost-effective solution to reducing the volume of reviews while still preserving historic properties.

Senator Lorraine Inouye, Chair
Brandon Elefante, Vice Chair
Committee on Water and Land
February 9, 2023
Page 2

NAIOP greatly supports the intent of the measure to identify a solution to the significant backlog of much needed projects awaiting SHPD review. Ultimately, SB 309 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 "Camp", with a stylized flourish at the end.

Jennifer Camp, President
NAIOP Hawaii



 808-733-7060
 808-737-4977

 1259 A'ala Street, Suite 300
Honolulu, HI 96817

February 10, 2023

The Honorable Lorraine R. Inouye, Chair

Senate Committee on Water and Land
State Capitol, Conference Room 229 & Videoconference

RE: Senate Bill 309, Relating to Historic Preservation

HEARING: Friday, February 10, 2023, at 2:05 p.m.

Aloha Chair Inouye, Vice Chair Elefante, 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** Senate Bill 309, which redefines historic property to mean buildings and structures that are over 100 years old.

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, some 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, amending the definition of a historic property to properties that are over 100 years may help to address these challenges.

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



HISTORIC HAWAII FOUNDATION

TO: Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Water and Land (WTL)

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

Committee: Friday, February 10, 2023
2:05 p.m.
Via Video Conference and Conference Room 229

RE: SB309, Relating to Historic Property

On behalf of Historic Hawaii Foundation (HHF), I am writing in **opposition to SB 209**. 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.

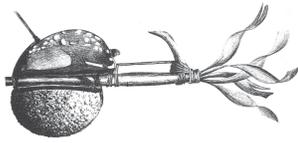
- **Ray Akagi** was a draftsman in the 1930s with C.W. Dickey, Hart Wood and Guy Rothwell. He became a licensed architect in 1947 and operated his office until 1971. He designed the Buck Toy Society Hall on Vineyard Avenue, Niu Valley Elementary School, and a number of churches for the Roman Catholic 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 **SB 309** 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.



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

TO: Senator Lorraine R. Inouye, Chair
Senator Brandon Elefante, Vice Chair
Committee on Water & Land (WTL)

FROM: Mara Mulrooney, Ph.D.
President, Society for Hawaiian Archaeology
membership@hawaiianarchaeology.org

HEARING: February 10, 2023 2:05PM, CR 229 & Videoconference

SUBJECT: Testimony in **opposition** of SB 309, Relating to Historic Preservation

I am Mara Mulrooney, President of the Society for Hawaiian Archaeology (SHA). We have over 150 members including professional archaeologists and advocates of historic preservation. On behalf of SHA, we **oppose** and offer comments on SB 309.

The intent of SB 309 redefines historic property to mean buildings and structures that are over 100 years old. Hawai'i State Legislature Chapter 6E Section 2 Historic Preservation, defines 'Historic property' as "any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old."

By changing the definition of 'Historic property' from the current 50 years old threshold, this would exclude many significant historic properties. As a consequence of this bill, properties relating to Hawai'i's early to mid-20th century history, including sites relating to World War II and many of our State's historic homes and buildings would not be afforded any protection under Chapter 6E. With the current pace of development, a 100 years old threshold would be detrimental to the preservation of Hawai'i's history. Prior to the enactment of Chapter 6E, much physical evidence of Hawai'i's history was lost. Significant buildings and structures were destroyed. Although 50 years does not seem that long ago, we need to remain mindful that in another 50 years or 100 years, we will be longing for the portions of Hawai'i's history that would have been allowed to be lost as a result of this legislation.

Further, there would not be alignment with the definition of a historic property at the federal level. At the federal level, a historic property uses the 50 year old threshold. This legislation may cause confusion where some buildings, structures, objects, districts, or sites are considered historic properties at the federal level and not at the state level. This would create issues especially for the many state projects that use federal funding, land, or require a federal permit or approval. Hawai'i has been a beacon for historic preservation, this bill would be a step back for the preservation of Hawai'i's past.

Should SB 309 pass out of this committee, we request to be consulted as a stakeholder in future deliberations on an amended bill. Should you have any questions, please feel free to contact me at the above email.

Mahalo for your consideration of our testimony.

<https://hawaiianarchaeology.org/>

The Society for Hawaiian Archaeology is a registered tax-exempt organization established in 1980 to promote and stimulate interest and research in the archaeology of the Hawaiian Islands, encourage a more rational public appreciation of the aims and limitations of archaeological research, serve as a bond among those interested in Hawaiian archaeology, both professionals and non-professionals, and aid in directing their efforts into more scientific channels as well as encourage the publication of their results, advocate and assist in the conservation of archaeological data, discourage unethical commercialism in the archaeological field and work for its elimination.

SB-309

Submitted on: 2/8/2023 7:29:37 AM

Testimony for WTL on 2/10/2023 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheena Lopes	Individual	Oppose	Written Testimony Only

Comments:

Again another barrier that benefits the developers. This is not the way to treat our cultural and historic properties.

SB-309

Submitted on: 2/8/2023 1:10:17 PM

Testimony for WTL on 2/10/2023 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Collins	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB 309 as written.

The proposed amendments to Chapter 6E-2, HRS do not comport with federal historic preservation law which stipulates that historic sites are properties that are 50 years or more old. If Hawai'i amends state law as proposed in SB 309, we will no longer be in compliance with the National Historic Preservation Act (NHPA) which is the federal legislation that guides the state's historic preservation program and law.

Furthermore, pursuant to the NHPA, the state receives at least \$600,000 to \$700,000 per year in Historic Preservation Fund grants from the National Park Service. These funds are a significant part of the operating budget of the State Historic Preservation Division. If the state of Hawai'i amends its historic preservation laws so that it is no longer in compliance with federal law, such vital funding could be jeopardized.

For these reasons, I OPPOSE SB 309 and respectfully ask that the Committee HOLD the bill and not pass it any further.

Mahalo for considering my comments.