



**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

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

**SYLVIA LUKE**  
LT. GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <https://planning.hawaii.gov/>

Statement of  
**MARY ALICE EVANS, Director**

before the  
**HOUSE COMMITTEE ON WATER & LAND**  
Tuesday, February 3, 2026, 9:00 AM  
State Capitol, Conference Room 411

in consideration of  
**HB 1710**  
**RELATING TO HISTORIC PRESERVATION.**

Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water & Land,

The Office of Planning and Sustainable Development (OPSD) **supports HB 1710**, which authorizes the State Historical Preservation Division (SHPD) to conduct a phased review of a proposed project on private property under certain circumstances, and amends the process and deadlines by which SHPD must provide written concurrence or non-concurrence for a proposed project on private property or other project that requires entitlement for use, after which concurrence may be assumed and the project may proceed.

HB 1710 is a direct outgrowth of the concerted efforts of the Simplifying Permitting for Enhanced Economic Development (SPEED) Taskforce. Specifically, this measure represents key recommendations developed by the Chapter 6E Historic Preservation Permitted Interaction Group (PIG), which was tasked with identifying administrative and statutory bottlenecks within the Hawai'i Revised Statutes Chapter 6E historic preservation review process. By formalizing these recommendations, HB 1710 provides a pragmatic, balanced approach to modernizing our preservation laws while addressing the State's shortage of affordable housing.

OPSD supports this measure because of the urgent need to streamline the permitting process to facilitate the acceleration in housing production outlined in Governor Green's "Ke Ala Hou" housing strategy. Currently, the State Historical Preservation Division (SHPD) review process can significantly delay project timelines, often adding months or even years to the pre-construction phase. The implementation of phased reviews will significantly speed up the delivery of housing by allowing projects to move forward with site preparation and initial construction phases while detailed reviews for subsequent stages continue. This prevents a "stop-and-wait" cycle that inflates carrying costs and renders many affordable housing projects financially unviable. Furthermore, the establishment of clear, mandatory timelines for written concurrence or non-concurrence provides the private sector with the predictability needed to

HB 1710 RELATING TO HISTORIC PRESERVATION - SUPPORT  
State Office of Planning and Sustainable Development  
February 3, 2026

manage large-scale developments. For these reasons, OPSD respectfully asks the committee to pass HB 1710.

Thank you for the opportunity to testify in support of this measure.

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

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
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

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the House Committee on  
WATER & LAND

Tuesday, February 3, 2026  
9:00 AM

State Capitol Conference Room 411 & Videoconference

In consideration of  
HOUSE BILL 1710  
RELATING TO HISTORIC PRESERVATION

House Bill 1710 would amend Hawai'i Revised Statutes (HRS) Chapter 6E-10 and 42, to allow the Department of Land and Natural Resources, Historic Preservation Division (SHPD) to conduct phased reviews for projects on private property, under certain circumstances. It also amends the process and deadlines by which SHPD may provide its concurrence or non-concurrence for proposed projects on private property listed in the Hawaii Register of Historic Places (HRHP). **The Department of Land and Natural Resources (Department) supports this measure and submits the follow comments for consideration.**

HRS Chapter 6E provides the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is the review of projects on private property, as required by HRS section 6E-10 and 42. This statutory provision reflects the Legislature's intent to require project proponents consider the impact of their projects on historic properties listed in or eligible for listing in the HRHP.

The Department recognizes the need to clarify and streamline the historic preservation review process. This bill would establish a process for executing agreements between SHPD and property owners that allows for a phased review of certain projects on private property. This bill also amends and clarifies existing language within HRS section 6E-10 and 42 related to the historic preservation review process and deadlines for projects on private property. The amendments and additions to HRS section 6E-10 and 42 that include alternative approaches to the historic preservation review process established within this bill are both reasonable and feasible.

To further strengthen this bill, the Department recommends the following edits and additions.

Pg. 1-2, lines 16-17, 1-4

“(3) Circumstances dictate that construction, alteration, disposition, routine maintenance or improvement be done in stages or repeatedly executed to ensure the preservation of historic properties, the department’s review may be based on a phased review of the project or long-term maintenance of the property; provided that there shall be a programmatic agreement executed among ~~[between]~~ the department, [and the] property owner, and any project proponent, that identifies each phase and the estimated timeline of each phase, or the long-term and repeated maintenance activities that are required to preserve the historic property.”

Pg. 2, lines 5-11

“(b) The department shall provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no ~~[historical]~~ historic properties are adversely affected ~~[impacted]~~ by the proposed construction, alteration, disposition, or improvement, after the department has processed a complete submittal filed by the property owner. The department shall ~~[process]~~ certify a complete submittal within five business days of its filing.”

Pg. 3, lines 8-14

“written concurrence or non-concurrence. If the department fails to provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no ~~[historical]~~ historic properties are ~~[impacted]~~ adversely affected by the proposed project, after receiving and ~~[processing]~~ certifying a true and complete submittal from the property owner, the property owner may assume the department’s concurrence for the proposed project.”

Pgs. 8-9, lines 15-21 and 1-4

“(b) The department shall provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no ~~[historical]~~ historic properties are ~~[impacted]~~ adversely affected by the proposed project, after the filing of a request with the department. If the department fails to provide written concurrence or non-concurrence with a project effect determination within ninety calendar days, or within thirty calendar days if no historic properties are to be adversely affected, of receiving a complete submittal for a project, the lead agency may assume the department’s concurrence and the project may move to the next step in the compliance process.”

Pg. 12, line 1 — SHPD did not receive any transit-oriented development (TOD) plans by January 1, 2026, thus the department recommends extending the deadline with the following edit:

“(g) No later than January 1, ~~[2026]~~ 2028...”

Pg. 19, lines 9-19

“(b) The department shall provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no [~~historical~~] historic properties are [~~impacted~~] adversely affected by the proposed project, after the filing of a request with the department. If the department fails to provide written concurrence or non-concurrence with a project effect determination within ninety calendar days, or within thirty calendar days if no historic properties are to be adversely affected, of receiving a complete submittal for a project, the lead agency may assume the department’s concurrence and the project may move to the next step in the compliance process.”

Pg. 25, line 1 — SHPD did not receive any TOD plans by January 1, 2026, thus the department recommends extending the deadline with the following edit:

“(j) No later than January 1, [~~2026~~] 2028...”

Mahalo for the opportunity to comment on this measure.



**TESTIMONY WITH COMMENTS ON HOUSE BILL 1710**  
**RELATING TO HISTORIC PRESERVATION**

House Committee on Water and Land  
Hawai'i State Capitol

February 3, 2026

9:00AM

Room 411

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Aloha e Chair Hashem, Vice Chair Morikawa, and Members of the Committee on Water and Land :

The Office of Hawaiian Affairs (OHA) provides **COMMENTS** on HB1710, which 1) authorizes the State Historic Preservation Division (SHPD) to conduct a phased review of proposed projects on private property, and 2) establishes a 90-day time limit (30 days if no historic properties are affected) for SHPD to respond to submissions from private project proponents, where a failure to respond is an automatic approval.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.<sup>1</sup> As part of our constitutional and statutory mandate, OHA has been intimately involved with historic preservation related advocacy for decades and is granted specific kuleana under the Hawai'i Historic Preservation law, Hawai'i Revised Statutes (HRS) Chapter 6E, and implementing regulations.<sup>2</sup> Thus, we are well aware of the pitfalls within the current laws and rules, and where amendments to these laws and rules would improve the state's historic preservation process.

**First**, OHA recognizes that this measure is informed by recommendations from the Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force, where discussions revealed that incomplete and deficient submissions to SHPD often cause long review times.<sup>3</sup> OHA and SHPD have consistently identified incomplete submissions as a major contributor to delays. Accordingly, to the extent that this measure seeks to reinforce a complete submittal framework similar to that adopted in Act 160 (2025), we support this concept as a means of addressing delays without weakening substantive historic preservation protections.

**Second**, OHA questions the necessity and appropriateness of authorizing phased review for projects involving privately owned historic properties governed by HRS § 6E-10. Where the

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<sup>1</sup> Haw. Const. Art. XII § 5.

<sup>2</sup> See HRS §§ 6E-3, 6E-43, 6E-43.5, 6E-43.6; HAR §§ 13-284-6(c), 13-275-6(c).

<sup>3</sup> *Presentation by State Historic Preservation Division on Chapter 6E: Historic Preservation Compliance Overview*, SPEED Task Force Meeting, Sept. 11, 2025 [hereinafter *6E Presentation*].

presence of a historic property has already been established, the review should be informed at the outset. Additionally, from our understanding, the provisions of HRS § 6E-42 also apply to private projects covered in the scope of HRS § 6E-10. Therefore, the proposed amendments to HRS § 6E-10 are duplicative.

**Third**, while this measure intends to consolidate and extend the automatic approval timelines of HRS § 6E-8 to sections 6E-10 and 6E-42, we emphasize that the timelines adopted in Act 160 (2025) were the result of extensive discussion and intended to be limited in scope, targeting state-sponsored affordable housing projects, and evaluated over time. Extending similar automatic approval provisions to all projects subject to SHPD review is a significant expansion that, without careful tailoring, risks allowing several projects to proceed without adequate historic review. **Therefore, OHA encourages deletion of the new subsection (b) in HRS § 6E-42 at page 8, line 15 to page 9, line 4; and the language “or fails to timely provide non-concurrence” at page 9, line 20. (Removing the same language in Section 3 at page 19, lines 9-19.)**

In particular, we are concerned that the 30-day expedited timeline is triggered by an initial determination made by agencies that frequently lack historic preservation expertise and may depend solely on reports from private project proponents, who often do not hire professionals to make that determination. Data presented to the SPEED Task Force indicates that SHPD’s average review time is approximately 56 days.<sup>4</sup> A 30-day automatic approval period—especially one premised on an unverified agency determination—creates a substantial risk that projects will bypass meaningful review altogether. **In effect, this provision may operate as a de facto exemption from Chapter 6E review, rather than a procedural improvement.** Moreover, these automatic approval provisions run counter to SPEED Task Force findings that exemptions or narrow readings of statutory triggers do not reliably speed up development when they increase the likelihood of unplanned discoveries.<sup>5</sup> **Therefore, as stated above, at minimum OHA encourages deletion of the language “, or within thirty calendar days if no historical properties are impacted by the proposed project,” at page 8, lines 16-18; and similar language at page 8 line 21. (Removing the same in Section 3 at page 19, lines 10-12 and 15-16.)**

Alternatively, we urge the Legislature to prioritize measures that strengthen SHPD capacity rather than relying on procedural shortcuts that undermine substantive protections.

Mahalo nui for the opportunity to testify on this critical issue. OHA respectfully urges the committee to carefully consider our **COMMENTS** on HB1710.

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<sup>4</sup> 6E Presentation, SPEED Task Force, *supra* note 3.

<sup>5</sup> See [\*Final Report of the Permitted Interaction Groups for Chapter 6E/Historic Preservation, Individual Wastewater Systems, and Building Permits\*](#), SPEED Task Force, p. 13 (Dec. 2025).

**DEPARTMENT OF PLANNING AND PERMITTING**  
**KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE**  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: [honolulu.gov/dpp](http://honolulu.gov/dpp)

RICK BLANGIARDI  
MAYOR  
MEIA



DAWN TAKEUCHI APUNA  
DIRECTOR  
PO'O

BRYAN GALLAGHER, P.E.  
DEPUTY DIRECTOR  
HOPE PO'O

REGINA MALEPEAI  
2<sup>ND</sup> DEPUTY DIRECTOR  
HOPE PO'O KUALUA

**TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING**

**BEFORE THE HOUSE COMMITTEE ON WATER & LAND**

February 3, 2026  
Conference Room 411

TO: The Honorable Mark J. Hashem, Chair, the Honorable Dee Morikawa, Vice Chair, and Members of the Committee on Water & Land

RE: SUPPORT OF HOUSE BILL NO. 1710, RELATING TO HISTORIC PRESERVATION

The Department of Planning and Permitting (DPP) **supports** House Bill No. 1710, which authorizes the State Historic Preservation Division (SHPD) to conduct a phased review of a proposed project on private property under certain circumstances. The Bill also amends the process and deadlines by which SHPD must provide written concurrence or non-concurrence for a proposed project on private property or other project that requires entitlement for use, after which concurrence may be assumed and the project may proceed.

This measure reflects the SPEED Task Force recommendation by establishing a clear and consistent standard for what constitutes a complete submittal to SHPD, which will materially improve predictability and workflow for the counties. By defining completeness up front, DPP and other county agencies will know what must be included before SHPD's review period begins, avoiding preventable processing delays.

The Bill also creates defined review timeframes for SHPD after receipt of a complete submittal, including a 30-day period for certain reviews and a 90-day period for others, which will support more reliable permitting schedules and improve coordination across agencies.

This measure builds on Senate Bill No. 1263 (Act 160, 2025), which amended HRS §6E 8, by extending completeness and timing provisions to additional sections,



The Honorable Mark J. Hashem, Chair  
and Members of the Committee on Water & Land  
February 3, 2026  
House Bill No. 1710  
Page 2

including HRS §6E 10 and HRS §6E 42.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dawn', with a long horizontal flourish extending to the right.

Dawn Takeuchi Apuna  
Director



February 3, 2026

**The Honorable Mark J. Hashem, Chair**

House Committee on Water & Land

State Capitol, Conference Room 411 & Videoconference

**RE: House Bill 1710, Relating to Historic Preservation**

**HEARING: Tuesday, February 3, 2026, at 9:00 a.m.**

Aloha Chair Hashem, Vice Chair Morikawa, 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 Hawaii and its over 10,000 members. HAR **supports** House Bill 1710, which authorizes SHPD to conduct a phased review of a proposed project on private property under certain circumstances. Amends the process and deadlines by which SHPD must provide written concurrence or non-concurrence for a proposed project on private property or other project that requires entitlement for use, after which concurrence may be assumed and the project may proceed.

Allowing historic property reviews to be completed in phases helps projects move forward without unnecessary delays. Clear and predictable review timelines also help property owners and project teams plan responsibly. At the same time, this measure maintains important protection for historic properties while reducing delays that can slow projects, such as for much needed housing production.

Mahalo for the opportunity to provide testimony on this measure.



26 January 2026

HB1710 Hearing: House Committee Water and Land

Re: Testimony in **STRONG SUPPORT** of **HB1710**

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee:

My name is Garrett W. Marrero and I started my business on Maui 21 years ago. I submit this testimony in support of HB 1710, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability.

Like so many people on Maui, our family and our business were deeply impacted by the wildfires. While the focus on rebuilding homes is absolutely critical, housing alone won't be enough. As families return to West Maui, they need jobs, functioning businesses, and a healthy local economy to come back to. Right now, many people across the island are struggling, and uncertainty in the permitting process is only making recovery harder.

HB 1710 is important because it brings clarity and predictability to a historic preservation review process that, frankly, has become confusing, slow, and at times punitive. Projects can sit in limbo for months or longer with no clear timelines or accountability. For businesses trying to rebuild, that uncertainty can be the difference between reopening or walking away entirely.

This bill helps address those issues by setting clearer deadlines, improving coordination, and allowing phased or programmatic reviews when appropriate. Just as important, it **does not weaken historic preservation protections**. The bill keeps all requirements for notification, consultation, and mitigation in place when historic sites, burial areas, or aviation artifacts are identified, and it ensures that newly discovered resources are handled responsibly.

We can honor and protect our history while still moving forward. HB 1710 strikes that balance and will help reduce unnecessary delays, support rebuilding in Lahaina, and give residents and businesses a fair and predictable path forward.

For these reasons, I respectfully urge the Committee to **pass HB 1710**.

Mahalo for the opportunity to provide testimony and for your consideration.

Garrett W. Marrero  
CEO and Co-Founder  
[Garrett@MauiBrewing.com](mailto:Garrett@MauiBrewing.com)  
808.213.3007 office

**MAUI**  
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— SPIRITS —

**MAUI**  
ISLAND SODA

605 Lipoa Parkway, Kihei, Hawai'i 96753 | 808.213.3002

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Feb. 3, 2026, 9 a.m.  
Hawaii State Capitol  
Conference Room 411 and Videoconference

**To: House Committee on Water & Land**  
**Rep. Mark Hashem, Chair**  
**Rep. Dee Morikawa, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: TESTIMONY IN SUPPORT OF HB1710 — RELATING TO HISTORIC PRESERVATION

Aloha chair, vice chair and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB1710](#), which would require the State Historic Preservation Division to give its written concurrence or non-concurrence within 30 days for certain projects if it determines that no historical properties will be impacted, or within 90 days if it determines that historical properties could be affected and that taking mitigation steps would be necessary to protect them.

The bill would define the term “complete submittal” and further stipulate that if SHPD fails to make a determination within those timeframes, the project applicant “may assume the department's concurrence for the proposed project.”

Requiring SHPD to review certain projects within a defined period of time would add certainty to the construction process for state infrastructure and much-needed housing projects.

This legislation is based on recommendations from the Simplifying Permitting for Enhanced Economic Development task force’s historic preservation permitted interaction group.

The group pointed out that [Act 160 \(2025\)](#) set up a framework with specific timelines and definitions that applied to the review of projects within county-designated transit-oriented development zones, and that this framework could be applied to all SHPD reviews.

The group also highlighted the confusion that exists in current SHPD processes:

“The same project may be re-introduced to SHPD multiple times as a series of ‘new’ cases, rather than being managed as a single, coherent undertaking... Subsequent changes to previously approved permits can trigger re-review even if the risk to historic properties or appropriate mitigation measures remain the same.”<sup>1</sup>

According to The Economic Research Organization at the University of Hawai‘i, Hawaii’s housing regulations are the strictest in the country, and “approval delays” for housing developments are three times longer than the national average among communities surveyed.<sup>2</sup> Likewise, UHERO researchers estimated that regulations comprise 58% of the cost of new condominium construction.<sup>3</sup>

Historic preservation reviews certainly play a role in these delays and their associated costs. For example, SHPD noted in its report to the 2023 Legislature that its archaeology reviews were taking between six months and one year, on average.<sup>4</sup>

Additionally, a 2025 Grassroot white paper, “[Preserving the past or preventing progress?](#)”, analyzed SHPD data and found that more than 90% of the projects the agency reviewed from 2021 to 2024 were determined to have no impact on historic properties.

The average review time for projects issued determinations was 94 days during that time period. However, the division reviewed less than half of the applications it had received during that period.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>1</sup> “[6E Historic Preservation Interaction Group Report](#),” Simplifying Permitting for Enhanced Economic Development (Speed) Task Force, December 2025, p. 15.

<sup>2</sup> Rachel Inafuku, Justin Tyndall and Carl Bonham, “[Measuring the Burden of Housing Regulation in Hawaii](#),” The Economic Research Organization at the University of Hawai‘i, April 14, 2022, p. 6.

<sup>3</sup> Justin Tyndall and Emi Kim, “[Why are Condominiums so Expensive in Hawai‘i?](#)” The Economic Research Organization at the University of Hawai‘i, May 2024, p. 11.

<sup>4</sup> “[Report to the Thirty-Second Legislature 2023 Regular Session on the State Historic Preservation Program For Fiscal Year 2021-2022](#),” Hawaii Department of Land and Natural Resources, October 2022, p. 1.



KIA'I IWI ALAKA'I

James J K C Maioho

Kahu of Mauna Ala | Founder, Kiai Iwi Alakai

808-459-1313 | James@HoilinaStrategies.com

### **Written Testimony on HB1710 (2026)**

Testimony in Opposition to HB1710 – Relating to Historic Preservation

Chair and Members of the Committee:

I submit this testimony in strong opposition to HB1710 as currently drafted. While I acknowledge the very real staffing and capacity challenges faced by the State Historic Preservation Division (SHPD), this measure resolves those challenges by weakening protections for iwi kupuna, wahi pana, and historic landscapes, rather than strengthening the State’s trust obligations to Native Hawaiians.

HB1710 introduces the concept of “assumed concurrence,” allowing projects to proceed when SHPD fails to act within statutory deadlines. Silence is treated as consent. From a Kanaka perspective, this is deeply problematic. Our ancestors do not operate on bureaucratic timelines, and silence caused by underfunding or backlog cannot be equated with informed approval.

The bill further expands programmatic and phased reviews that can pre-clear large parcels of land for future development. Many burial sites and cultural resources remain undocumented. Absence of data is not absence of ancestors. Once parcels are classified as low or medium risk, future projects may proceed with little to no further cultural review, even though subsurface conditions may vary dramatically.

HB1710 also relies heavily on post-discovery burial protocols. By the time iwi are

“inadvertently discovered,” disturbance has already occurred. Reactive protection is not protection.

While consultation with burial councils and the Office of Hawaiian Affairs is referenced, consultation is not consent, and it is not binding. Cultural protection should not be reduced to a procedural checkbox.

If the State is unable to meet its trust obligations due to lack of staffing or resources, the appropriate response is to fund and strengthen SHPD, not to waive review and transfer risk to our ancestors.

For these reasons, I respectfully urge the committee to oppose HB1710 unless it is substantially amended to eliminate assumed concurrence, strengthen affirmative review requirements, and prioritize avoidance of impacts over mitigation.

Mahalo for the opportunity to testify.



February 3, 2026

Representative Mark Hashem, Chair  
Representative Dee Morikawa, Vice Chair  
Committee on Water & Land

RE: **HB1710 - Relating to Historic Preservation**  
**Hearing date: February 3, 2026 at 9:00 AM**

Aloha Chair Hashem, Vice Chair Morikawa and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii with **STRONG SUPPORT** on **HB1710 - Relating to Historic Preservation**. 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.

HB1710 improves the historic preservation review process by establishing clearer timelines, reducing duplicative reviews, and creating a more predictable pathway for projects that are unlikely to impact historic resources. Importantly, the bill maintains essential protections for historic properties, burial sites, and cultural resources while addressing longstanding procedural delays that hinder housing and infrastructure development.

Hawai'i is facing an urgent housing shortage, and regulatory uncertainty and prolonged review timelines substantially increase project costs and risks. HB1710 helps address these challenges by:

- Establishing firm deadlines for concurrence or non-concurrence determinations, ensuring projects are not stalled indefinitely.
- Allowing phased and programmatic reviews for large or complex projects, which improves efficiency without sacrificing oversight.
- Preventing repetitive reviews once concurrence has been issued, unless new information or discoveries warrant further evaluation.
- Preserving safeguards for inadvertent discoveries of burial sites and historical resources.



Representative Mark Hashem, Chair  
Representative Dee Morikawa, Vice Chair  
Committee on Water & Land  
February 3, 2026  
Page 2

By modernizing the review process, HB1710 supports the timely development of residential and mixed-use projects particularly transit-oriented development while continuing to uphold Hawai'i's commitment to protecting its cultural and historic heritage.

This balanced approach is critical to addressing the housing crisis, supporting smart growth near transit corridors, and ensuring that historic preservation efforts remain focused where they are truly needed.

We respectfully urge the committee to pass HB1710. This measure will help alleviate the backlog of projects awaiting SHPD review and facilitate the development of much-needed housing units and other projects across Hawaii. 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 "Ken Hayashida". The signature is fluid and cursive, with the first name "Ken" and last name "Hayashida" clearly distinguishable.

Ken Hayashida, President  
NAIOP Hawaii



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON WATER & LAND

February 3, 2026

9:00 AM

Conference Room 411

### In **OPPOSITION** to **HB1710**: RELATING TO HISTORIC PRESERVATION

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Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Water & Land Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB1710**, which only risks significant and costly conflict, poor project planning, and the potentially irreparable destruction or loss of otherwise protected historic properties and sites, including iwi kūpuna.

**“Phased” archaeological reviews have a history of both significant conflict and irreversible destruction, as seen most notably in the development of the H3 Interstate Highway.** Allowing projects to proceed with only partial archaeological surveys for their projected footprints will inevitably lead to unexpected encounters with historic resources that either 1) significantly disrupt project plans, including with respect to scope, size, location, design, etc. leading to significant delays and cost increases; and/or 2) result in constraints and decisions to displace, jeopardize, or even desecrate irreplaceable historic resources, sites, and iwi kupuna.

Prudent planning and common sense dictate that full environmental and historic preservation reviews be completed as part of project design— not as an afterthought. Please help to avoid unnecessary conflict, costs, and the deepest of cultural and spiritual harms by not endorsing the phased reviews proposed by this measure.

Accordingly, the Sierra Club of Hawai'i urges the Committee to **HOLD** HB1710. Mahalo nui for the opportunity to testify.

**HB-1710**

Submitted on: 1/30/2026 7:49:42 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committeemembers,

Regulatory burdens are crushing the ability of the working- and middle-class families to afford living in Hawaii. We have to build more homes in a quicker timeframe to help people. HB1710 helps allieviate that burden and gets us building at the scale and pace necessary. I urge the committe to **SUPPORT** this bill!

**HB-1710**

Submitted on: 2/1/2026 4:06:11 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tambara Garrick	Individual	Support	Written Testimony Only

Comments:

**TESTIMONY IN STRONG SUPPORT OF HB1710**

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee:

My name is Tambara Garrick, and I submit this testimony in support of HB 1710, which improves Hawai‘i’s historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability.

By balancing preservation responsibilities with the need for timely decision-making, HB 1710 helps:

- Reduces unnecessary project delays
- Improves coordination between agencies and applicants
- Supports rebuilding
- Provides clarity and accountability for all parties involved.

For these reasons, I respectfully urge the Committee to pass HB 1710.  
Mahalo for the opportunity to provide testimony and for your consideration.

Respectfully submitted,

Tambara Garrick

**HB-1710**

Submitted on: 2/1/2026 5:45:04 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James Kimo Falconer	Individual	Support	Written Testimony Only

## Comments:

Aloha Chair Hashem, Vice Chair Morikawa and members of the House Water and Land Committee.

I am testifying in support of this measure as an owner of a Historic Structure and business on Front Street in Lahaina. An entity that has existed there for 124 years. Two and a half years after the 2023 fire destroyed our town, our commercial district has still not begun its rebuilding. Most of the delays are due to the enormous amount of entitlement red tape and rules common people have no means or knowledge on how to move forward. This bill, while focusing on the process to gain a quicker response from the SHPD, will be a landmark to help similar processes clean themselves up. Please support HB 1710 and help Lahaina speed up its recovery.

Mahalo.

Rep Mar J. Hashem, Chair  
Rep Dee Morikawa, Vice Chair  
Members of the House Committee on Water & Land

Subject: Testimony on Opposition to HB 1710, Relating to Historic Preservation Review  
Hearing, February 3, 2026, 9:00 a.m

From: Leimomi Khan, Community Advocate for Sound Laws

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

Leimomi Khan, ko'u 'inoa. I respectfully submit this testimony **in strong opposition to HB1710**.

HB1710 threatens to undermine the integrity of Hawai'i's historic preservation review process by weakening long-standing legal protections for **iwi kūpuna, kulāiwi, and wahi kupuna**. The bill echoes prior legislative attempts to authorize **phased or incomplete archaeological review**, an approach that has already been rejected by the Hawai'i Supreme Court and shown to cause lasting harm to both cultural resources and development outcomes.

### **Existing Law Reflects Hard-Won Protections**

Hawai'i's historic preservation framework—established under **HRS Chapter 6E** and **HAR §13-300**—exists because of past failures that resulted in the mass excavation and desecration of Native Hawaiian burials, most notably at Honokahua, Maui in 1986. These laws reflect decades of advocacy by Kānaka Maoli to ensure that development does not come at the cost of ancestral remains and culturally significant sites

The Hawai'i Supreme Court reaffirmed these protections in **Kaleikini v. Yoshioka**, holding that a **complete Archaeological Inventory Survey (AIS)** must be conducted *before* construction begins. This requirement is not procedural technicality—it is essential to identifying historic properties, evaluating impacts, and meaningfully considering preservation or mitigation alternatives.

### **Phased Review Undermines Meaningful Protection**

HB1710 would permit development activity to begin **before a full understanding of the historic landscape is known**. As documented in prior legislative debates, phased review:

- Limits preservation alternatives once construction is underway
- Prevents a comprehensive understanding of a site's cultural significance
- Increases the likelihood of disturbing iwi kūpuna during active construction
- Shifts risk and harm onto communities rather than developers

Without a complete AIS, there is no reliable way to assess cumulative impacts or responsibly mitigate harm to historic resources

## **Claims of Efficiency Are Misleading**

Proponents often argue that relaxing historic review requirements promotes efficiency or aligns state law with federal standards. However, prior legislative testimony revealed that even state attorneys struggled to explain how phased review meaningfully aligns with federal law. In practice, incomplete surveys have resulted in **project delays, cost overruns, litigation, and community trauma**—the opposite of efficiency.

Projects such as **Ke‘eaumoku Walmart, Ward Village, and Kawaiaha‘o Church’s multipurpose center** demonstrate that failure to complete proper AIS work upfront leads to unnecessary disturbance of burials and worsened project outcomes .

## **Responsible Development Requires Foresight**

Sound planning requires **research, consultation, and full disclosure before ground is broken**. When historic review is treated as an obstacle rather than a foundation, everyone loses—communities, agencies, and developers alike.

Native Hawaiians are not opposed to development. We are opposed to development that proceeds **without respect, without knowledge, and without accountability**.

## **Conclusion**

HB1710 compromises the very safeguards designed to protect Hawai‘i’s cultural and ancestral resources. It reopens wounds that our laws were specifically crafted to heal and ignores clear judicial guidance affirming the necessity of complete historic review.

For these reasons, I respectfully urge this Committee to **DEFER HB1710**.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

Leimomi Khan

**HB-1710**

Submitted on: 2/2/2026 11:41:16 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB1710

Dana Keawe



**HB-1710**

Submitted on: 2/3/2026 6:26:16 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Hashem, Vice Chair Morikawa, and members of the committee,

Please do **NOT** pass HB1710. This is a **hewa** bill that threatens even greater desecration by allowing developers to defer their kuleana to identify and protect iwi kūpuna and historic sites until it is too late.

HB1710 weakens the precautionary principle by prioritizing development timelines over the protection of ancestral remains and cultural sites. Once disturbance occurs, the harm is irreversible. Post-discovery mitigation is not protection - it is damage control.

Iwi kūpuna are not obstacles to development. They are ancestors deserving of the highest level of care, respect, and due diligence **before** ground disturbance occurs. Any bill that reduces upfront cultural review invites avoidable harm and erodes public trust.

I respectfully urge you to **hold HB1710** and reject any measure that diminishes early identification, consultation, and protection of iwi kūpuna and historic sites.

Mahalo for the opportunity to submit testimony.

**HB-1710**

Submitted on: 2/3/2026 8:52:30 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello Chair Hashem, Vice Chair Morikawa, and Members of the Committee,

My name is Nanea Lo and I'm a lineal descendant from these lands. I'm also theyre writing as a previous O'ahu Island Burial Council member who represented the Kona district. I respectfully urge you **not** to pass HB1710. This hewa bill threatens to enable even greater desecration by allowing developers to sidestep their kuleana to protect iwi kūpuna and historic sites until irreversible harm has already occurred.

Our kūpuna deserve dignity and protection, not reactive measures after damage has been done. Hawai'i's cultural and burial sites are irreplaceable, and laws should strengthen safeguards—not weaken them.

Please hold this bill and ensure that any proposed legislation upholds the responsibility to protect our ancestors, history, and sacred places.

me ke aloha 'āina,

Nanea Lo

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