

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

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GOVERNOR

SYLVIA LUKE
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Statement of
MARY ALICE EVANS, Director

before the
**SENATE COMMITTEE ON
WATER, LAND, CULTURE AND THE ARTS**
Wednesday, March 25, 2026, 1:05 PM
State Capitol, Conference Room 224

in consideration of
**HB 1710, HD 2
RELATING TO HISTORIC PRESERVATION.**

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Water, Land, Culture and the Arts.

The Office of Planning and Sustainable Development (OPSD) **supports HB 1710, HD 2**, 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 proposed projects on private property or certain projects that require state or county approval for entitlement for use, after which concurrence may be assumed and the project may move to the next step in the compliance process.

HB 1710, HD 2 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, HD 2 provides a pragmatic, balanced approach to modernizing our preservation laws while addressing the State's shortage of affordable housing.

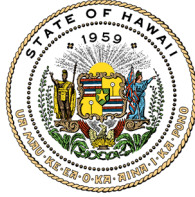
OPSD **supports** this measure because of the urgent need to streamline the permitting process to facilitate the acceleration in housing production outlined in Governor Green's "Ke Ala Hou" housing strategy. Currently, the State Historic Preservation Division (SHPD) review process can significantly delay 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 manage large-scale developments. For these reasons, OPSD respectfully asks the committee to pass HB 1710, HD 2.

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

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Wednesday, March 25, 2026
1:05 PM
State Capitol Conference Room 224

In consideration of
HOUSE BILL 1710, HOUSE DRAFT 2
RELATING TO HISTORIC PRESERVATION

House Bill 1710, House Draft 2 would amend Hawaii Revised Statutes (HRS) §6E-10 and 42, to allow the Department of Land and Natural Resources (Department), Historic Preservation Division (SHPD) to conduct phased reviews for projects on private property, under certain circumstances, provided a programmatic agreement has been executed. It also amends the process and clarifies deadlines by which SHPD may provide its concurrence or non-concurrence for proposed projects on private property subject to historic preservation review, pursuant to HRS §6E-10 and 42. The purpose of these amendments is to clarify timelines and establish more predictable expectations for navigating the historic preservation review process. **The 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 historic preservation review of projects, as required by HRS §6E-10 and 42. This statutory provision reflects the Legislature's intent to require project proponents to consider the impact of their projects on historic properties listed in or eligible for listing in the National and Hawai'i Registers of Historic Places and iwi kupuna.

The Department recognizes the need to clarify and streamline the historic preservation review process due to the ambiguities and inconsistencies identified in the process by the SPEED Taskforce. 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, provided that a programmatic agreement has been executed that takes into account the entirety of the project scope of work to be executed in phases. This bill also amends and clarifies existing

language within HRS §6E-10 and 42 related to the historic preservation review process and deadlines for projects on private property. These amendments reflect existing timelines within the Hawaii Administrative Rules for HRS §6E-10 and 42 historic preservation reviews but provide better clarity regarding what happens if the prescribed timelines are not met. The amendments and additions to HRS §6E-10 and 42 that include alternative programmatic approaches to the historic preservation review process established within this bill are both reasonable and feasible.

The Department recommends the following edits and additions for consideration.

Global Comment:

Throughout the bill, the following language has been used to reflect what would happen if a project was not reviewed by the Department within the allotted amount of time:

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

The Department is comfortable with this language, as it reflects similar language within the Code of Federal Regulations for the National Historic Preservation Act, Section 106 historic preservation review process. However, the Department is open to altering the language to state something to the effect of:

“if DLNR fails to provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no historic properties are adversely affected by the proposed project, after receiving and certifying a true and complete submittal from the property owner, the property owner may ~~[assume DLNR’s concurrence for]~~ move forward with the proposed project without DLNR’s concurrence or determination of effect.

Mahalo for the opportunity to comment on this measure.

LATE



**TESTIMONY PROVIDING COMMENTS ON HOUSE BILL 1710 HD2
RELATING TO HISTORIC PRESERVATION**

Ke Kōmike 'Aha Kenekoa o ka Wai, 'Āina, a me ka Mo'omeheu a me nā Hana No'eau
(Senate Committee on Water, Land, Culture and the Arts)

Ke Kapitala 'o Hawai'i
(Hawai'i State Capitol)

Malaki 25, 2026

1:05 PM

Lumi 224

Aloha e Chair Lee, Vice Chair Inouye, and Members of the Committee on Water, Land, Culture, and the Arts:

The Office of Hawaiian Affairs (OHA) provides **COMMENTS on HB1710 HD2**, 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.¹ 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.² Thus, we have direct first-hand experience concerning the strengths and weaknesses of the current legal framework, and provide our testimony based on this experience.

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 from project proponents to SHPD often cause long review times.³ OHA and SHPD have consistently identified incomplete submissions as a major contributor to delays. Accordingly, to the extent that this measure establishes a complete submittal framework similar to that adopted in Act 160 (2025), OHA

¹ Haw. Const. Art. XII § 5.

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

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

supports this concept as a means of addressing delays without weakening substantive historic preservation protections. **OHA recommends an amendment, however, to clarify the application of the complete submittal requirement to all sections in Chapter 6E that govern the historic review process. At page 2, line 4, we recommend the following:**

“(7) For projects submitted under this ~~section~~ chapter.”

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

If the intent is, however, to allow for a means to establish maintenance intervals or repairs and restoration to preserve a historic building or cultural site, OHA recommends that a preservation plan be required instead of a phased reviewed approach. A preservation plan is an appropriate mechanism established under the administrative rules to codify maintenance intervals and any parameters for construction related repairs or restoration. Preservation plans are typically not required for projects unless in response to an adverse impact for a permitted action; thus, proactive preservation efforts can stall when individual actions need to be taken to SHPD each time for consideration. However, allowing for a preservation plan in statute for non-permitted actions would overcome this hurdle. This alternative promotes proactive preservation and would streamline projects by eliminating the time-consuming process of negotiating an agreement with SHPD. **Therefore, from page 3, line 20 to page 4, line 5, OHA recommends replacing that language with the following:**

“the project proponent or landowner may complete a preservation plan to guide preservation-related maintenance intervals and set up a timeline for proposed preservation-related repair or restoration work, which may include construction activities. The department shall review and approve the plan before implementation.”

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 projects to proceed without adequate historic review. **Accordingly, OHA strongly opposes auto-concurrence provisions as a means of expediting historic review, particularly when they are not paired with adequate staffing and resources for SHPD to properly implement and administer the process.**

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, with complex projects and incomplete submittals from project proponents skewing this timeline upwards.⁴ A 30-day automatic approval period—especially one premised on an unverified 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.**

Additionally, 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.⁵ We recognize, however, that the 30-day timeline draws from a parallel in the Hawai‘i Administrative Rules, where SHPD has thirty days to make a determination of “no historic properties affected.”⁶

Therefore, if the Legislature intends to codify a similar timeline into HRS, it should be accompanied by the same or greater procedural safeguards than what it is set forth in SHPD’s longstanding administrative rules. Under the rules, SHPD retains authority to determine whether historic properties are affected, and when an agency concludes that “no historic properties are likely to be present”, it must be supported by documented evidence sufficient for SHPD review, who makes the official determination of “no historic properties affected”.⁷ Importantly, the rules do not contain an explicit auto-concurrence provision that converts silence into approval in the same manner proposed here. The SHPD determination of “no historic properties affected” is also subject to an additional thirty-day public notice and comment period and may be reconsidered upon receipt of new information.⁸

Accordingly, if a similar timeline is to be incorporated into statute, OHA recommends that the bill be amended to ensure that the procedural safeguards within the administrative rules are also reflected in statute. Specifically, OHA recommends insertion of the following language:

1. A new definition in Section 6E-2 to read as follows:

⁴ *6E Presentation*, SPEED Task Force, *supra* note 3.

⁵ 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).

⁶ HAR § 13-284-5(b).

⁷ HAR § 13-284-5(b)(2).

⁸ HAR § 13-284-5(b)(3).

““Qualified professional” means a person who meets the minimum professional qualification standards set by the department and who possesses expertise in the discipline appropriate to the type of resource under review, including but not limited to archaeology, architecture, architectural history, ethnography, history, or physical anthropology.”

2. For consistency with HRS § 6E-8, Amending at page 10, line 17 and page 11, line 1:

“if no historic properties are [~~adversely~~] to be affected by the proposed project”

3. Add the following new subsection (c) at page 11, line 6; and, appropriately add the same to HRS § 6E-8 for consistency:

“(c) The thirty calendar day response period shall apply only where the agency’s determination that no historic properties are affected is made in consultation with qualified professionals. Any concurrence or deemed concurrence shall be subject to a thirty-day public notice and comment period prior to finalization. During this period, the department may reconsider the determination upon receipt of new information or evidence.”

4. To ensure consistency in HRS § 6E-10, adding a similar new subsection (c) at page 5, line 16:

“(c) The thirty calendar day response period shall apply only where the landowner’s determination that no historic properties are adversely affected is made in consultation with qualified professionals. Any concurrence or deemed concurrence shall be subject to a thirty-day public notice and comment period prior to finalization. During this period, the department may reconsider the determination upon receipt of new information or evidence.”

Lastly, OHA recognizes the intent of this bill to clarify provisions within HRS chapter 6E, promote consistency across related sections, and reduce confusion for project proponents and state agencies. In furtherance of that intent, OHA proposes additional amendments to HRS § 6E-42.2 to address the uncertainty among counties and project proponents resulting from the recent amendments enacted by Act 293 (2025). Due to their late introduction, they were not fully developed and have created potential conflicts with existing requirements under HRS § 6E-43 governing the protection of Native Hawaiian burial sites.

The following suggested amendments would clarify that (1) residential projects involving ground disturbance in areas with identifiable features known to be more likely to contain burials or cultural sites remain subject to historic preservation review, (2) SHPD determines when an area is nominally sensitive, and (3) modifications to high-density residential developments, including condominiums, apartments, and hotels, are exempt from review when the project does not involve ground disturbance:

Section 6E-42.2, Hawaii Revised Statutes, is amended to read as follows:

"§6E-42.2 Excluded activities for existing privately-owned ~~[single-family detached dwelling units and townhouses, residential projects and nominally sensitive areas]~~ residential properties. (a) An application for a proposed project on an existing privately-owned ~~[single-family detached dwelling unit or townhouse]~~ residential property shall be subject to the requirements of section 6E-42 only when one or more of the following applies~~[if the single-family detached dwelling unit or townhouse is over fifty years old and is]~~:

- (1) ~~[Listed]~~ The property is listed on the Hawaii or national register of historic places, or both;
- (2) ~~[Nominated]~~ The property is nominated for inclusion on the Hawaii or national register of historic places, or both; or
- (3) ~~[Located]~~ The property is located in a historic district.
- (4) The proposed project involves ground-disturbing activity
and:
 - (A) Occurs on, or adjacent to, land containing sandy soils; or

(B) The ground-disturbing activity exceeds the excavation of topsoil, and occurs on, or adjacent to, land that:

(i) Contains previously identified burials or cemeteries;

(ii) Contains lava tubes, karst features, or caves; or

(iii) Contains a historic property previously determined to be significant under criterion e pursuant to Hawai'i administrative rules § 13-284-6(b) (5) or § 13-275-6(b) (5).

(5) The proposed permitted project changes the number or density of residential units, or changes the property's classification or zoning resulting in a mixed-used residential development.

Unless the department has executed a programmatic agreement with the permitting agency to establish a program alternative or has otherwise determined the property to not require review under this section due to the absence of historic properties or iwi kupuna.

~~[(b) An application for a proposed project on an existing residential property shall be subject to the requirements of section 6E-42 only if the existing residential property is over fifty years old and is registered on the Hawaii register of historic places.]~~

~~(e)]~~ (b) An application for a proposed project [in a nominally sensitive area] shall not be subject to the requirements of section 6E-42 [↗] if it lies in a nominally sensitive area, defined as a

project area that is known to include a low density of historic, cultural, or archaeological resources, or where the project area has been substantially disturbed by previous excavation or other ground-disturbing work and no significant historic properties have been previously identified, as determined by the department based on:

(A) The Hawaii or national register of historic places;

(B) The age of above-surface structures;

(C) Any existing archaeological inventory surveys previously accepted by the department;

(D) Any burial treatment plans accepted by the department;

(E) The type of substrate known to typically contain burials;

(F) Consultation with the:

(i) Relevant island burial council; and

(ii) Office of Hawaiian affairs; and

(G) Any other literary review relevant to the area.

~~(d)]~~ (c) For the purposes of this section:

"Dwelling unit" means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating, and sanitation.

"Ground-disturbing activity" means any activity that disturbs, penetrates, displaces, or excavates soil or subsurface materials,

including but not limited to grading, trenching, digging, augering, drilling, post-hole installation, foundation work, utility installation, excavation, or landscaping activities that disturb the ground surface.

"Karst" means a landform characterized by subsurface cavities, voids, or solution features formed by the dissolution of soluble rock, including caves, sinkholes, and underground drainage features.

~~["Nominally sensitive area" means a project area that is known to include a low density of historic, cultural, or archaeological resources, or where the project area has been substantially disturbed by previous excavation or other ground-disturbing work and no significant historic properties have been previously identified.]~~

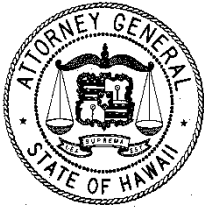
"Sandy soil" means soil classified by the United States Department of Agriculture Natural Resources Conservation Service as sand, loamy sand, sandy loam, or fine sandy loam, including but not limited to Jaucas sands, beaches sand, and other coastal or aeolian sand deposits.

"Single-family detached dwelling unit" means an individual, freestanding, unattached dwelling unit, typically built on a lot larger than the structure itself, resulting in an area surrounding the dwelling.

"Topsoil" means the uppermost naturally occurring soil layer characterized by organic material and biological activity, typically extending to a depth of approximately twelve inches below the ground

surface, or to the depth of the naturally occurring organic horizon,
whichever is less.

Mahalo nui for the opportunity to testify on this critical issue. OHA respectfully urges the committee to carefully consider our **COMMENTS** on HB1710 HD2.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 1710, H.D. 2, RELATING TO HISTORIC PRESERVATION.

BEFORE THE:

SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

DATE: Tuesday, March 25, 2026

TIME: 1:05 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Alyssa-Marie Y.H. Kau, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

This bill authorizes the State Historic Preservation Division (SHPD) to conduct phased reviews of proposed projects on private property under circumstances where the project involves corridors or large land areas, access to the property is restricted, or construction is proposed to occur in stages or as part of long-term or repeated maintenance activities. The bill also amends the process and deadlines by which SHPD must provide written concurrence or non-concurrence for proposed projects on private property, as well as for certain projects requiring state or county approval for an entitlement for use. Under the bill, if SHPD fails to respond within the prescribed timeframes, a concurrence may be assumed and the project may proceed to the next step in the compliance process.

Section 6E-42, Hawaii Revised Statutes (HRS), was amended by Act 160, Session Laws of Hawaii 2025 (Act 160), effective July 1, 2025. Section 3 of Act 306, Session Laws of Hawaii 2025 (Act 306), further amends sections 6E-42, HRS; however those amendments take effect on July 1, 2026, and are repealed on June 30, 2030, at which time section 6E-42 is reenacted in the form in which it read before Act 306's effective date. Section 6 of this bill provides that this Act shall take effect after the amendments made to section 6E-42 by Act 306 take effect.

Because this bill amends section 6E-42, HRS, by setting forth the section in full, the Department recommends that this bill be Ramseyered against the current version of section 6E-42, HRS, as amended by Act 160. The Ramseyer format should reflect the statute presently in effect to ensure that existing provisions are not inadvertently superseded, omitted, or altered.

In addition, given that the bill is intended to take effect after the amendments made by Act 306 become effective on July 1, 2026, the Legislature may wish to confirm that the text of section 6E-42, as set forth in this bill, aligns structurally with the version of the statute that will be in effect at that time and can be clearly integrated into the version of section 6E-42 to be reenacted on June 30, 2030, pursuant to section 7 of Act 306.

The Department also notes that the bill's effective-date provision appears to reference amendments to section 6E-42 made by "section 2" of the bill (page 23, line 1). However, section 6E-42 is amended in section 3. The Legislature may wish to confirm that the correct section number is referenced. The Department further notes that section 1 of the bill amends the definition of "complete submittal" to reference section 6E-42(h), HRS (page 2, line 17), for purposes of identifying a high potential effect level; however, under the subsection structure set forth in section 3 of the bill (section 6E-42(k) (page 17, lines 8-18)), the effect-level classification provisions appear in a different subsection. The Department recommends confirming that all internal cross-references to subsections of section 6E-42, HRS, correspond to the correct subsection numbering in the operative version of the statute.

Thank you for the opportunity to provide comments.

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

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RICK BLANGIARDI
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DAWN TAKEUCHI APUNA
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BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING
BEFORE THE SENATE COMMITTEE ON WATER, LAND,
CULTURE AND THE ARTS

March 25, 2026
Conference Room 224

TO: The Honorable Chris Lee, Chair, The Honorable Lorraine R. Inouye, Vice Chair,
and Members of the Senate Committee on Water, Land, Culture and the Arts

RE: SUPPORT OF HOUSE BILL NO. 1710, HD 2, RELATING TO HISTORIC
PRESERVATION

The Department of Planning and Permitting (DPP) **supports** House Bill No. 1710, HD 2, 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 Chris Lee, Chair
The Honorable Lorraine R. Inouye, Vice Chair
and Members of the Senate Committee on Water, Land, Culture, and the Arts
Hawai'i State Senate
House Bill No. 1710, HD 2
March 25, 2026
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including HRS §6E 10 and HRS §6E 42.

Very truly yours,

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

Dawn Takeuchi Apuna
Director

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Councilmembers
Kauanoë Batangan
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 24, 2026

TO: Honorable Chris Lee, Chair, and
Members of the Senate Committee on Water, Land, Culture and the Arts

FROM: Nohelani U'u-Hodgins
Councilmember

A handwritten signature in cursive script that reads "Nohelani U'u-Hodgins".

DATE: Wednesday, March 25, 2026
1:05 p.m., Conference Room 224

SUBJECT: **TESTIMONY IN SUPPORT OF HB 1710, HD2, RELATING TO HISTORIC PRESERVATION**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure 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 proposed projects on private property or certain projects that require state or county approval for entitlement for use, after which concurrence may be assumed and the project may move to the next step in the compliance process.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

HB 1710, HD2 streamlines the historic preservation review process by authorizing phased reviews and establishing clear timelines for SHPD concurrence or non-concurrence.

By defining what constitutes a complete submittal and requiring SHPD to act within specified deadlines, this measure provides greater predictability and transparency for applicants while maintaining important protections for historic properties, burial sites, and cultural resources.

March 24, 2026
Page 2

HB 1710, HD2 finds a balanced approach to streamlining procedures to reduce unnecessary delays that will help housing and infrastructure projects move forward, while preserving our commitment to historic preservation.

Mahalo for the opportunity to submit testimony in support of this measure.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

March 24, 2026

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

ON

HB 1710, HD 2, RELATING TO HISTORIC PRESERVATION

Senate Committee on Water, Land, Culture and the Arts

Wednesday, March 25, 2026

1:05 p.m.

Conference Room 224

Via Videoconference

Dear Chair Lee and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1710, HD 2, Relating to Historic Preservation. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

HB 1710, HD 2, authorizes the State Historic Preservation Division (SHPD) to conduct a phased review of a proposed project, which will enable initial stages of projects to move forward while detailed reviews continue. This measure improves existing processes by establishing clearer and more manageable timelines that allow agencies and applicants to have predictable expectations for developments with reduced delays while maintaining protections for historic and cultural sites. Additionally, HB 1710, HD 2, helps address the State's commitment to timely development of residential housing projects by reducing the backlog of projects awaiting SHPD review. Lastly, I support the amended language specifying that the Department of Land and Natural Resources (DLNR) has ninety (90) calendar days, or thirty (30) calendar days if no historic properties are adversely affected by the proposed project, to provide written concurrence or non-concurrence.

Thank you again for this opportunity to provide testimony in support of HB 1710, HD 2. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.


Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

RM:sf



 808-733-7060
 808-737-4977

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

March 25, 2026

The Honorable Chris Lee, Chair

Senate Committee on Water, Land, Culture and the Arts
State Capitol, Conference Room 224 & Videoconference

RE: House Bill 1710, HD2, Relating to Historic Preservation

HEARING: Wednesday, March 25, 2026, at 1:05 p.m.

Aloha Chair Lee, Vice Chair Inouye, 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, HD2, 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 proposed projects on private property or certain projects that require state or county approval for entitlement for use, after which concurrence may be assumed and the project may move to the next step in the compliance process. Effective 7/1/3000.

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.



March 25, 2026, 1:05 p.m.
Hawaii State Capitol
Conference Room 224 and Videoconference

To: Senate Committee on Water, Land, Culture and the Arts
Sen. Chris Lee, Chair
Sen. Lorraine R. Inouye, Vice Chair

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

RE: TESTIMONY IN SUPPORT OF HB1710 HD2 — RELATING TO HISTORIC PRESERVATION

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **supports** [HB1710 HD2](#), 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 time period 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 permitted interaction group for historic preservation.

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.”¹

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 more than three times longer than the national average among communities surveyed.² Likewise, UHERO researchers estimated that regulations comprise 58% of the cost of new condominium construction.³

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.⁴

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

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

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

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

² 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.

³ 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.

⁴ “[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.



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

HAWAII CHAPTER

March 24, 2026

Senator Chris Lee, Chair
Senator Lorraine Inouye, Vice Chair
Committee on Water, Land, Culture and the Arts

RE: **HB 1710, HD2 - Relating to Historic Preservation**
Hearing date: March 25, 2026 at 1:05 PM

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

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii with **STRONG SUPPORT** on **HB 1710, HD2 - 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, HD2 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. HB 1710, HD2, 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.

Senator Chris Lee, Chair
Senator Lorraine Inouye, Vice Chair
Committee on Water, Land, Culture and the Arts
Page 2

By modernizing the review process, HB 1710, HD2 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 HB 1710, HD2. 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 K. Hayashida". The signature is fluid and cursive, with the first name "Ken" and the last name "Hayashida" clearly legible.

Ken Hayashida, President
NAIOP Hawaii



Queen's Court
800 Bethel Street, Suite 501
Honolulu HI 96813

Phone 808.587.7770
Fax 808.587.7769
www.avalonhi.com

LATE

TESTIMONY IN STRONG SUPPORT OF HB 1710 HD2

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

Avalon Development Company LLC respectfully submits testimony in **STRONG SUPPORT** of HB 1710 HD2. Avalon is actively engaged in residential, commercial, and mixed-use development across Hawai'i, including projects associated with the recovery and rebuilding of Lahaina following the 2023 wildfire. For projects in historically sensitive areas, clear and predictable review processes are essential to advancing responsible redevelopment while respecting cultural and historic resources.

HB 1710 HD2 addresses long-standing procedural uncertainty within the State Historic Preservation Division (SHPD) review process. While preservation remains critical, the lack of clear statutory standards has resulted in inconsistent determinations of application completeness, extended and unpredictable review timelines, duplicative information requests, and challenges coordinating among state agencies, counties, lenders, and property owners. These delays increase carrying costs and risk without improving preservation outcomes.

This measure responds directly to those issues by establishing clear, enforceable procedures while preserving SHPD's authority and responsibilities. HB 1710 HD2 defines what constitutes a complete submittal, requires SHPD to certify completeness within a reasonable timeframe, establishes deadlines for concurrence or non-concurrence, and allows tolling when additional information is legitimately required. Importantly, once concurrence is issued or deemed, projects are protected from repetitive re-review unless project scope changes or new historic resources are discovered.

The bill also authorizes phased and programmatic review for large, complex, or multi-stage projects. This reflects how infrastructure, redevelopment, and post-disaster recovery projects are actually implemented and allows SHPD review to proceed in an orderly manner without requiring all phases to be reviewed before any work can begin.

These reforms are particularly important for Lahaina's recovery, where rebuilding must occur in phases across historically sensitive areas and in coordination with multiple public and private entities. Uncertainty in SHPD review timelines has become a significant obstacle to advancing reconstruction efforts. HB 1710 HD2 provides the clarity and predictability needed to allow rebuilding to move forward responsibly while continuing to protect cultural and historic resources.

For these reasons, Avalon Development Company LLC strongly supports HB 1710 HD2 and respectfully urges the Committee to pass this measure.

Respectfully submitted,

Avalon Development Company LLC

TO: SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS
The Honorable Chris Lee, Chair
The Honorable Lorraine R. Inouye, Vice Chair, and
Members of the Committee

FROM: Justina Acevedo-Cross, Senior Director of Community Strategy

RE: Testimony in Support for HB 1710 HD 2, Relating to Historic Preservation

DATE: Wednesday, March 25, 2026 at 1:05 pm

LOCATION: Conference Room 224

The Hawai'i Community Foundation (HCF) **supports HB 1710 HD 2**, relating to Historic Preservation. This bill would standardize the permitting process and help mitigate delays for housing production. Housing is a priority area within HCF's CHANGE Framework to make Hawai'i more affordable for families and individuals, and advances goals that are part of the CHANGE Community Centered Economy sector. Through the House Maui Initiative, HCF has been working to support the development of more than 3,000 new housing units on Maui by the end of 2027. HCF invests in housing and collaborates with many partners because increased units allow local residents to stay here.

According to UHERO, Hawai'i has some of the highest costs of housing in the country with our home prices being the highest in the nation¹ and our median rents being the second highest in the nation.² The unmet demand for affordable housing is at a critical level, which has contributed to a record outmigration of working families and local residents. This reality is punctuated by the fact that more Hawaiians now live outside Hawai'i than within Hawai'i.

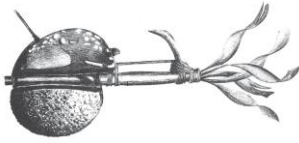
Per the recommendations of the State's Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force, HB 1710 HD 2 aims to improve existing processes and set clearer timelines, enabling the State Historic Preservation Division (SHPD) to provide quicker responses to project proposals and reduce their backlog of projects awaiting review. While this measure establishes defined timelines for decision-making by SHPD, it does not bypass or weaken the existing regulatory review process. All required consultations, evaluations, and compliance obligations under applicable historic preservation laws and regulations would remain fully in effect. Rather, the bill creates clearer expectations for review timelines,

¹ [UHERO 2025 Hawai'i Housing Factbook](#) – page 2.

² [UHERO 2025 Hawai'i Housing Factbook](#) – page 6.

helping to improve predictability and efficiency while maintaining the integrity of Hawai'i's historic preservation protections. By addressing these regulatory barriers, HB 1710 HD 2 would effectively help reduce delays for housing production.

This bill would help streamline the permitting process, keeping much-needed housing and infrastructure projects on track, while also encouraging responsible development and maintaining historic preservation. **We respectfully urge you to advance HB 1710 HD 2.**



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

TO: Senator Chris Lee, Chair
Senate Committee on Water, Land, Culture and the Arts

FROM: Nick Belluzzo, M.A.
President, Society for Hawaiian Archaeology
membership@hawaiianarchaeology.org

HEARING: Wednesday, March 25, 2026, 1:05 PM
Conference Room 224 and Videoconference
State Capitol
415 South Beretania Street

SUBJECT: Testimony in OPPOSITION to HB 1710, HD2, Relating to Historic Preservation

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

I am Nick Belluzzo, 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 HB 1710, HD2.

SHA opposes HB 1710, HD2, as currently drafted. The bill requires substantial revisions to ensure that its requirements are clear, realistic, and capable of practical implementation, and that it does not impose additional unfunded burdens on the State Historic Preservation Division (SHPD) and the public.

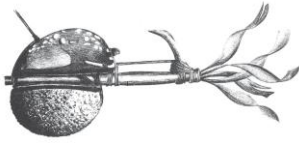
SHA urges you to vote against HB 1710 HD2 and provides the following testimony.
Related to:

SECTION 1. Section 6E-2, Hawaii Revised Statutes, is 1710 H.D. 2 amended by amending the definition of "complete submittal" to 3 4 5 6 7 8 9 10 11 12 13 14 15 read as follows:

(7) For projects submitted under this section: 5 (A) A copy of previous archaeological, architectural, 6 or cultural resource survey for the property; or 7 (B) A literature review and field inspection for 8 archaeological resources or windshield survey for 9 architectural resources for the tax map key or 10

<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.



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

portion of the tax map key where the project area 11 is located;

SHA recommends removing the requirement for a “Literature Review and Field Inspection”. At present, there are no requirements under Chapter 6E that addresses or defines what is to be included in a Literature Review and Field Inspection. In addition, requiring completion of such a study for all HRS 6E submittals places an undue burden on individual homeowners and other small projects where such a study may be unnecessary to facilitate SHPD review.

SECTION 2. Section 6E-10 proposes amendment to state that If:

(1) The proposed construction, alteration, disposition, or improvement consists of corridors or large land areas;

(2) Access to the property or properties is restricted; or

(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.

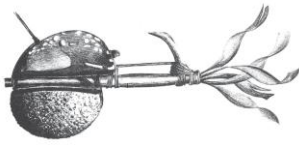
the department's review may be based on a phased review of the project or long-term maintenance of the property; provided that there shall be a programmatic agreement executed among the department, the property owner, and any project proponent that identifies each phase and the estimated timeline of each phase or the long-term and repeated maintenance activities that are required to preserve the historic property.

We recommend that subsection (3) be separated from subsections (1) and (2) because it requires a notably different procedural framework as detailed below.

Subsections (1) and (2) are consistent with phased identification concepts recognized under Section 106 of the National Historic Preservation Act (36 CFR §800.4(b)(2)). When applied appropriately, phased review for in-use linear corridors where safety and access constraints are present, large land areas, or restricted access properties is practical and useful. However, the Bill must be clear that under this approach the project remains in the identification phase, and the

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SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

Department's concurrence with an effect determination should not occur until identification efforts are complete. This ensures that when historic properties or iwi kupuna are encountered, proper consultation and treatment is afforded.

Subsection (3), by contrast, addresses long-term or repeatedly executed activities. This is fundamentally different from phased identification of a defined project. Projects or maintenance activities conducted in stages over prolonged periods require a structured framework to ensure proper documentation, review, accountability, and reporting. Without a clearly defined and executed programmatic agreement establishing responsibilities, procedures, documentation standards, and reporting requirements, there is significant risk that historic property identification and treatment measures may not be consistently or adequately addressed. Accordingly, we recommend separating subsections (1) and (2) from subsection (3). Subsections (1) and (2) are appropriately treated as phased project review provisions. While these situations may benefit from a required written, signed memorandum outlining the responsible parties, required actions, and applicable timelines, they do not necessarily require a full programmatic agreement, which can be time-intensive to develop and execute. Subsection (3), however, should be structured as a distinct provision governing long-term maintenance or repeated activities and should explicitly require an executed programmatic agreement among the Department, the permitting or approving agency, and the project proponent outlining procedure and responsibility.

This clarification would improve implementation, reduce confusion, and better protect historic properties while still allowing the flexibility the bill intends to provide.

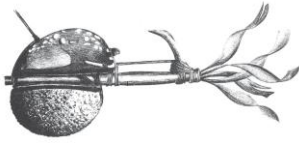
Further, the portion of the bill which states:

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

is operationally unrealistic for several reasons.

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1. The State Historic Preservation Division (SHPD) review staff are already inundated with work and do not have the capacity to absorb additional mandatory certification deadlines within a five-business-day window.

Additionally, many projects require review by multiple SHPD staff members based on subject matter expertise (e.g., archaeology, architecture, or history and culture). The proposed five-day certification window does not reasonably account for routing, substantive review, and inter-staff coordination necessary to make a defensible determination of completeness.

2. This text assumes that the person(s) preparing the materials for review possess adequate knowledge of historic preservation terminology, practices, and application and are adequately qualified to determine “if no historic properties are adversely affected by the proposed construction, alteration, disposition, or improvement”. Many submitters are not familiar with historic preservation terminology, regulatory standards, or effect determinations. Conditioning the review timeline on an *applicant’s* characterization of effect creates inconsistency and uncertainty.

SHPD may determine that a project requires a ninety-day review, while an applicant may assert that a thirty-day timeline applies. The bill does not require SHPD to formally notify the applicant of the applicable review period, creating the potential for dispute and procedural confusion.

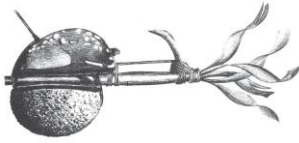
If the intent of this bill is to address prolonged review times at SHPD, a more practical and effective approach would be to fund dedicated positions for qualified intake and review personnel who are well-versed in historic preservation regulatory requirements. Ensuring adequate staffing levels, rapid hiring, and time and funding for proper training would directly improve efficiency without compromising the integrity of the review process. Additional SHPD Review and Compliance staff are also necessary to meet statutory obligations in a timely and legally defensible manner.

Absent increased staffing capacity, these compressed timelines would place unsustainable pressure on an already understaffed Division and would inevitably result in the damage, destruction, or complete loss of Hawaiian history and tangible cultural resources when documentation is not completed as identification or mitigation. The long-term consequence could be damage to or loss of irreplaceable Hawaiian historic and cultural resources.

Finally, the bill currently states “or within thirty calendar days if no historic properties are adversely affected by the proposed project.” The term “adverse effect” is not a determination defined under Chapter 6E; rather, it is terminology drawn from federal regulations implementing

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SOCIETY FOR HAWAIIAN ARCHAEOLOGY

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the National Historic Preservation Act. The inclusion of this federal standard in a Chapter 6E framework further illustrates the risk of relying on applicant-driven effect determinations, particularly where submitters may not have a comprehensive understanding of the distinctions between state and federal historic preservation law.

For these reasons, we respectfully urge reconsideration of the proposed timelines and recommend that any reform prioritize clear and realistic goals that must necessarily include adequate staffing and structural improvements within SHPD if they are to be implemented successfully.

Should HB 1710, HD2 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/>

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Maui Hotel & Lodging
ASSOCIATION

LATE

COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair

March 24, 2026

TESTIMONY IN **STRONG SUPPORT** OF HB1710 HD2

Aloha Chair Lee, Vice Chair Inouye, and Members of the Committee:

The Maui Hotel and Lodging Association is in **support** of HB 1710 HD2, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability. HB 1710 HD2 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate.

Importantly, this measure does not weaken historic preservation protections. The bill maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified. It also ensures that any newly discovered resources are addressed promptly and appropriately. By balancing preservation responsibilities with the need for timely decision-making, HB 1710 HD2 helps, reduce unnecessary project delays, improve coordination between agencies and applicants, support rebuilding, and provide clarity and accountability for all parties involved. For these reasons, we respectfully urge the Committee to pass HB 1710 HD2.

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

Respectfully submitted,

John Pele

Executive Director- Maui Hotel and Lodging Association



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON WATER, LAND, CULTURE, & THE ARTS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 224
WEDNESDAY, MARCH 25, 2026 AT 1:05 P.M.**

To The Honorable Senator Chris Lee, Chair
The Honorable Senator Lorraine R. Inouye, Vice Chair
Members of the Committee on Water, Land, Culture & The Arts

SUPPORT HB1710 HD2 RELATING TO HISTORIC PRESERVATION

The Maui Chamber of Commerce submits this testimony in strong support of HB1710 HD2, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability.

HB1710 HD2 addresses long-standing challenges with project review delays and regulatory uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. For businesses navigating the permitting process, predictability and coordination are essential. When timelines are unclear or open-ended, projects stall, costs increase, and economic recovery is slowed.

For Maui County in particular, timely and coordinated review processes are critical. The rebuilding process for the Lahaina commercial district remains complex, and many business owners continue to face uncertainty at various stages of permitting, including review by the State Historic Preservation Division (SHPD). Providing structure and accountability in the review process will help restore confidence and momentum.

HB1710 HD2 maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified. It also ensures that any newly discovered resources are addressed promptly and appropriately. The bill strikes a thoughtful balance between preserving Hawai'i's cultural and historic resources and ensuring that the regulatory system functions efficiently.

Mahalo for the opportunity to share our support of HB1710 HD2. We ask that you move this bill forward.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



ABC Stores
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E-mail: mail@abcstores.com

March 25, 2026

Senator Chris Lee, Chair
Senator Lorraine R. Inouye
Senate Committee Members on Water, Land, Culture, and the Arts

LATE

Re: Letter of Support for HB1710 HD2 – Relating to Historic Preservation

Aloha Chair Evslin, Vice Chair Miyake, and Members of the Committee:

My name is Paul Kosasa, President and CEO of ABC Stores and a member of the Front Street Recovery. We respectfully **support HB1710 HD2** because it strikes an important balance between protecting Hawai'i's historic resources and providing clarity and predictability for local businesses and property owners.

HB1710 HD2 improves the historic preservation review process by clarifying what constitutes a complete submittal, setting clear deadlines for the State Historic Preservation Division to provide written concurrence or non-concurrence, allowing the review clock to pause when additional information is needed, and enabling phased reviews for complex projects. Importantly, it maintains meaningful review while providing a clear path to proceed when timelines are met. For long-standing local employers like ABC Stores, this predictability is critical to responsibly maintaining and reinvesting in our properties—many of which are located in historic and culturally significant areas.

This measure helps ensure that preservation reviews remain meaningful without creating unnecessary delays that can hinder economic activity, job stability, and community-serving businesses. HB1710 HD1 supports thoughtful preservation, responsible stewardship, and a stronger local economy.

For these reasons, ABC Stores urges your support of HB1710 HD2.

Mahalo,

Paul Kosasa
President & Chief Executive Officer
ABC Stores



March 25, 2026

TO: Chair Lee and Members of the Committee on Water, Land, Culture and the Arts
RE: HB1710 HD2, Relating to Historic Preservation

Dear Chair Lee and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support HB 1710 HD2.

The historic preservation review process can be a key determinant in the timeline and feasibility of much-needed housing projects, particularly on private property. The State of Hawai'i is presently working to address the root causes of our high regulatory barriers, as most notably demonstrated by the Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force.¹

The bill's provisions to authorize phased reviews and to set clearer deadlines for the State Historic Preservation Division (SHPD) to respond to project proposals represent a balanced approach. By allowing phased reviews, the bill recognizes the complexity of historic preservation while also providing a pathway for responsible development to proceed without unnecessary delay. The establishment of defined timelines for SHPD's written concurrence or non-concurrence, and the provision for assumed concurrence after deadlines, helps address a common source of uncertainty and delay for housing projects. **Please advance HB 1710 HD2.**

Thank you,

Lee Wang
Executive Director
Housing Hawai'i's Future
lee@hawaiisfuture.org

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¹ The SPEED Task Force is authorized by Act 133, SLH 2025.

HB-1710-HD-2

Submitted on: 3/24/2026 11:59:26 AM

Testimony for WLA on 3/25/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Comment and stand on OHA testimony dated 2/11/26, see below.

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.¹ 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.² 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.³ 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 1Haw. Const. Art. XII § 5. 2See HRS §§ 6E-3, 6E-43, 6E-43.5, 6E-43.6; HAR §§ 13-284-6(c), 13-275-6(c). 3Presentation 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.⁴ 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.⁵ 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.

1710 HB RELATING TO HISTORIC PRESERVATION.

LATE

HB-1710-HD-2

Submitted on: 3/24/2026 10:10:49 PM

Testimony for WLA on 3/25/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
mousa hassan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lee, Vice Chair Inouye, and members of the Water, Land, Culture and the Arts committee.

My name is Mousa Hassan 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.

HB 1710 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. I have lost my business in the 2023 Lahaina Wildfire. At this very moment, the rebuild process for our commercial district is still very uncertain and slow. Many of the business owners are stuck at different points in the process relating to permitting itself, one of those being with SHPD.

Importantly, this measure does not weaken historic preservation protections. The bill maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified. It also ensures that any newly discovered resources are addressed promptly and appropriately.

By balancing preservation responsibilities with the need for timely decision-making, HB 1710 helps, reduce unnecessary project delays, improve coordination between agencies and applicants, support rebuilding, and provide 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,

Mousa Hassan
Maui Paradise Lahaina partners

LATE

HB-1710-HD-2

Submitted on: 3/24/2026 10:19:05 PM

Testimony for WLA on 3/25/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mohamed Jobran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lee, Vice Chair Inouye, and members of the Water, Land, Culture and the Arts committee.

My name is Mousa Hassan 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.

HB 1710 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. I have lost my business in the 2023 Lahaina Wildfire. At this very moment, the rebuild process for our commercial district is still very uncertain and slow. Many of the business owners are stuck at different points in the process relating to permitting itself, one of those being with SHPD.

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By balancing preservation responsibilities with the need for timely decision-making, HB 1710 helps, reduce unnecessary project delays, improve coordination between agencies and applicants, support rebuilding, and provide 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,

Mohamed Jobran

LATE

HB-1710-HD-2

Submitted on: 3/24/2026 10:25:10 PM
Testimony for WLA on 3/25/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jubran Jobran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lee, Vice Chair Inouye, and members of the Water, Land, Culture and the Arts committee.

My name is Mousa Hassan 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.

HB 1710 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. I have lost my business in the 2023 Lahaina Wildfire. At this very moment, the rebuild process for our commercial district is still very uncertain and slow. Many of the business owners are stuck at different points in the process relating to permitting itself, one of those being with SHPD.

Importantly, this measure does not weaken historic preservation protections. The bill maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified. It also ensures that any newly discovered resources are addressed promptly and appropriately.

By balancing preservation responsibilities with the need for timely decision-making, HB 1710 helps, reduce unnecessary project delays, improve coordination between agencies and applicants, support rebuilding, and provide 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,

Jubran Jobran

LATE

HB-1710-HD-2

Submitted on: 3/24/2026 10:34:02 PM

Testimony for WLA on 3/25/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Adel jobran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lee, Vice Chair Inouye, and members of the Water, Land, Culture and the Arts committee.

My name is Adel Jobran 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.

HB 1710 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. I have lost my business in the 2023 Lahaina Wildfire. At this very moment, the rebuild process for our commercial district is still very uncertain and slow. Many of the business owners are stuck at different points in the process relating to permitting itself, one of those being with SHPD.

Importantly, this measure does not weaken historic preservation protections. The bill maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified. It also ensures that any newly discovered resources are addressed promptly and appropriately.

By balancing preservation responsibilities with the need for timely decision-making, HB 1710 helps, reduce unnecessary project delays, improve coordination between agencies and applicants, support rebuilding, and provide 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,

Adel Jobran

LATE

HB-1710-HD-2

Submitted on: 3/25/2026 7:18:33 AM

Testimony for WLA on 3/25/2026 1:05:00 PM

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

Comments:

TESTIMONY IN SUPPORT OF HB1710

Aloha Chair Lee, Vice Chair Inouye, and Members of the Water, Land, Culture and the Arts Committee,

I respectfully submit testimony in strong support of HB1710, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability.

HB1710 addresses long-standing challenges with project review delays and uncertainty by establishing defined deadlines for agency action and allowing for phased and programmatic reviews where appropriate. Timely and transparent processes are essential as communities across the state work to navigate permitting and move forward with projects.

Importantly, this measure does not weaken historic preservation protections. The bill maintains requirements for notification, consultation, and mitigation when historic properties, burial sites, or aviation artifacts are identified, and ensures that any newly discovered resources are addressed appropriately.

By improving coordination and accountability within the review process, HB1710 helps reduce unnecessary delays while maintaining important preservation standards.

For these reasons, I respectfully urge the Committee to pass HB1710.

Mahalo for the opportunity to provide testimony and for your consideration,
Tambara Garrick - Resident of Lahaina, Maui

LATE

HB-1710-HD-2

Submitted on: 3/25/2026 7:34:34 AM
Testimony for WLA on 3/25/2026 1:05:00 PM

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

Comments:

Aloha e Chair Lee, Vice Chair Inouye and members of the Senate Water and Land Committee. I humbly ask for you support in passing HB 1710 through. Lahaina has encountered immeasurable obstacles in getting through the permitting and entitlement process. This will be one area that will help speed up the lengthy SHPD step we as family/business owners are burdened with. Keep in mind in 2 years and 9 months after the Lahaina fires, not a single commercial building permit for Front Street has been issued. Please help us in this process. Mahalo.