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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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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
JUDICIARY

Thursday, April 9, 2026
10:01 AM
State Capitol Conference Room 016

In consideration of
HOUSE BILL 1710, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO HISTORIC PRESERVATION

House Bill 1710, House Draft 2, Senate Draft 1 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 strongly 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. It also allows for projects affecting privately

owned historic properties to proceed without further HRS §6E historic preservation review if they are consistent with a historic preservation plan previously approved by SHPD. 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 reasonable, feasible, and consistent with existing federal preservation program best practices.

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. Such amended language reflects existing timelines within the Hawaii Administrative Rules for HRS §6E-10 and 42 historic preservation reviews and is appropriate to carryover and clarify in the amended sections. A previous draft of this bill, however, also included language that further clarified what would happen if a historic preservation review was not completed within the time allowed. The Department maintains that including such clarifying language is reasonable and consistent with federal historic preservation program standards and practices. The Department continues to support amendments to HRS §6E which articulate that a project may move forward without SHPD's review or concurrence if SHPD receives a complete submittal that is not reviewed within the time allowed. Thus, the Department recommends adding language globally throughout HRS §6E that says something to the effect of:

“if the Department 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 move forward with the proposed project without the Department's concurrence or determination of effect.

This bill also provides necessary clarity to HRS §6E-42.2 regarding residential projects on private property that are either exempted from HRS §6E-42 historic preservation review or are not eligible for an exemption due to the sensitivity or presence of iwi kupuna within or directly adjacent to the project area. As currently written, HRS §6E-42.2 exemptions have caused some confusion and delay in completing both the permit review/issuance process and HRS §6E-43 compliance requirements for prehistoric and historic burial sites. These amendments are critical to ensure that all parties involved in the permitting process (SHPD, permitting departments, and project proponents) understand which projects are eligible for an HRS §6E-42 exemption and which are not.

Lastly, this bill clarifies that “nominally sensitive areas” are identified by SHPD; and, once an area is determined to be “nominally sensitive” any project within that area is exempted from HRS §6E review, regardless of whether it includes ground disturbance. These amendments are also reasonable, feasible, and appropriate.

Mahalo for the opportunity to comment on this measure.



TESTIMONY IN SUPPORT OF HOUSE BILL 1710 HD2 SD1
RELATING TO HISTORIC PRESERVATION

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
(Senate Committee on Judiciary)

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

‘Apelila 9, 2026

10:01 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1710 HD2 SD1**, which 1) authorizes preservation plans for maintenance and repair work on private owned historic property,¹ 2) amends the process and deadlines by which the State Historic Preservation Division (SHPD) must provide written concurrence or non-concurrence, and 3) clarifies when an application for a proposed project on an existing privately-owned residential property shall be subject to historic review.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.² 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.³ OHA also regularly receives calls and emails from beneficiaries about the desecration of iwi, difficulties exerting their rights as cultural and lineal descendants, and other issues related to proper implementation of HRS Chapter 6E. 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.

Amendments to Ensure Fair and Timely Review

First, OHA notes that parts of this measure are informed by recommendations from the Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force, where discussions

¹ While the current version of the bill was amended by the Senate Committee on Water, Land, Culture, and Arts to authorize preservation plans instead of phased review, the descriptive language for the bill still states that phased review is authorized.

² Haw. Const. Art. XII § 5.

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

revealed that incomplete and deficient submittals from project proponents to SHPD often cause long review times, rather than lack of action by SHPD staff.⁴ Even prior to the SPEED Task Force convening, OHA and SHPD consistently identified incomplete submissions as a major contributor to delays in testimony before this legislature. Given that having complete and accurate information available from project proponents is a common sense prerequisite to historic review, **OHA supports the complete submittal framework proposed in this draft as a means of addressing delays without weakening substantive historic preservation protections.** Specifically, OHA supports the clarification to the chapter wide definition of complete submittals (page 2, line 4), and clarification that a complete submittal is required to trigger historic review deadlines (page 4, line 10-12; page 5, line 11 to page 6, line 3; page 10, line 12 to page 11, line 3).

Second, OHA supports the proposed concurrence timelines and supports the removal of the automatic concurrence provisions in the latest SD1 draft amendments at page 4, lines 5-12, and page 10, lines 6-10. Their removal is consistent with the intent for a limited pilot for state-sponsored affordable housing projects, allowing for evaluation over time before any broader application.

Third, OHA supports preservation plans for projects involving privately owned historic properties as proposed in the SD1 draft, which allows for a means to establish maintenance intervals or repairs and restoration to preserve a historic building or cultural site through a preservation plan (page 3, line 16 to page 4, line 4). This alternative promotes proactive preservation and would streamline projects by eliminating the time-consuming process of negotiating an agreement with SHPD. Currently, preservation plans cannot be pursued absent a permitting nexus.

Amendments to Address Act 293 (2025)

Lastly, OHA strongly supports the clarifying amendments to HRS § 6E-42.2 made in the SD1 draft of this bill to address the uncertainty and risk to iwi kūpuna and cultural resources created by recent amendments. See Act 293 (2025).

While OHA supports efforts to address the State's urgent housing needs, the amendments enacted through Act 293 were introduced late in the legislative process and were not fully vetted by archaeology professionals, resulting in conflicts with existing statutory requirements under HRS § 6E-43 and the State's constitutional obligations to protect Native Hawaiian burial sites.⁵ Act 293

⁴ *Presentation by State Historic Preservation Division on Chapter 6E: Historic Preservation Compliance Overview, SPEED Task Force Meeting, Sept. 11, 2025 [hereinafter 6E Presentation].*

⁵ Native Hawaiian burial sites and iwi kūpuna are part of Hawai'i's public trust and constitutionally protected. Hawai'i law also classifies burial sites as a unique class of historic property held in trust for cultural descendants. The State has an affirmative duty to reasonably protect iwi kūpuna and Native Hawaiian traditional and customary burial practices. See Haw. Const. art. XII, § 7; HRS §§ 6E-1, -13, -43.

expanded exemptions for projects on “existing residential property” and those located in “nominally sensitive areas.” As written, the exemptions are overly broad and susceptible to interpretation that could allow projects to skip historic review entirely in areas that are highly likely to contain Native Hawaiian burials or cultural deposits, for example in areas containing sand dunes.

Archaeology firms, county planning departments, and county preservation and cultural resources commissions have all flagged their concerns with the ambiguity introduced by this language. The “nominally sensitive are” definition was imported from a separate bill during the 2025 legislative session without its accompanying designation and consultation requirements, under which SHPD evaluates sensitivity using archaeological data and consultation with OHA and the Island Burial Councils (IBCs).⁶ As a result, project proponents and counties are often left to determine whether a project area is “nominally sensitive” without having the relevant data or expertise for such a determination, which has caused confusion and increased risk.

Similarly, the Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force found that while blanket residential exemptions were intended to streamline smaller-scale residential projects, they have instead generated confusion among applicants and county staff about when HRS Chapter 6E review is required. This confusion has resulted in construction stoppages, project redesigns, and litigation when iwi or other significant historic properties are identified mid-project—outcomes that serve neither efficient permitting nor meaningful cultural protection.⁷

The amendments to HRS § 6E-42.2 proposed 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 or apartments, are exempt from review when the project does not involve ground disturbance or is low risk.

OHA supports the structured and simple approach proposed in the SD1 draft, which anchors residential exemptions to clear, objective indicators that are widely recognized in planning and archaeological best practices to better identify high and low risk areas, rather than relying on a blanket exemption. Additionally, OHA recognizes that the Legislature has expressed continued interest in moving toward tiered sensitivity approaches, which may increase efficiency as SHPD begins to increase their surveyed land inventories, but will require sufficient staffing and

⁶ Act 311/SB79 (2025), codified in HRS § 6E-8.5.

⁷ See *Final Report of the Permitted Interaction Groups for Chapter 6E/Historic Preservation, Individual Wastewater Systems, and Building Permits*, SPEED Task Force, p. 12 (Dec. 2025)[hereinafter *Final Report*]. The SPEED Task Force was established by Act 133 (2025) to identify challenges and measures needed to expedite development permit processes.

technical capacity.⁸ Thus, to properly balance cultural resource protection and review efficiency, we support the amendments in the SD1 draft which clarify the process of determining when an area is “nominally sensitive,” by clarifying that SHPD makes those determinations under the same process outlined in other sections of HRS Chapter 6E.

OHA emphasizes that it is often faster and less expensive to incorporate surveys, monitoring, and consultation with IBCs into the front end of project design than to halt work after ground disturbance has occurred.⁹ Early planned historic review also better ensures that Native Hawaiian rights protected under Article XII, Section 7 are meaningfully preserved. When iwi kūpuna are discovered inadvertently, time-compressed processes can constrain decision-making by IBCs and descendants, who may have only a few days to respond regarding the treatment and preservation of discovered iwi kūpuna.¹⁰ Blanket exemptions, in practice, can create controversy, conflict, and confusion for families, agencies, and developers alike—often resulting in delays, redesigns, and litigation rather than predictability.

In sum, these amendments are intended to improve clarity, ensure consistent implementation across counties, and maintain appropriate protections for iwi kūpuna while allowing development projects that pose little risk to cultural resources to proceed without unnecessary delay. **For clarifying reasons, and after consultation with SHPD, OHA additionally suggests the following amendments to further ensure proper application of this section:**

1. Replace (a)(5), at page 21, line 3 with:

(5) The proposed project would result in an increase in unit density or intensity of use beyond that permitted under the existing zoning;

2. A small word change beginning the paragraph at Page 21, Line 7 materially alters the application of the exemption triggers, making it a precondition rather than an exception. Therefore, to ensure this section serves its purpose, we strongly urge the committee to amend the following:

“~~provided that~~ except that review shall not be required if the department has executed a programmatic agreement with the permitting agency to establish a program alternative or has otherwise determined the property to

⁸ The SPEED Task Force identified SHPD staffing and technical capacity constraints as issues requiring investments before such systems can be reliably implemented. See SPEED Task Force, *Final Report*, *supra* note 5, at 10-15.

⁹ See *Id.* at 12-13.

¹⁰ IBCs have 45 days to consult with descendants and make determinations for iwi discovered prior to construction. See HRS § 6E-43. In contrast, when iwi are discovered during construction, the State has final authority, and IBC consultation is expedited to 2-3 days, limiting descendant input. See HRS § 6E-43.6.

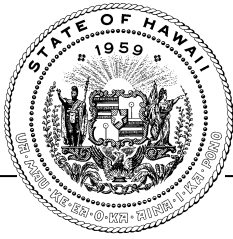
not require review under this section due to the absence of historic properties or iwi kupuna.”

3. Add the definition:

“Existing privately-owned residential property” means a previously constructed residential structure, including single-family dwellings, multi-family dwellings, townhouses, or accessory dwelling units, that is not owned, operated, or funded in whole or in part by the State or its political subdivisions.”

For the above reasons, OHA strongly urges the committee to **PASS HB1710 HD2 SD1** with our suggested amendments.

Mahalo nui for the opportunity to testify on this critical issue.



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

JOSH GREEN, M.D.
GOVERNOR

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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON JUDICIARY
Thursday, April 9, 2026, 10:01 AM
State Capitol, Conference Room 016

in consideration of
HB 1710, HD 2, SD 1
RELATING TO HISTORIC PRESERVATION.

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary.

The Office of Planning and Sustainable Development (OPSD) **supports HB 1710, HD 2, SD 1**, 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. Clarifies when an application for a proposed project on an existing privately-owned residential property shall be subject to the requirements of section 6E-42, HRS.

HB 1710, HD 2, SD 1, 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

HB 1710 HD2 SD1 RELATING TO HISTORIC PRESERVATION - SUPPORT
State Office of Planning and Sustainable Development
April 9, 2026

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, SD 1.

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

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

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TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING

BEFORE THE SENATE COMMITTEE ON JUDICIARY

April 9, 2026
Conference Room 016

TO: The Honorable Karl Rhoads, Chair, The Honorable Mike Gabbard, Vice Chair,
and Members of the Senate Committee on Judiciary

RE: SUPPORT OF HOUSE BILL NO. 1710, HD 1, HD 2, SD 1, RELATING TO
HISTORIC PRESERVATION

The Department of Planning and Permitting (DPP) **supports, with recommended amendments**, House Bill No. 1710, HD 2, SD 1, 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 an 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 at the outset, DPP and other county agencies will have greater clarity regarding when SHPD's review period begins, reducing unnecessary back-and-forth and avoiding preventable processing delays. This will allow projects to move more efficiently through the entitlement and permitting process while maintaining compliance with Chapter 6E, Hawai'i Revised Statutes.

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. These timelines will support more reliable permitting schedules, improve interagency coordination, and provide applicants with greater certainty regarding project timelines. Together, the completeness standards and review deadlines represent

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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meaningful process improvements that respond to longstanding concerns raised by permitting agencies, applicants, and stakeholders.

DPP further supports the amendments included in SD 1 advanced by the Office of Hawaiian Affairs. These amendments help to address concerns regarding the scope and application of exemptions established under Act 293 (2025), and provide important clarification to ensure that historic and cultural resources continue to receive appropriate consideration. The SD 1 language better aligns with the intent of Chapter 6E by reinforcing the need for review in appropriate circumstances while still allowing for a more efficient and predictable process.

In addition to supporting the measure as amended, DPP respectfully offers the following comments and proposed amendments to improve clarity and implementation:

1. Clarification of Density/Intensity Trigger to Page 21, Lines 3 to 6

DPP recommends revising subsection (a)(5) as follows:

(5) The proposed project would result in an increase in unit density or intensity of use beyond that permitted under the existing zoning;

This revision clarifies that the trigger is tied to increases beyond what is already permitted, ensuring that projects consistent with existing zoning are not inadvertently captured.

2. Correction to Page 21, Line 7

DPP recommends revising the language on page 21, line 7, to read:

[provided that] except that review shall not be required if 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 kūpuna.

The current phrasing materially alters the structure of the provision, effectively turning what should function as an exception into a precondition. This creates

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
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confusion in application and may lead to inconsistent interpretation. The proposed revision restores the intended function of the clause and improves readability.

3. **Definition of “Existing Privately-Owned Residential Property”**

DPP recommends adding the following definition for clarity and consistency in application:

“Existing privately-owned residential property” means a previously constructed residential structure, including single-family dwellings, multi-family dwellings, townhouses, or accessory dwelling units, that is not owned, operated, or funded in whole or in part by the State or its political subdivisions.

Providing this definition will ensure consistent interpretation across agencies and avoid ambiguity when determining applicability of the section.

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, including HRS §6E-10 and HRS §6E-42. Collectively, these changes represent a significant step toward a more predictable, efficient, and coordinated historic review process.

DPP appreciates the opportunity to provide testimony and respectfully urges the Legislature to pass HB1710, HD 1, HD 2, SD 1, with the suggested amendments.

Very truly yours,



Dawn Takeuchi Apuna
Director

HB-1710-SD-1

Submitted on: 4/6/2026 9:35:57 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Elaine SanJose	Testifying for Kahua O Kakou Corporation	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Me ke aloha pumehana,

Elaine Poipe Keali‘iwahāmanā Makaio SanJose

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April 9, 2026

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 016 & Videoconference

RE: House Bill 1710, HD2, SD1, Relating to Historic Preservation

HEARING: Thursday, April 9, 2026, at 10:01 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, 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, SD1, which authorizes the State Historic Preservation Division 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. Clarifies when an application for a proposed project on an existing privately-owned residential property shall be subject to the requirements of section 6E-42, HRS. 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.





MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
THURSDAY, APRIL 9, 2026 AT 10:01 A.M.**

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

SUPPORT HB1710 HD2 SD1 RELATING TO HISTORIC PRESERVATION

The Maui Chamber of Commerce submits this testimony in strong support of HB1710 HD2 SD1, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability.

HB1710 HD2 SD1 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 SD1 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 SD1. 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.



April 9, 2026

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

RE: **HB 1710, HD2 SD1 - Relating to Historic Preservation**
Hearing date: April 9, 2026 at 10:01 AM

Aloha Chair Rhoads, Vice Chair Gabbard and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii with **SUPPORT with COMMENTS on HB 1710, HD2 SD1 - 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 SD1 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 SD1, helps address these challenges by:

- Establishing firm deadlines for concurrence or non-concurrence determinations, ensuring projects are not stalled indefinitely.
- Preserving safeguards for inadvertent discoveries of burial sites and historical resources.

By modernizing the review process, HB 1710, HD2 SD1 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. A 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 do note that the recent amendments to HB 1710, HD2 SD1 raise significant concerns as they appear to depart from the original intent of the measure as developed through the SPEED Task Force working group. While the working group's recommendations were carefully crafted to improve predictability, streamline permitting, and establish clear timelines for review, the adopted changes, particularly the removal of provisions allowing for assumed concurrence and the shift away from a phased review process undermine these objectives and reintroduce uncertainty and potential delays into the system. These revisions not only conflict with the balanced framework envisioned by stakeholders but also risk diminishing the efficiency gains that were central to the task force's efforts to modernize and expedite the historic preservation review process.

We respectfully urge the committee to pass HB 1710, HD2 SD1 to continue the discussion. We respectfully recommend reverting the language back to the HD2 which 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,

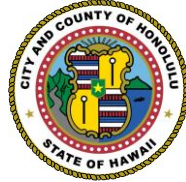
A handwritten signature in black ink, appearing to read "Ken K. Hayashida". The signature is fluid and cursive, with the first name "Ken" and the last name "Hayashida" clearly legible.

Ken Hayashida, President
NAIOP Hawaii

O'AHU HISTORIC PRESERVATION COMMISSION
KOMIKINA A'OA'O MĀLAMA HALE KUMUPA'A O O'AHU
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



KATHARINE STEPHENS, CHAIR LĀLĀ
GLENN MASON, VICE-CHAIR HOPE LĀLĀ
KĒHAUNANI ABAD
KRISTINA BUSHNELL
MAHEALANI CYPHER
RICHARD DAVIS
THOMAS DYE
N. MEHANAOKALA HIND
KAI WHITE

TESTIMONY OF THE O'AHU HISTORIC PRESERVATION COMMISSION

BEFORE THE SENATE COMMITTEE ON JUDICIARY

April 9, 2026

Conference Room 016

TO: The Honorable Karl Rhoads, Chair, The Honorable Mike Gabbard, Vice Chair,
and Members of the Senate Committee on Judiciary

RE: SUPPORT OF HOUSE BILL NO. 1710, HD 2, SD1, RELATING TO HISTORIC
PRESERVATION

The O'ahu Historic Preservation Commission (OHPC) **supports** House Bill No. 1710, HD2, SD1, 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.

The OHPC supports this measure as a balanced and practical approach to improving the efficiency, predictability, and transparency of the historic review process under Chapter 6E, Hawai'i Revised Statutes. The Commission recognizes the need to address delays and uncertainty in the review process, particularly as they affect housing production and other time-sensitive projects. By establishing what is required as part of a complete submittal and clearer timelines for SHPD responses, this bill provides applicants with a more predictable pathway while maintaining the core requirement that historic and cultural resources be appropriately identified and considered prior to project execution.

Importantly, the Commission strongly supports the amendments included in the SD1 that were advanced by the Office of Hawaiian Affairs. These amendments appropriately respond to concerns raised by the OHPC and others regarding the unintended consequences of exemptions enacted under Act 293 (2025). As outlined in the Commission's prior legislative recommendations, categorical exemptions from Chapter 6E review, particularly for "nominally sensitive areas" and certain existing residential properties, pose a significant risk to historic and cultural resources. The

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawai'i State Senate
House Bill No. 1710, HD 2 SD1
April 9, 2026
Page 2

absence of documented resources does not equate to the absence of resources on the ground, and such exemptions may result in the inadvertent disturbance or destruction of iwi kūpuna and other culturally significant sites.

The OHPC supports HB1710, HD2, SD1, because the bill advances a thoughtful balance between facilitating timely project review and upholding the protections intended under Chapter 6E. The inclusion of the SD1 amendments is critical to addressing prior concerns regarding overbroad exemptions and ensuring that Hawai'i's irreplaceable historic and cultural resources are not inadvertently lost. The Commission respectfully urges the committee to pass this measure.

Mahalo for the opportunity to testify in support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Katharine Stephens". The signature is written in a cursive style with a large initial "K".

Katharine Stephens
Chair



ABC Stores
766 Pohukaina Street
Honolulu, Hawaii 96813-5391
www.abcstores.com

Telephone: (808) 591-2550
Fax: (808) 591-2039
E-mail: mail@abcstores.com

April 6, 2026

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee Members on Judiciary

Re: Letter of Support for HB1710 HD2 SD1 – Relating to Historic Preservation

Aloha Chair Rhoads, Vice Chair Gabbard, 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 SD1** because it strikes an important balance between protecting Hawai‘i’s historic resources and providing clarity and predictability for local businesses and property owners.

As amended, HB1710 HD2 SD1 strengthens the historic preservation review process by clarifying what constitutes a “complete submittal,” requiring SHPD to certify completeness promptly, and tolling the review period when additional information is needed so reviews are based on adequate submissions.

The measure also provides clearer timelines for written concurrence or non-concurrence and clarifies that, once concurrence is issued and agreed mitigation measures are in place, a project may proceed unless the scope or project area changes or additional historic resources are discovered.

We also appreciate key SD1 clarifications highlighted in the committee report: for certain privately owned historic properties, such as corridor or large-area projects, restricted access sites, or work done in stages, a preservation plan may be used to guide preservation-related maintenance and repair timelines, subject to departmental review and approval.

In addition, SD1 more precisely identifies when an existing privately owned residential property is subject to section 6E-42 review (e.g., properties on or nominated to the state or national registers, in historic districts, certain ground-disturbing activities, or zoning/density changes) and excludes projects in nominally sensitive areas. These changes help focus review where risks are highest while improving predictability for property owners and the community.

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 HD2 SD1 supports thoughtful preservation, responsible stewardship, and a stronger local economy.

For these reasons, ABC Stores urges your support of HB1710 HD2 SD1.

Mahalo,

Paul Kosasa
President & Chief Executive Officer
ABC Stores



Ko`olau Foundation

P. O. Box 4749 / 46-005 Kawa St., #205
Kane`ohe, HI 96744

April 6, 2026

To: Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair
And Members, Committee on Judiciary

From: Mahealani Cypher, President
Ko`olau Foundation

Re: H.B. 1710, H.D.2, S.D.1 – Relating to Historic Preservation

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members:

The Ko`olau Foundation supports H.B. 1710, HD2, SD1, which addresses ways in which historic preservation reviews could be improved to clarify when certain types of projects trigger review, among other changes.

In previous testimony on this matter, we have suggested that language offered by your committee chair and by the Office of Hawaiian Affairs be incorporated into this bill to mitigate some of the concerns raised by Act 239 of last session.

If these changes are made, we urge your favorable consideration and passage of this bill.

Mahalo nui for this opportunity to share our mana`o.

HB-1710-SD-1

Submitted on: 4/7/2026 5:23:15 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelley Uyeoka	Testifying for Nohopapa Hawai'i, LLC	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary, Nohopapa Hawai'i, LLC respectfully submits testimony in strong support of HB1710 HD2 SD1.

Currently, across the state, agencies, project proponents, and private landowners engage in the Chapter 6E review process under inconsistent standards and unclear procedures. This has resulted in inadvertent impacts to iwi kūpuna and cultural sites, adverse effects to Native Hawaiian communities and lineal and cultural descendants, and unnecessary project delays.

HB1710 HD2 SD1 provides much-needed clarity and structure by establishing clear timelines and documentation requirements, and defining what information is needed to initiate review. This promotes efficiency and consistency without creating automatic approvals that could place iwi kūpuna at risk.

Importantly, the bill clarifies that SHPD, not project proponents or county agencies, determines whether an area is “nominally sensitive,” and only after consultation with the Office of Hawaiian Affairs and the relevant Island Burial Council. It also addresses critical loopholes created by Act 293 (2025), which exempted a broad range of projects from review, by refocusing oversight on higher-risk activities while maintaining reasonable exemptions.

Overall, this bill strengthens the historic preservation framework by improving consistency, clarifying roles, and reducing the likelihood of inadvertent impacts to iwi kūpuna and cultural sites.

For these reasons, Nohopapa Hawai'i, LLC strongly supports HB1710 HD2 SD1.

Mahalo nui for the opportunity to provide testimony.

Kelley L. Uyeoka

Co-Founder and Principal, Nohopapa Hawai'i, LLC



Hawai'i State Senate
Committee on Judiciary

Date: April 9, 2026
Time: 10:01 a.m.
Place: CR 016 and via Videoconference

Re: SUPPORT – HB 1710 HD2 SD1 Relating to Historic Preservation

Aloha e Luna Ho‘omalua Rhoads, Hope Luna Ho‘omalua Gabbard, a me nā Lālā o ke Kōmike:

Hawai'i Land Trust (HILT) **SUPPORTS** HB 1710, which establishes greater structure and reliability in the SHPD review process through defined timelines and phased review.

Inefficiencies and delays in the current review process can have unintended consequences, as projects to protect and restore culturally significant sites—often dependent on time-sensitive grant funding—are jeopardized by prolonged uncertainty.

We believe that improving the efficiency and predictability of the process will ultimately strengthen engagement with SHPD and enhance outcomes for cultural resource protection. For these reasons, HILT respectfully urges the Committee to **PASS HB 1710**.

Mahalo for this opportunity to testify,

‘Olu Campbell
President and Chief Executive Officer



P.O. Box 223, Teasdale, Utah 84773
435-919-6182
konajack@icloud.com

April 8, 2026

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

My name is Jack Kelly. I'm Vice President of Protect Keopuka Ohana, a registered Native Hawaiian Organization that has been working to protect iwi kūpuna — the bones of the Hawaiian ancestors — for the last twenty-six years. We know this landscape well. We've been in the trenches, in the courtrooms, and on the lava fields. We've seen what happens when the law fails to do its job.

We are here today in strong support of HB1710 HD2 SD1.

Let me tell you why this bill matters, and why it matters now.

Act 293 passed last year with the best of intentions, but it left holes in the historic preservation review process big enough to drive a bulldozer through. High-risk development projects — on sand dunes, over lava tubes, on properties with known burials — can now move forward without triggering State Historic Preservation Division review. That is not a technicality. That is an open invitation to the kind of irreversible harm we spent years fighting to prevent at Hokulia. Once the bones are gone, they're gone. You don't get to go back.

HB1710 HD2 SD1 closes those holes. It puts SHPD — not developers, not counties, not project proponents with a financial stake in the outcome — back in the position of determining whether an area is sensitive. It requires consultation with the Office of Hawaiian Affairs and the relevant Island Burial Council before that determination is made. It sets clear timelines and documentation requirements so nobody can claim they didn't know what was needed or when. And it does all of this while preserving reasonable exemptions for low-risk projects like condominium renovations where there's no ground disturbance.

That's not bureaucracy. That's common sense.

Right now there is a narrative circulating in this building that SHPD review is the villain in Hawaii's housing crisis. We've heard it before in different forms. It's wrong now just as it was wrong then. Hawaii's housing problem was built by speculative outside

investment, supply chain failures, and the chronic understaffing of the very agencies charged with protecting the public trust. Blaming cultural preservation for that problem is a misdirection — and a dangerous one, because the people who push that story know exactly what they're doing. If you gut Chapter 6E protections for iwi kūpuna, the harm doesn't stop at the construction site. It ripples through families, through communities, through generations of Hawaiians whose only remaining connection to their ancestral lands is the knowledge that their kupuna rest there undisturbed.

The State of Hawaii has a constitutional obligation under Article XII, Section 7 to protect traditional and customary practices. This bill helps the State live up to that obligation. It also, frankly, protects project proponents from themselves — because discovering a burial mid-construction is not just a cultural catastrophe, it's an expensive one. Early review prevents that. Clear standards prevent that.

We have spent twenty-six years advocating for the iwi. We know what good process looks like, and we know what the absence of it costs. HB1710 HD2 SD1 is good process.

We ask this Committee to pass it.

Mahalo,

Jack Kelly Vice-President, Protect Keopuka Ohana



Maui Hotel & Lodging
ASSOCIATION

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

April 7, 2026

TESTIMONY IN **STRONG SUPPORT** OF HB1710 HD2 SD1

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

The Maui Hotel and Lodging Association is in **support** of HB 1710 HD2 SD1, which improves Hawai'i's historic preservation review process by providing clearer timelines, increased efficiency, and greater predictability. HB 1710 HD2 SD1 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 SD1 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 SD1.

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

Respectfully submitted,

John Pele

Executive Director- Maui Hotel and Lodging Association

April 9, 2026, 10:01 a.m.
Hawaii State Capitol
Conference Room 016 and Videoconference

To: Senate Committee on Judiciary
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

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

RE: TESTIMONY WITH COMMENTS ON HB1710 HD2 SD1 — RELATING TO HISTORIC PRESERVATION

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **offers comments** on — and **amendments** to — [HB1710 HD2 SD1](#), which would make several changes to how the State Historic Preservation Division reviews proposed projects.

The intent of this measure has been to implement the recommendations of the Simplifying Permitting for Enhanced Economic Development Task Force related to historic preservation reviews. **As such, Grassroot respectfully requests that the Committee restore the HD2 version of this legislation.**

The SD1 version removes the requirement that SHPD 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. It also omits the proposed “shot clock” that would allow applicants to assume concurrence for their projects if SHPD does not issue a determination within those time frames.

Additionally, the SD1 version features a new Section 4 that would narrow an existing exclusion for certain single-family homes, townhomes and nominally sensitive areas.

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.

The SPEED Task Force 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.



Queen's Court
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**TESTIMONY IN SUPPORT WITH COMMENTS ON HB 1710 H.D.2 S.D.1 —
RELATING TO HISTORIC PRESERVATION**

DATE: 04-09-2026

TIME: 10:01 A.M.

COMMITTEE: Senate Committee on Judiciary

Chair: Senator Karl Rhoads

Vice Chair: Senator Mike Gabbard

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

Avalon Development Company respectfully submits this testimony in SUPPORT of the intent of HB 1710 H.D.2 S.D.1, with **COMMENTS** and **CONCERNS** regarding the definition of “complete submittal.”

Avalon supports the core objective of this bill, particularly the establishment of **clear, enforceable timelines for the State Historic Preservation Division (SHPD) to issue written concurrence or non-concurrence**. Predictable review timelines are essential for responsible project planning, financing, and delivery. We appreciate the Legislature’s effort to address longstanding and well-documented delays that have affected both public and private projects statewide.

However, we are concerned that the bill’s revised definition of a “complete submittal,” **as currently drafted, may unintentionally undermine the bill’s stated purpose by imposing excessive and costly requirements before SHPD review may even begin**.

At the project review and compliance stage, SHPD’s function is to evaluate whether a proposed project may impact historic properties, archaeological resources, or burial sites. At that initial stage, **the key question is not the final architectural design of a project, but whether, and how, ground-disturbing activity may affect protected resources**. That determination depends on objectively identifiable factors such as the project footprint, limits of disturbance, depth of excavation, and location of proposed work, rather than near-final building plans or detailed architectural layouts.

The requirement that applicants submit a permit set or a sixty-percent complete drawing set as a condition of completeness creates a substantial and unnecessary financial barrier at this early review stage. For mid-rise, high-rise, mixed-use, and even large-scale single-family residential projects, reaching sixty percent design completion requires extensive architectural, engineering, and consultant coordination. Industry-wide, planning, architectural, and engineering costs generally total five to ten percent of total construction costs. As a result, applicants may be



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required to spend millions of dollars on design work before receiving any indication of whether SHPD concurrence can be obtained.

Requiring permit-level or near-permit-level drawings to evaluate archaeological risk shifts significant financial risk onto applicants without advancing preservation outcomes, because this level of design detail is not necessary for early impact assessment.

These concerns are particularly acute for applicants seeking preliminary determinations, demolition permits, or clarity on whether archaeological or architectural review is even triggered. Under the current language, an applicant may be required to prepare a permit set or sixty-percent design package merely to initiate that threshold determination. This adds cost and delay not to protect historic resources, but simply to determine whether a project is feasible.

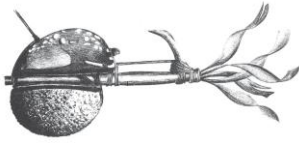
We are also concerned with language that appears to require documentation of consultation with the Office of Hawaiian Affairs prior to submittal to SHPD for certain projects. Under the existing framework, consultation with the Office of Hawaiian Affairs occurs concurrently during the archaeological inventory survey process, once SHPD review is underway. Moving this requirement upstream introduces an additional procedural step that is outside an applicant's control and not subject to the bill's new concurrence or non-concurrence timelines. **Rather than speeding review, this change is likely to create a new bottleneck and further delay SHPD processing.**

We want to be clear that these concerns do not reflect opposition to historic preservation, burial protection, or consultation requirements. Avalon strongly supports thorough, culturally respectful, and timely review processes. However, those processes are most effective when requirements are properly sequenced and aligned with the purpose of each review stage. At the outset, SHPD should be focused on determining whether ground-disturbing activity may affect protected resources—not on evaluating near-final architectural design.

HB 1710 represents an important opportunity to improve accountability, predictability, and transparency within SHPD's project review process. We respectfully urge the Committee to **preserve the bill's concurrence and non-concurrence timelines while revisiting the definition of "complete submittal" to ensure it is appropriately tailored to the information necessary for early impact assessment.** Doing so will reduce unnecessary upfront costs, encourage earlier and more productive coordination, and better ensure that the bill achieves its intended purpose.

Respectfully submitted,

Avalon Development Company



SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAI'I 96823

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

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

HEARING: Wednesday, April 9, 2026, 10:01 AM
Conference Room 224 and Videoconference
State Capitol
415 South Beretania Street

SUBJECT: Testimony in COMMENTS to HB 1710, SD1, Relating to Historic Preservation

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

I am Nick Belluzzo, President of the Society for Hawaiian Archaeology (SHA). SHA has over 150 members including professional archaeologists and advocates of historic preservation. On behalf of SHA, we offer COMMENTS on HB 1710, SD1.

While this bill reflects improvements to its earlier drafts, SHA continues to have significant concerns with the procedures set forth in HB 1710, SD1, as currently drafted. Revisions are needed to ensure that the requirements are clear, operationally realistic, and capable of consistent implementation. As written, the bill risks imposing additional, unfunded burdens on both the State Historic Preservation Division (SHPD) and the public, without providing the resources necessary to support its mandates.

SHA urges you to consider substantial revisions to HB 1710 SD1 and provides the following testimony.

Related to:

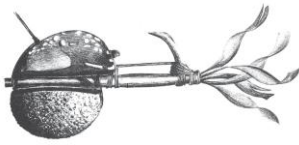
Section 1

SECTION 1. Section 6E-2, Hawaii Revised Statutes, is amended by amending the definition of "complete submittal" read as follows:

""Complete submittal" means a packet that includes:...

<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

(7) For projects submitted under this Chapter:

...

(B) A literature review and field inspection for archaeological resources or windshield survey for architectural resources for the tax map key or portion of the tax map key where the project area is located;

SHA recommends removing the requirement for a “Literature Review and Field Inspection”. At present, Chapter 6E does not define this as a term or establish standards for its content. As written, it is unclear what constitutes an adequate “Literature Review and Field Inspection,” and applicants are provided no guidance on how to satisfy this requirement. Should this requirement pass through, there must be clear guidance as to the content and format for which the results of a “Literature Review and Field Inspection” shall be reported in the applicant’s submittal.

In addition, requiring completion of such a study for all HRS 6E submittals places an undue burden on individual homeowners and other smaller-scale projects where such a study may not be necessary to support SHPD review. Rather, SHA recommends requiring the identification efforts, as required in HAR §13-275-3, include researching the SHPD library and the State and National Registers of Historic Places as minimum requirements and documenting the findings in the applicant’s submittal.

Section 2.

SECTION 2. Section 6E-10 (b) The proposed construction, alteration, disposition, or improvement of any nature shall not be commenced, or in the event it has already begun, continue, until the department has given its written concurrence or non-concurrence.

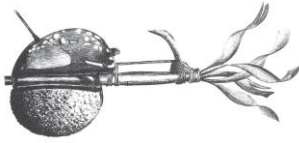
SHA recommends the removal of “non-concurrence” from the above text, as a project should not commence, at that time, should the SHPD provide non-concurrence within the allotted review period.

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

...the project proponent or landowner may complete a preservation plan to guide preservation-related maintenance intervals and set

<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

up a timeline for proposed preservation-related repair or restoration work, which may include construction activities.

SHA recommends including reference to HAR 13-277 (Preservation Plans) to provide clear expectations.

Section 2. Review timelines and completeness determination.

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.

This provision is operationally unrealistic for several reasons.

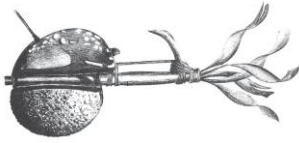
1. The SHPD review staff are already inundated with work and do not have the capacity to absorb additional mandatory certification deadlines within a five-business-day window.

Many projects require interdisciplinary review based on subject matter expertise (e.g., archaeology, architecture, or history and culture) and therefore requires coordination between two or more staff persons. 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 the nuances of effect determinations. Conditioning the review timeline on an *applicant’s* characterization of effect creates inconsistency and uncertainty.

<https://hawaiianarchaeology.org/>

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SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

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 intake and review positions with expertise 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.

Absent increased staffing capacity, these compressed timelines would place unsustainable pressure on an already understaffed Division and would inevitably increase the risk of damage, destruction, or complete loss of pieces of Hawaiian history and tangible cultural resources.

Finally, this Section 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 the National Historic Preservation Act. The inclusion of this terminology, along with phrases such as “avoid, minimize, or mitigate adverse effects,” [Section 2 (b) and Section 3(b)] may create confusion and does not clearly translate to the Chapter 6E process.

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.

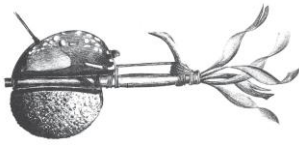
Section 2. Post-review discoveries and project changes.

Section 2 (b) and Section 3(b) states:

If there is a change in the project's physical scope of work or project area or if additional historic properties or aviation artifacts are identified within the project area post-review, the property owner shall notify the department within forty-eight hours of the discovery. The notification shall include a description of the historic property or aviation artifact and propose actions to avoid, minimize, or mitigate adverse effects.

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The department shall respond within five business days of the notification with an assessment of the historic property or aviation artifact and shall provide concurrence or non-concurrence with the actions proposed to avoid, minimize, or mitigate adverse effects. The property owner shall provide the department with a report of the agreed upon actions when they are completed; and

1. This section appears to be taken from post-review discovery provisions under the National Historic Preservation Act (NHPA) Section 106, where its intent is generally appropriate. However, under NHPA, changes to a project's scope of work or area of potential effects (referred to as the "project area" under Chapter 6E) trigger additional consultation. This distinction is important because such changes can be substantial and may introduce the potential for impacts to historic properties that were not previously identified or considered.

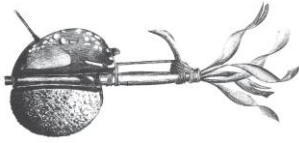
For example, an increase in project area, even by a relatively small acreage, within a culturally sensitive landscape could expose historic properties or iwi kūpuna that were not previously identified or assessed under applicable significance criteria, including Criterion e where relevant. Similarly, a change in the scope of work, such as an increase in the depth of ground disturbance, may introduce the potential to impact subsurface historic properties or iwi kūpuna that were not anticipated in the original review. In such cases, additional identification efforts, consultation, or data recovery may be warranted.

The specified 48-hour notification window does not provide sufficient time to adequately assess these considerations or to support a meaningful and informed response by the State Historic Preservation Division (SHPD). As written, this timeline may inadvertently place historic properties and iwi kūpuna at risk. While this timeline may be appropriate in the case of an inadvertent find, it may often be too narrow to identify and address potential impacts resulting from changes to the scope of work or project area.

2. The requirement that "the department shall respond within five business days of the notification with an assessment of the historic property or aviation artifact" raises practical concerns. As previously stated above, the Division does not have the capacity to complete a thorough assessment of significance and integrity within a five day period. Such assessments may require adequate documentation, detailed background research, and, in some cases, field verification. In many instances, the initial notification may not include sufficient data to allow SHPD staff to complete an assessment. Given current staffing and workload constraints, this requirement is not feasible and could also compromise the quality and reliability of the

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Department's review. SHA recommends reallocating the responsibility to assess the find and to provide adequate documentation from SHPD to the applicant.

Section 4.

Section 4.(A)(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-use residential development;

provided that 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.

SHA recommends revising this section to read: "...to not require review under this section due to the anticipated absence of historic properties or iwi kupuna, as determined by the Department".

For the reasons stated above, SHA respectfully urges reconsideration of portions of this bill to ensure clarity, feasibility, and alignment with existing Chapter 6E processes.

Should HB 1710 SD1 advance, SHA respectfully requests the opportunity to participate as a stakeholder in future deliberations on any amended version of the bill.

Mahalo for your consideration of our testimony.

<https://hawaiianarchaeology.org/>

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Testimony Before The
Senate Committee on Judiciary (JDC)
IN SUPPORT OF HB1710 HD2 SD1
April 9, 2026, 10:01 a.m., Room 016 & via Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural treasures continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports HD1710 HD2 SD1 as a step toward building back 'āina momona.

SHPD capacity and responsiveness to the needs of our communities, and especially those working to protect or restore celebrated places, has been a long-term concern. This measure reaffirms the state's constitutional obligations to protect Native Hawaiian rights including traditional and cultural practices (Art. XII § 7) by improving the historic preservation review process. HB1710 HD2 SD1 also better protects our precious and often overlooked iwi kūpuna by closing critical loopholes created by Act 293 (2025). We also note that at least one of our network member fishpond projects is currently being negatively impacted by SHPD process that this bill aims to fix.

The communities we work with are committed to ensuring the long-term health of our biocultural treasures that they have cared for and depended on for generations since time immemorial. **We believe protecting our environment, the foundation of our very existence, is about sustained and long-term commitments toward achieving 'āina momona abundance once again.** To get there requires maintaining protections for mālama 'āina, including through this bill, to protect our iwi kūpuna and ensure the best decisions are made regarding sustainable and informed management of our 'āina and all the life and practices that it

sustains. Our decisions today will continue to shape the future that our keiki's keiki's keiki will one day inherit – we hope for a future of shared and harmonious abundance, and hope you do, too.

Mahalo nui loa for this opportunity to submit testimony. Please **PASS** HB1710 HD2 SD1.

Aloha 'Āina Momona no nā kau ā kau.

HB-1710-SD-1

Submitted on: 4/6/2026 1:08:53 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine Inserra	Individual	Support	Written Testimony Only

Comments:

I Christine Inserra,

I Strongly approve of this measure to protect what's left of our wai resources in Hawai'i nei and our ahupua'a.

Mahalo Nūnui

Christine Inserra

HB-1710-SD-1

Submitted on: 4/6/2026 1:25:29 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
LIANNE UCHIMA	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Lianne Uchima

(808)351-1526

puananili2@me.com

HB-1710-SD-1

Submitted on: 4/6/2026 1:13:26 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
P Hauoli'ipo Wright	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

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I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

P Hau'oli ipo Wright / 808.268.9974

HB-1710-SD-1

Submitted on: 4/6/2026 2:28:18 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Bodien	Individual	Support	Written Testimony Only

Comments:

Pease support this bill. Its the right thing to do.

Aloha,

Richard

Hāwī

HB-1710-SD-1

Submitted on: 4/6/2026 3:43:29 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelli Soileau	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in **strong support of HB1710 HD2 SD1** for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it’s too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to **PASS HB1710 HD2 SD1**.

Kelli Soileau

Kāneʻohe, Oʻahu

HB-1710-SD-1

Submitted on: 4/6/2026 3:48:15 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

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

Comments:

Hello Chair Richards Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

My name is Nanea Lo, and I am writing in strong support of HB1710 HD2 SD1.

As a former member of the O‘ahu Island Burial Council, I have seen firsthand how gaps and inconsistencies in the law can lead to confusion, delays, and, most importantly, harm to iwi kūpuna and cultural sites. This experience makes it clear how critical it is to strengthen and clarify our historic preservation processes.

Recent changes under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. This increases the likelihood of irreversible harm to iwi kūpuna and cultural resources, often placing the burden on property owners and families to respond only after discoveries are made. This bill helps ensure that projects in high-risk areas—such as sand dunes and lava tubes—are properly reviewed early, when preservation and avoidance are still possible. It also ensures that Island Burial Councils and lineal descendants are meaningfully consulted and able to guide decisions regarding their ancestors.

Currently, unclear and inconsistent standards across counties and agencies create confusion for project proponents and increase the risk of inadvertent harm. HB1710 HD2 SD1 addresses this by establishing clear timelines, documentation requirements, and triggers for review, while affirming the role of the State Historic Preservation Division in identifying sensitive areas. This clarity benefits all parties and supports consistent, responsible implementation statewide.

Importantly, this measure strengthens the review process by focusing attention where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining appropriate exemptions for low-risk projects such as condominium renovations. This balanced approach helps prevent harm, reduces conflict and costly delays, and supports responsible development that respects Hawai‘i’s cultural heritage.

I strongly support the SD1 amendments, which appropriately balance protections with efficiency and clarity.

Accordingly, I respectfully ask the Committee to PASS HB1710 HD2 SD1.

Me ke aloha 'āina,
Nanea Lo, 96826
Former O'ahu Island Burial Council Member
Sierra Club of Hawai'i Member
Hawai'i Workers Center Board Member
Clean Elections Hawai'i Member
Honolulu Tenants Union Member
350 Hawai'i Member
Carbon Cashback Hawai'i Member
Hawai'i Tax Fairness Coalition Member

HB-1710-SD-1

Submitted on: 4/6/2026 6:19:45 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Constance Keoahunui Uale Warrington	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai'i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Mahalo nui,

Constance Keoahunui Uale Warrington

1562 Ala Aoloa Loop, Honolulu 96819

HB-1710-SD-1

Submitted on: 4/6/2026 6:22:33 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Poaipuni	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in **strong support of HB1710 HD2 SD1** for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it’s too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

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I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to **PASS HB1710 HD2 SD1**.

Loriann Poaipuni

lori.poaipuni@gmail.com

HB-1710-SD-1

Submitted on: 4/6/2026 8:37:07 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy M DeBernardi	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

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Clarifying the law to ensure consistent and responsible implementation

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I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Tammy DeBernardi
Ocean View, Ka'u

HB-1710-SD-1

Submitted on: 4/6/2026 10:53:05 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Shaw	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

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I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Noel Shaw

HB-1710-SD-1

Submitted on: 4/7/2026 12:59:08 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
manuel kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Manuel kupahu

HB-1710-SD-1

Submitted on: 4/7/2026 1:00:43 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
sunnie Kupahu	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

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HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Sunnie Kupahu

HB-1710-SD-1

Submitted on: 4/7/2026 1:45:37 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamealoha Hanohano-Smith	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it’s too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

Centering Protection and Empowerment for Frontline Practitioners

While I strongly support the intent of this bill, I would like to respectfully elevate an area that is often overlooked in these discussions—the experience of those who are on the front lines of protecting iwi kūpuna.

In practice, cultural monitors, practitioners, and lineal descendants are often the first to observe potential impacts or violations. We are present on the ground, in real time, and carry a deep sense of kuleana to ensure that iwi kūpuna are treated with dignity and care.

However, despite this responsibility, we remain among the least protected within the current system.

We are asked to observe and report, but:

- We do not have clear authority to intervene when harm is occurring
- We are not consistently protected from retaliation or conflict in the field
- We are not resourced at a level that reflects the importance of our role

This creates a situation where the burden of protection is placed on individuals without the necessary support, authority, or safeguards.

Recommendations for Legislative Consideration

In addition to strengthening review processes, I respectfully ask the Legislature to consider measures that directly support and empower those engaged in this work on the ground:

- Establish protections and defined authority for cultural monitors, including clear protocols for escalation and safeguards when acting in good faith
 - Provide dedicated funding to support lineal descendants and community participation, ensuring that engagement is not only required, but meaningfully resourced
 - Invest in workforce development pathways for Native Hawaiian practitioners, creating opportunities for training, certification, and long-term capacity building
 - Explore community-integrated enforcement approaches, where cultural practitioners are supported through coordinated systems rather than expected to act alone
-

Closing Thought

Protecting iwi kūpuna is not only a matter of law and process—it is a matter of relationship, responsibility, and lived practice.

If we are to strengthen these protections in a meaningful way, we must also ensure that those who carry this kuleana are themselves supported, protected, and empowered.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Me ka ha'aha'a,

Kamealoha Hanohano Pa-Smith
Anahola/Wailua, Kaua'i
(808) 212-4356

HB-1710-SD-1

Submitted on: 4/7/2026 9:11:15 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Jotis Russell-Christian	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate historic preservation review. As a result, irreversible harm to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher risk of containing burials and cultural artifacts—such as those on sand dunes and lava tubes—are properly reviewed early, when avoidance of harm and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent harm to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Jotis Russell-Christian

Kapahulu, O‘ahu

HB-1710-SD-1

Submitted on: 4/7/2026 9:18:02 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Inam Rahman	Individual	Support	Written Testimony Only

Comments:

Subject: Support with Amendments – HB1710 HD2 SD1 (Relating to Historic Preservation)

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1, with targeted amendments to ensure effective implementation.

As a physician serving West O‘ahu for over two decades, I have learned that prevention is always better than crisis response. This principle applies equally to public policy. When it comes to the protection of iwi kūpuna, harm—once done—is irreversible. HB1710 HD2 SD1 appropriately shifts our system toward early identification and prevention, rather than reactive intervention after damage has already occurred.

This measure addresses unintended gaps created by Act 293 (2025), which allowed certain higher-risk projects to proceed without adequate historic preservation review. By restoring review triggers for areas with known indicators of burials—such as sand dunes, lava tubes, and previously identified burial sites—the bill helps ensure that cultural resources are protected at the outset, when preservation is still possible.

Equally important, the bill clarifies roles and responsibilities by affirming that the State Historic Preservation Division (SHPD)—in consultation with the Office of Hawaiian Affairs and Island Burial Councils—determines whether areas are sensitive. This promotes consistency, cultural integrity, and public trust in the process.

I also appreciate that the bill maintains efficiency by exempting projects with no or minimal ground disturbance, such as certain high-density residential modifications. This demonstrates that protecting cultural resources and enabling responsible development are not mutually exclusive goals.

However, for this bill to succeed in practice, I respectfully recommend the following amendments:

- Provide dedicated funding and staffing for SHPD, to prevent delays and ensure timely, high-quality review;
- Establish clearer, objective criteria for defining “high-risk” or “sensitive” areas, potentially through GIS mapping and historical data integration;
- Set reasonable, enforceable timelines for review decisions, to provide predictability for project proponents; and
- Create an expedited pathway for low-risk and no-ground-disturbance projects, ensuring that housing and infrastructure needs can move forward efficiently.

These amendments will strengthen the bill by aligning its intent with operational capacity, reducing uncertainty, and preventing unintended delays.

There is a growing narrative that cultural and environmental protections are the primary drivers of Hawai‘i’s housing challenges. In reality, the causes are far more complex—including construction costs, labor shortages, infrastructure constraints, and speculative pressures. Weakening protections for iwi kūpuna will not solve these challenges, but it will create new and irreversible harms.

HB1710 HD2 SD1 represents a thoughtful and necessary step toward responsible, balanced development—one that honors our cultural obligations while supporting long-term economic stability.

For these reasons, I respectfully urge the Committee to PASS HB1710 HD2 SD1 with the recommended amendments.

Mahalo for the opportunity to testify.

Dr Inam Rahman, MD

Physician | Former Hawai'i Medical Association President

West O'ahu Resident

HB-1710-SD-1

Submitted on: 4/7/2026 9:46:53 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

HB-1710-SD-1

Submitted on: 4/7/2026 10:01:22 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Megaan M. Clark	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 for the following reasons:

Addressing unintended gaps that put iwi kūpuna at risk

Recent changes to the law under Act 293 (2025) created unintended gaps that allow higher-risk development projects to move forward without appropriate State Historic Preservation Division (SHPD) review. As a result, irreversible damage to iwi kūpuna and cultural sites is more likely to occur, with property owners shouldering the burden and costs of addressing the problem when it's too late. This bill helps ensure that projects in areas with a higher likelihood of containing burials and cultural artifacts—such as those on or near karsts, sand dunes, lava tubes, and caves—are properly reviewed early, when avoidance of damage and preservation of resources are still possible. This also ensures that Island Burial Councils and lineal descendants are consulted and able to guide decisions about the burial remains of their ancestors.

Clarifying the law to ensure consistent and responsible implementation

Currently, counties, agencies, and project proponents are navigating unclear and inconsistent standards, leading to confusion about the historic review process. This uncertainty increases the risk of both inadvertent damage to cultural resources and project delays. This bill provides clarity by setting clear timelines and documentation requirements, defining when review timelines are triggered, and confirming the role of the State Historic Preservation Division in identifying sensitive areas. Clear standards benefit everyone and ensure that the law is applied consistently across the state.

Improving the process to provide guidance and prevent harm in high-risk areas

HB1710 HD2 SD1 strengthens the historic review process overall by prioritizing review where it is most needed—areas with known indicators of burials or cultural deposits—while maintaining and expanding appropriate exemptions for low-risk projects such as condominium renovations. This targeted approach provides better guidance to project proponents, helps avoid costly delays and conflicts, and ensures that Hawai‘i can move forward with development responsibly while protecting one of its most vulnerable and sacred resources.

I strongly support the SD1 amendments, which appropriately balance protections and efficiency. Accordingly, I ask the Committee to PASS HB1710 HD2 SD1.

Mahalo for this opportunity to testify.

Sincerely,

Megaan M. Clark

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, Hawai'i 96766

April 7, 2026

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

ON

HB 1710, HD 2, SD 1, RELATING TO HISTORIC PRESERVATION

Senate Committee on Judiciary

Thursday, April 9, 2026

10:01 a.m.

Conference Room 016

Via Videoconference

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1710, HD 2, SD 1, 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, SD 1, authorizes the State Historic Preservation Division (SHPD) to conduct a phased review of a proposed project on private property under certain circumstances, 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, SD 1, helps address the State's commitment to timely development of residential housing projects by reducing the backlog of projects awaiting SHPD review and streamlining coordination across government agencies.

Thank you again for this opportunity to provide testimony in support of HB 1710, HD 2, SD 1. 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:dmc

HB-1710-SD-1

Submitted on: 4/7/2026 11:23:28 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
josephine tanimoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha My name is Jojo Tanimoto from Kawaihae, Big Island.

History tells us that before the Kawaihae Harbor was built in the 1950's, Kawaihae Bay was fishing habitat enjoyed by Kamehameha I. Today, fishing is limited to our swimmers and divers at least, when the cargo, Military ships, 2 small harbors boats pass too close to the shoreline. Fishing is our community's food sustenance and this Commercial aquaculture gathering will take food off our tables. It's expensive to buy.

Please oppose this Bill. Mahalo

HB-1710-SD-1

Submitted on: 4/7/2026 12:04:02 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I am writing in strong support of HB1710 HD2 SD1 and appreciate gthe time that the Legislature has invested in this process.

This bill will help bring clarity to the process of giving meaningful protections to locations where iwi kupuna are concentrated as well as more certainty to landowners. It is wel known in Hawaii that some types of terrain, such as natural sand dunes, lava tubes and karst systems have a high incidence of traditional kanaka maoli cultural use for burials and other ceremonial purposes. We need to make sure these types of areas have a full and fair archaeological review before any ground disturbance takes place.

It will also help state and county agencies and project developers have a more consistent framework for their historic review process. Mahalo for your support of this bill.

Lucienne de Naie, historical researcher and author

Huelo, Maui , Hawaii

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

April 7, 2026

TO: Honorable Karl Rhoads, Chair, and
Members of the Senate Committee on Judiciary

FROM: Nohelani U'u-Hodgins
Councilmember

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

DATE: Thursday, April 9, 2026
10:01 a.m., Conference Room 016

SUBJECT: **TESTIMONY IN SUPPORT OF HB 1710, HD2, SD1, 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; and clarifies when an application for a proposed project on an existing privately-owned residential property shall be subject to the requirements of section 6E-42, HRS.

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, SD1 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.

April 7, 2026
Page 2

HB 1710, HD2, SD1 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.

HB-1710-SD-1

Submitted on: 4/8/2026 8:37:05 AM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kapiolani Spencer	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

My name is Kapi‘olani Spencer, and I am submitting this testimony in STRONG SUPPORT of HB1710 HD2 SD1.

I am a lineal and cultural descendant, and a protector of iwi kūpuna, natural lands, and cultural resources.

Let me be very clear, this bill is not just policy.

This is about whether the State of Hawai‘i will continue to allow the desecration of our ancestors.

For far too long, our iwi kūpuna have been treated as obstacles to development instead of sacred ancestors deserving of the highest level of protection. The failures in enforcement, the loopholes created under Act 293 (2025), and the continued push to weaken Chapter 6E protections have created conditions where developers are allowed to move forward first, and deal with burials later, after the damage is already done.

That is Unacceptable.

Our kūpuna are not something to be “inadvertently discovered and desecrated for profit-driven decision-making.

They are already there. Our Kupuna 'Iwi deserve respect and protection from further desecration.

This bill is critical because it restores accountability where it has been deliberately weakened. By requiring proper review in high-risk areas such as lava tubes, sand dunes, and known burial regions, this measure acknowledges what our people have always known — that these places are not empty land. They are storied, lived, and sacred.

The State of Hawai‘i has a constitutional obligation under Article XII, Section 7 to protect traditional and customary practices, including the protection and proper treatment of iwi kūpuna.

This is not optional. This is not something to be balanced against development profits or convenience.

What we are seeing today is a dangerous narrative, one that falsely blames cultural and historic preservation protections for the housing crisis. That narrative is not only inaccurate, it is harmful. It shifts responsibility away from real issues such as speculative development, mismanagement, and profit-driven decision-making, and instead places blame on the very safeguards meant to protect our ancestors.

Let me say this clearly:

The protection of iwi kūpuna is not the problem.

The problem is a system that continues to prioritize development over dignity and profit over protection.

HB1710 HD2 SD1 is a necessary correction. It closes loopholes, clarifies authority, and ensures that the State Historic Preservation Division — not developers — determines what areas require protection, in consultation with OHA and the Island Burial Councils.

This is the minimum standard we should expect.

As a people, we have already lost too much, our lands, our governance, our language, and too often, even the resting places of our ancestors. Every time iwi kūpuna are disturbed, it is not just a cultural violation. It is a continuation of that loss and violation of our rights to protect and care for our ancestors.

If we fail to act now, we are complicit.

I stand in strong support of this bill because it affirms what should have never been in question, that our kūpuna deserve protection, respect, and peace.

I respectfully urge this Committee to PASS HB1710 HD2 SD1.

Mahalo for the opportunity to testify.

Kapi'olani Spencer

kapiolanispencer4@gmail.com

April 9, 2026

TO: Chair Rhoads and Members of the Senate Committee on Judiciary
RE: HB1710 HD2 SD1, Relating to Historic Preservation

Dear Chair Rhoads 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 SD1.

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 SD1.**

Thank you,



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



Perry Arrasmith
Director of Policy
Housing Hawai'i's Future
perry@hawaiisfuture.org

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



LATE

April 9, 2026

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

Strong Support of HB 1710, HD2, SD1, RELATING TO HISTORIC PRESERVATION (Authorizes the State Historic Preservation Division 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. Clarifies when an application for a proposed project on an existing privately-owned residential property shall be subject to the requirements of section 6E-42, HRS. Effective 7/1/3000. [SD1])

JDC Hearing: Thursday, April 9, 2026, at 10:01 A.M.
State Capitol, Conference Room 016, & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private research and trade organization originally founded in 1979, whose members include major Hawaii landowners, developers, utility companies, and land use professionals. LURF's mission is to research, educate, and advocate for reasonable, rational, and equitable land use planning, laws, and regulations that encourage well-planned and sustainable economic growth in agriculture, housing, renewable energy, commercial and industrial uses, health care, and tourism, while safeguarding Hawaii's significant natural, environmental, historic, and cultural resources, public health, and safety.

LURF is in **strong support of HB 1710, HD2, SD1**, relating to Historic Preservation.

This measure responsibly balances historic preservation and efficient government decision-making by clearly defining submittal requirements, allowing phased reviews where appropriate, and establishing predictable timelines for agency decisions. These changes provide due process, reduce uncertainty, and improve accountability while fully maintaining protections for historic and cultural resources.

Based on the reasons stated above, LURF is in **support of HB 1710, HD2, SD1**, and respectfully requests your favorable consideration of this bill.

Thank you for the opportunity to provide comments in support of this proposed measure.