

TOOLS FOR SAVING PLACES: HISTORIC PRESERVATION SEMINAR

HISTORIC HAWAI'I FOUNDATION
NATIONAL PARK SERVICE
DEPARTMENT OF INTERIOR OFFICE OF NATIVE HAWAIIAN RELATIONS
AUGUST 2017

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HISTORIC HAWAI'I FOUNDATION

Founded in 1974, Historic Hawai'i Foundation is a membership-based, statewide non-profit organization that encourages the preservation of historic buildings, sites, objects and districts relating to the history of Hawai'i.



The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.



The Office of Native Hawaiian Relations was established by Congress in January 2004 to carry out the Secretary of the Interior's responsibilities for Native Hawaiians and the Hawaiian Home Lands Trust.

The Office serves as the liaison with the Native Hawaiian community and coordinates with the Department and its bureaus on actions that affect Native Hawaiian resources, rights, and lands.

INSTRUCTORS

Elaine Jackson-Retondo is the Preservation Partnerships and History Programs Manager in the National Park Service Pacific West Regional Office. She earned her Doctorate in Architectural History and Masters of Architecture from the University of California, Berkeley and her Bachelor of Architecture from the University of Notre Dame in South Bend, Indiana. She has worked in the National Park Service since 2002. Dr. Jackson-Retondo's current and past work has included the National Park Service's American Latino Heritage Initiative, Asian American Pacific Islander Initiative, Japanese American confinement during World War II, Cesar Chavez and the Farmworker Movement, the National Park Service's Mission 66 Program, and 19th century carceral institutional landscapes.

INSTRUCTORS

Stanton Enomoto is the Department of the Interior Senior Program Director for Native Hawaiians and an experienced professional with subject matter expertise related to the preservation of traditional cultural properties and Native Hawaiian protocols. Previously, Mr. Enomoto served as the Climate Change Cultural Adaptation Coordinator for the National Park Service (NPS). He was the NPS representative to the Pacific Islands Climate Change Cooperative (PICCC) and provided cultural resource adaptation planning and implementation. Enomoto spent 18 years working for the State of Hawai'i, including Chief Operating Officer for the Office of Hawaiian Affairs. He was raised on Maui and graduated from the Kamehameha Schools receiving his bachelor's degree in Geology and Environmental Studies from Macalester College in St. Paul, Minnesota.

INSTRUCTORS

Kiersten Faulkner is the Executive Director of Historic Hawai'i Foundation and oversees all aspects of its preservation programs, strategic planning, business lines and operational matters. She has been with HHF since 2006, and has extensive experience as a consulting party to Section 106 undertakings, preservation planning, community-based preservation programs and other outreach. Prior to joining HHF, Faulkner was a Senior City Planner for the City & County of Denver, where she managed complex and controversial comprehensive planning projects, land use and urban design regulations, and development proposals. She holds a Master of Arts in Urban and Environmental Policy from Tufts University and is a member of the American Institute of Certified Planners (AICP).

WHAT YOU WILL LEARN:

1. The purpose of historic preservation.
2. The definitions and criteria used to identify historic properties.
3. Which major Federal, State and Local laws and ordinances address historic preservation.
4. Opportunities, rights and responsibilities for public participation in the preservation processes.
5. Additional methods, activities and practices to achieve preservation outcomes.

HANDOUTS

Agenda

Presentation

List of Resources and References

Seminar Evaluation

SEMINAR AGENDA

15 min: Introductions and Seminar Overview

30 min: Historic Property Types and Criteria

45 min: National Framework for Preservation

What are the major opportunities? How does the public participate?

15 min: BREAK

15 min: State and Local Framework for Preservation

15 min: Consultation Protocols for Native Hawaiian Organizations

45 min: Consulting Parties:

What does it mean to be one? What are best practices for success?

75 min: Lunch Break *On Your Own*

SEMINAR AGENDA

45 min: Additional Tools and Opportunities

10 min: Break/Move into Small Groups

25 min: Group Activity: Developing a Preservation Strategy

45 min: Report Back from Group Activity

30 min: Wrap Up & Final Questions

Course Evaluations

MAHALO FOR PARTICIPATING!

SECTION 1

HISTORIC PROPERTIES AND CRITERIA

WHY DOES HISTORIC PRESERVATION MATTER?



Grove Farm - Wilcox Homestead, Kaua'i

Preserving the history of a place through its significant historic and cultural resources provides a link from the past to the existing community and its people.

WHY DOES HISTORIC PRESERVATION MATTER?



Lahaina National Historic Landmark District, Maui



Lo'i Kalo, O'ahu

It gives a community its unique character and story.

WHY DOES HISTORIC PRESERVATION MATTER?

Preservation Enriches Communities in Diverse Ways:

- ❑ **Sense of Orientation:** Memory and Identity
- ❑ **Architecture:** Workmanship and Design
- ❑ **Livability:** Residential Diversity and Community Character
- ❑ **Economics:** Job Creation, Keeping \$ Local, Small Business, and Heritage Tourism
- ❑ **Revitalization** and Community Development
- ❑ **Sustainability:** Conserving Materials and Existing Community
- ❑ **Education** and Teaching

WHAT IS HISTORIC PRESERVATION?

The Effort to *Preserve*, *Conserve* and *Protect*:



Buildings

Buildings are structures intended to shelter some sort of human activity. Examples include a house, store, church, hotel or similar construction.



Structures

Structures differ from buildings, in that they are functional constructions meant to be used for purposes other than sheltering human activity. Examples include bridges, railroads and ships.

WHAT IS HISTORIC PRESERVATION?

The Effort to *Preserve, Conserve* and *Protect*:



Sites may include discrete areas significant solely for activities in that location in the past, such as battlefields, significant archaeological finds, designed landscapes (parks and gardens), and other locations whose significance is not related to a building or structure



Objects are usually artistic in nature, or small in scale when compared to structures and buildings. Though objects may be movable, they are generally associated with a specific setting or environment. Examples include monuments, sculptures and fountains.

WHAT IS HISTORIC PRESERVATION?

The Effort to *Preserve*, *Conserve* and *Protect*:



A geographically-definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. In addition, historic districts consist of contributing and non-contributing properties. Historic districts possess a concentration, linkage or continuity of the other four types of properties. Objects, structures, buildings and sites within a historic district are usually thematically linked by architectural style or designer, date of development, distinctive urban plan, and/or historic associations.

WHAT IS A HISTORIC PROPERTY?

National Criteria:
National Register of
Historic Places
36 CFR Part 60
and Part 800.16

**Properties that meet the
criteria for eligibility** for
listing on the National
Register of Historic Places,
including those which any
Native Hawaiian organization
might attach religious and
cultural significance.

WHAT IS A HISTORIC PROPERTY?

State of Hawai'i Criteria:

HRS 6E: Historic Property

HAR Title 13: Significant
Historic Property

“Historic property” means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

“Significant historic property” means any historic property that meets the criteria for listing on the Hawai'i register of historic places.

IS IT A HISTORIC PROPERTY?

- Does it meet one of more criteria of Significance?
 - Criteria for Evaluation – A, B, C, D or (Hawai‘i-only) E*

- Does it retain historic Integrity?
 - Seven Aspects of Integrity*

- Is the property old enough to be considered historic?
 - Age: Hawai‘i = at least 50 years old; National = not limited, but if less than 50 years needs to have exceptional significance*

HISTORIC SIGNIFICANCE UNDER HRS 6E

1. The quality of significance in Hawaiian history, architecture, archaeology and culture, which is present in districts, sites, buildings, structures and objects of State and local importance;
2. The preservation enhances the environmental quality of the state;
3. The social, cultural, educational, and recreational value of the building, site, structure, district or object, when preserved, presented or interpreted contributes significantly to the understanding and enjoyment of the history and culture of Hawai'i, the Pacific area, or the nation.

HISTORIC SIGNIFICANCE

- ❑ Criterion A:
 - ❑ Historical Events & Patterns
 - ❑ A specific event marking an important moment in American and/or Hawai'i prehistory or history or;
 - ❑ A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.



Pearl Harbor Naval Station National Historic Landmark is significant for its association with World War II and the attack on Pearl Harbor on December 7, 1941

HISTORIC SIGNIFICANCE

- ❑ Criterion B
 - ❑ Important Person
 - ❑ Associated with the lives of persons significant in our past



*Washington Place, O'ahu
Association with Queen Lili'uokalani*

HISTORIC SIGNIFICANCE

❑ Criterion C

❑ Architecture & Engineering

- ❑ Embodies distinctive characteristics of a type, period, or method of construction
- ❑ Represents the work of a master.
- ❑ Possesses high artistic value.
- ❑ Represents a significant and distinguishable entity whose components may lack individual distinction.



*Albert Spencer Wilcox Beach House, Kaua'i
Architecture: Late 19th/ early 20th century house in Hawai'i*

HISTORIC SIGNIFICANCE

Criterion D

Information Potential

- The property must have, or have had, information to contribute to our understanding of human history or prehistory, and
- The information must be considered important.



*Hawai'i Volcano National Park, Hawai'i Island
Footprints of men, women and children and hoof prints of hogs in hardened, cement-like ash. Historians and Hawaiians believe the footprints were made by warriors of Keoua Kuahu'ula and their families as they passed through the Ka'ū Desert during the 1790 steam-blast eruption of Kīlauea.*

HISTORIC SIGNIFICANCE

□ Criterion E (Hawai'i Only)

Have important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.



Kilauea Crater, Hawai'i Island

Kilauea Crater was, and is, the permanent home of the Polynesian volcano goddess Pele. In prehistoric times, Pele had priests, temples and worshippers on all the major islands, and is believed to have been involved in important historic events, some of which are associated with the founding of the Kingdom of Hawai'i, 1790-1795. Many individuals still believe in and make offerings to Pele.

HISTORIC INTEGRITY

7 Aspects of Integrity

- Materials
- Design
- Workmanship
- Location
- Setting
- Association
- Feeling

Integrity is the ability of a property to convey significance.

The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

To retain historic integrity a property will always possess several, and usually most, of the aspects.

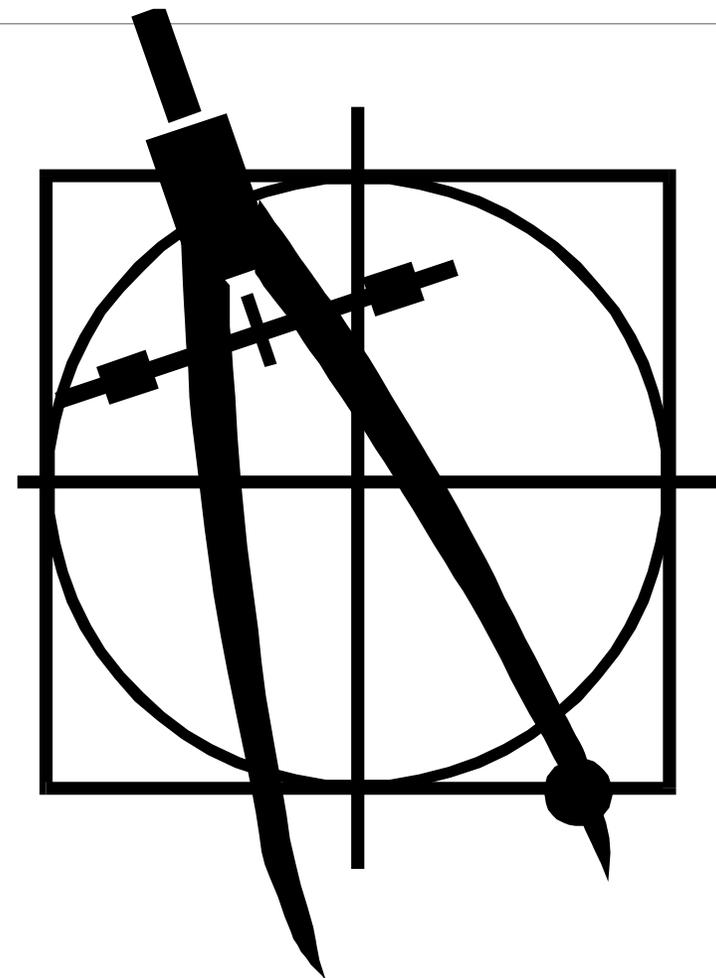
YOUR PRESERVATION TOOLBOX

There are tools available to preserve historic, cultural and scenic resources

Learning what these tools are and how you can use them is the key to a successful preservation effort

These tools come from several areas:

- Government regulations
- Government incentive programs and funding
- Individual actions
- Community organizing
- Private or philanthropic funding & actions



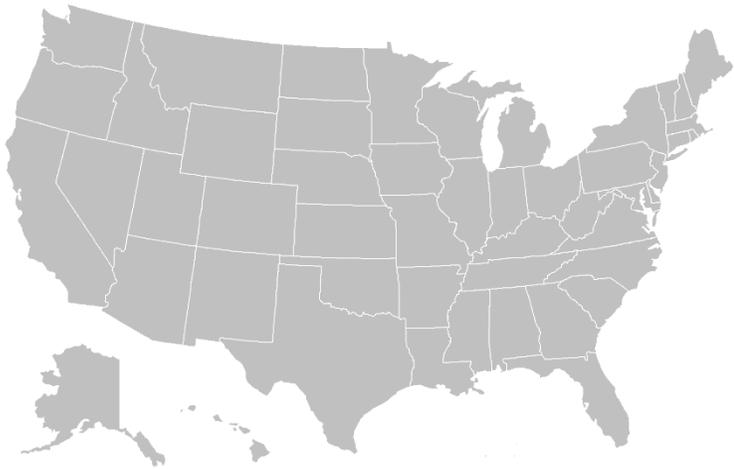
STEWARDSHIP RESPONSIBILITIES/KULEANA

- Individuals and Members of the Public
- Community Groups and Nonprofit Organizations
- Native Hawaiian Organizations (NHO)
- Government Agencies
- Private Property Owners
- Developers/Land Owners
- Design, Planning and Construction Professionals

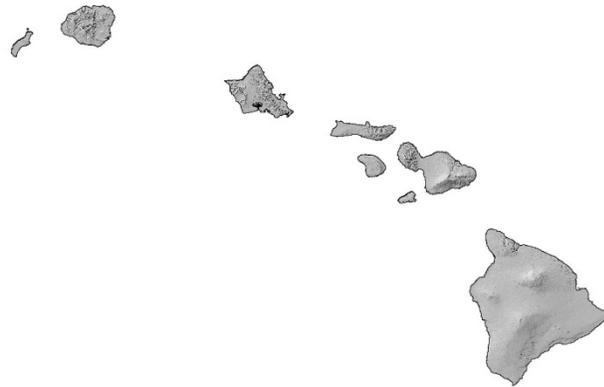
SECTION 2

OVERVIEW OF HP FRAMEWORK

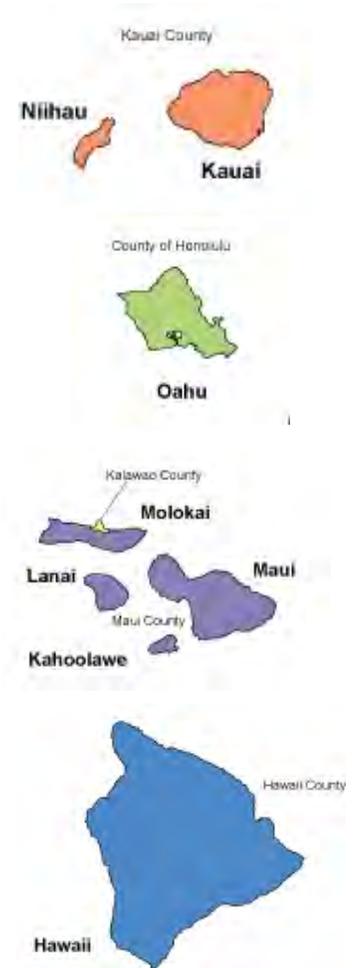
HISTORIC PRESERVATION LAWS & REGULATIONS



Federal



State



Local

HISTORIC PRESERVATION LAWS & REGULATIONS

LOCAL

- ❑ Local historic preservation/cultural resources commissions: Kaua'i, Maui & Hawai'i Counties
- ❑ Land use/Zoning ordinances
- ❑ Special review or design districts
- ❑ Tax exemptions and incentives



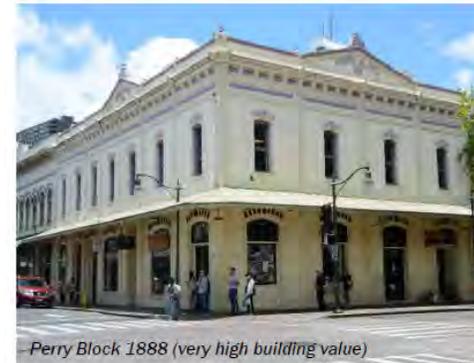
Cultural Resources
Commission



Hawai'i County Department of Planning
Community Development Plans

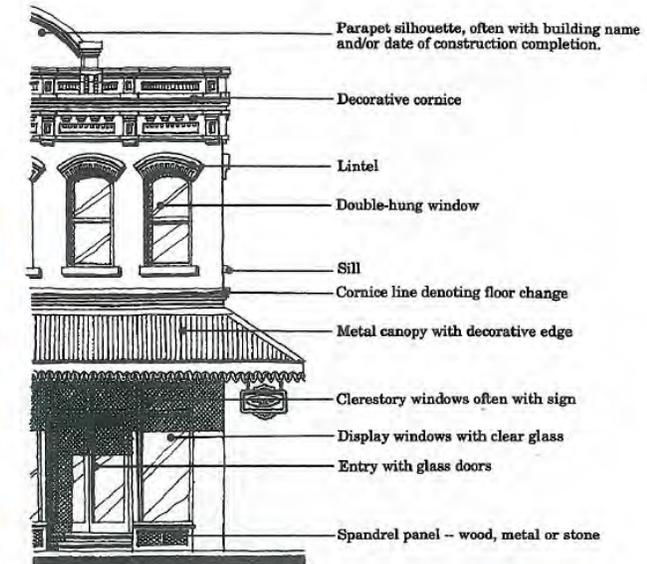
Chinatown Special District Building Form & Mass

- Structure
- Building facades, store fronts



Perry Block 1888 (very high building value)

Architectural Character Facade Treatment



Elements of a traditional storefront

HISTORIC PRESERVATION LAWS & REGULATIONS

STATE:

- ❑ Hawai'i Revised Statutes 6-E (Historic Preservation)
- ❑ HRS Chapter 343 (Environmental Review)
- ❑ Hawai'i Administrative Rules Chapter 13 (Historic Preservation)
- ❑ HAR Chapter 11 (Environmental Impact Statement)



HISTORIC PRESERVATION LAWS & REGULATIONS



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**National Historic Preservation Act
(NHPA)**

**National Environmental Policy Act
(NEPA)**

**Archaeological Resources Protection
Act (ARPA)**

**Native American Graves Repatriation
Act (NAGPRA)**

PURPOSE OF NATIONAL HISTORIC PRESERVATION ACT (NHPA)

To preserve, in the public interest, the historic and cultural properties significant to the Nation's heritage by delegating a wide range of responsibilities for historic preservation work to . . .



PURPOSE OF NATIONAL HISTORIC PRESERVATION ACT (NHPA)

... the National Park Service and its partners in other Federal agencies, Tribal Preservation Offices, Native Hawaiian Organizations, State Historic Preservation Offices, Certified Local Governments, and private organizations, including the National Trust for Historic Preservation



MAJOR COMPONENTS OF NHPA

- ❑ Established Preservation Responsibilities for Federal Agencies
- ❑ Established the National Register of Historic Places (NRHP)
- ❑ Established Standards for State Historic Preservation Programs
- ❑ Established the Advisory Council on Historic Preservation
- ❑ Established program and regulations to assist Indian Tribes and Native Hawaiian Organizations
- ❑ Established that traditional religious & cultural properties may be eligible for listing in NRHP
- ❑ Established Section 106

HISTORIC PRESERVATION LAWS & REGULATIONS



Section 106 of the National Historic Preservation Act (NHPA)

HISTORIC PRESERVATION LAWS & REGULATIONS

Section 106 of the NHPA

Congress enacted Section 106 of the NHPA to:

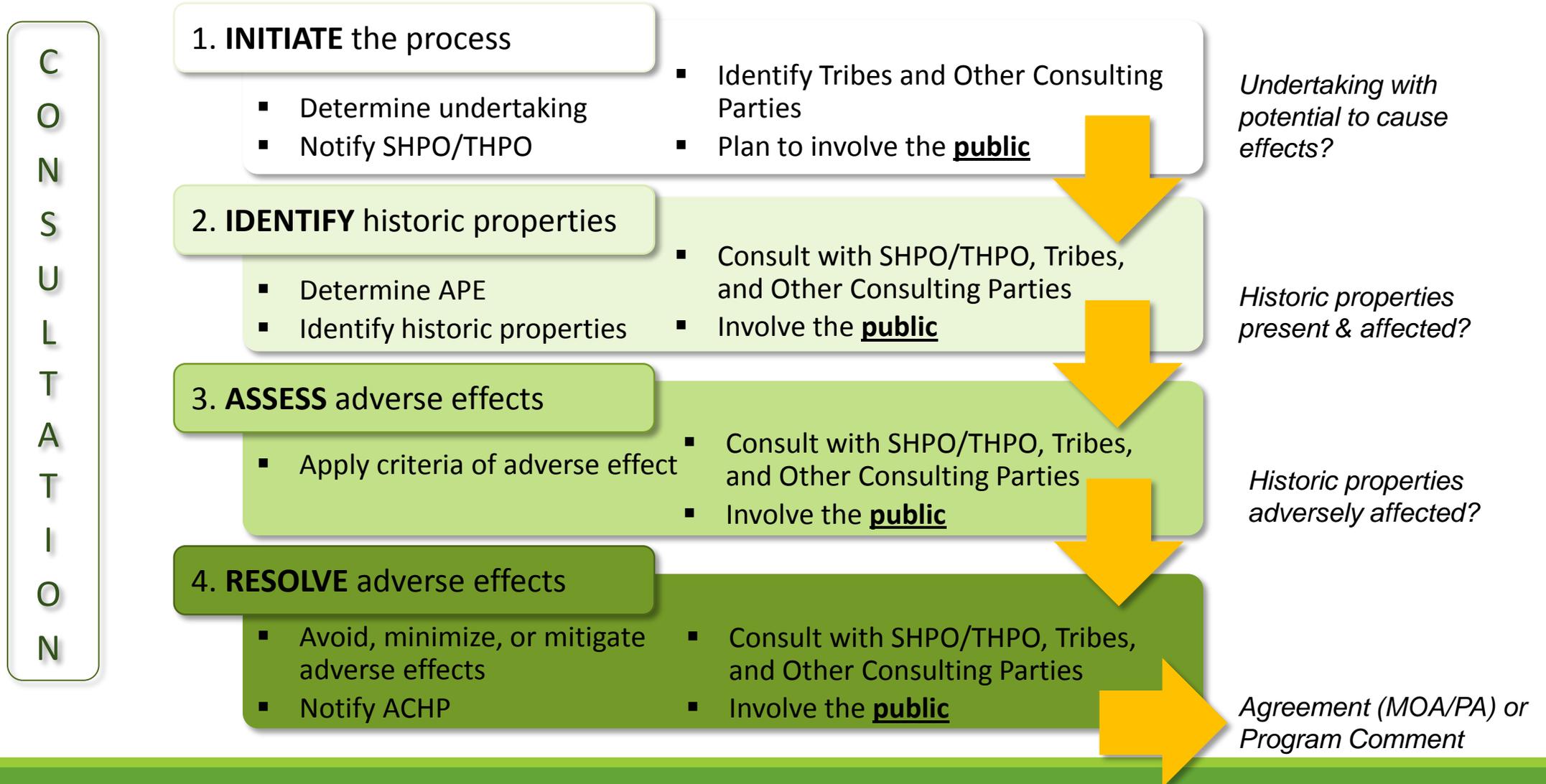
- ❑ Require Federal agencies to take into account the effects of their undertakings on any district, site building, structure or object that is included or eligible for inclusion in the National Register, and
- ❑ afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.



WW II Aircraft Revetments, Kalaeloa, O'ahu

HISTORIC PRESERVATION LAWS & REGULATIONS

NHPA Process



CONSULTATION

36 CFR Part 800 16(f):

- ❑ Consultation is the process of seeking, discussing and considering the views of other participants, and, where feasible, seeking agreement with them on matters arising in the Section 106 process



Marine Corps Base Hawai'i Consulting Party Site Visit to Ulupau Crater/Battery Pennsylvania

HISTORIC PRESERVATION LAWS & REGULATIONS



National Environmental Policy Act (NEPA)

HISTORIC PRESERVATION LAWS & REGULATIONS

National Environmental Policy Act (NEPA)

Congress enacted the NEPA to:

- ❑ declare a national policy which will encourage productive and enjoyable harmony between man and his environment;
- ❑ promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;
- ❑ to enrich the understanding of the ecological systems and natural resources important to the Nation; and
- ❑ establish a Council on Environmental Quality.” 42 U.S.C. § 4321.



Kalaupapa National Historic Park

HISTORIC PRESERVATION LAWS & REGULATIONS

National Environmental Policy Act (NEPA)

Included in the Responsibilities of Federal Agencies :

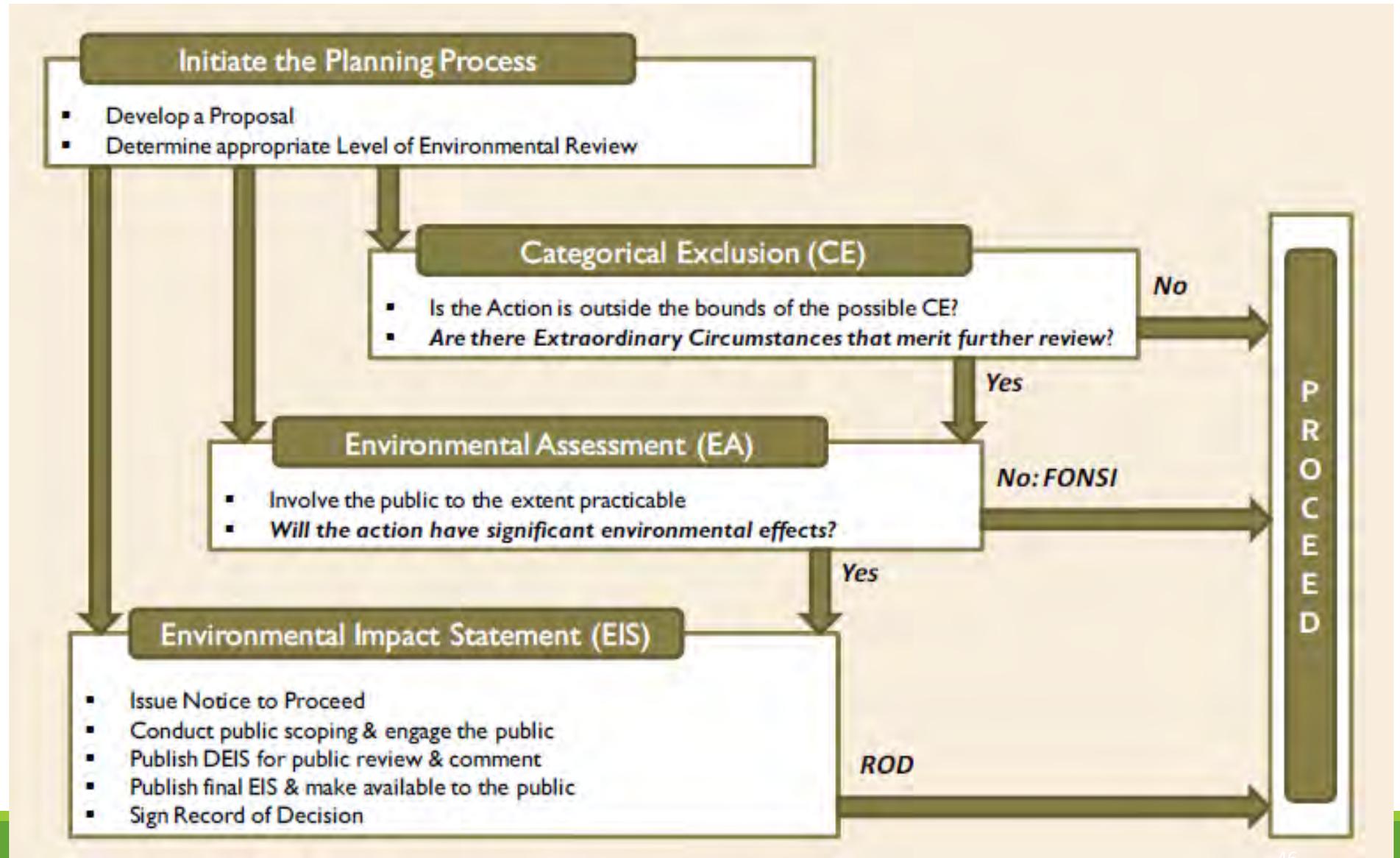
Preserve important **historic, cultural,** and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;



Hale Paahao, Lahaina

HISTORIC PRESERVATION LAWS & REGULATIONS

NEPA Process



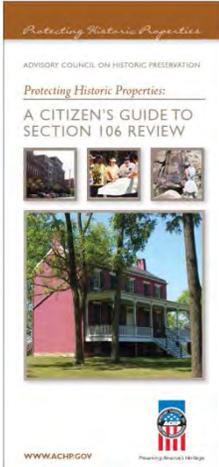
HISTORIC PRESERVATION LAWS & REGULATIONS

NEPA Process:

Environmental Impact Statement (EIS)

- Issue Notice to Proceed
- Conduct Public Scoping & engage the public
- Publish DEIS for public review & comment
- Publish final EIS & make available to the public
- Sign Record of Decision

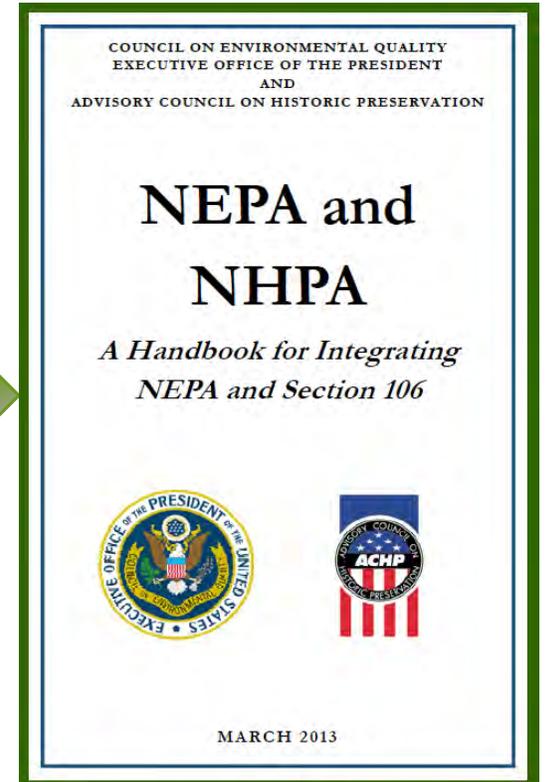
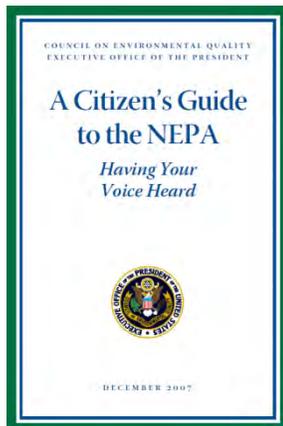
HISTORIC PRESERVATION LAWS & REGULATIONS



→ **National Historic Preservation Act (NHPA)**



→ **National Environmental Policy Act (NEPA)**



HISTORIC PRESERVATION LAWS & REGULATIONS

Archaeological Resources Protection Act (ARPA)

(As Amended)

The purpose of this Act is to:

- secure for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and
- foster increased cooperation and exchange of information between governmental, authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979



HISTORIC PRESERVATION LAWS & REGULATIONS

Native American Graves Protection and Repatriation Act (NAGPRA)

- ❑ The NAGPRA was passed to resolve the disposition of Native American cultural items and human remains under the control of Federal agencies and institutions that receive Federal funding as well as the ownership or control of cultural items and human remains discovered on Federal or tribal lands after November 16, 1990.
- ❑ The statute and regulations outline the rights and responsibilities of lineal descendants, Indian tribes (to include Alaska Native villages), Native Hawaiian organizations, Federal agencies, and museums under the Act, and provide procedures for complying with NAGPRA.



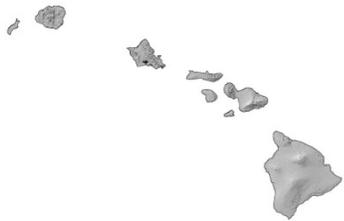
HISTORIC PRESERVATION AGENCIES & ORGANIZATIONS



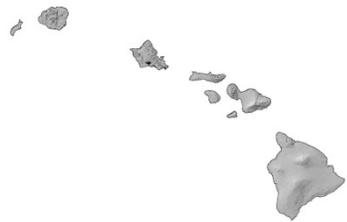
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Government

- Advisory Council on Historic Preservation (ACHP)
- National Park Service/Department of the Interior (NPS/DOI)
- All federal agencies: Federal Historic Preservation Officer



HISTORIC PRESERVATION AGENCIES & ORGANIZATIONS



Government

- State Historic Preservation Division (SHPD)/Department of Land & Natural Resources (DLNR)
- Hawai'i Historic Places Review Board
- Island Burial Councils
- Office of Environmental Quality (OEQ)
- Hawai'i Cultural Resources Commission
- Kaua'i Historic Preservation Review Commission
- Maui Cultural Resources Commission
- City/County Departments of Planning & Permitting

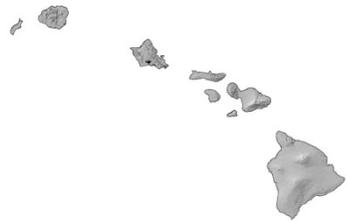
HISTORIC PRESERVATION AGENCIES & ORGANIZATIONS



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Non-Profit/Private

National Trust for Historic Preservation (national)



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Historic Hawai'i Foundation (statewide)



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Grassroots/Advocacy organizations (local)

BREAK

HAWAI‘I REVISED STATUTES

HRS Chapter 6E: Historic Preservation

HRS Chapter 343: Environmental Policy Act

HAWAI'I REVISED STATUTES CHAPTER 6E

Established by the State Legislature in 1976 with an intent to protect the cultural and historic heritage of Hawai'i

The Legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage



MAJOR COMPONENTS OF HRS 6E

- ❑ Establishes statewide historic preservation program
- ❑ Establishes State Historic Preservation Division
- ❑ Hawai'i Register of Historic Places
- ❑ Hawai'i Historic Places Review Board
- ❑ Island Burial Councils
- ❑ State Monuments and Pacific War Memorial System



State Historic Preservation Division (SHPD) is a State Agency

A branch of the State of Hawai'i
Department of Land and Natural Resources

Chairperson of DLNR = State Historic Preservation Officer (SHPO)
SHPD Administrator = Deputy SHPO

HRS 6E Purpose



Promote the use and conservation of historic resources

Provide leadership and stewardship in preserving restoring and maintaining historic resources

Reviews of development projects are the primary means of lessening the effects of change on historic and cultural assets.

Permit Review

State of Hawai'i & Historic Properties

Requires that the agency with jurisdiction (e.g. Counties, HCDA, State agencies) provide the State Historic Preservation Division the opportunity to review and comment on effects of projects on historic and cultural resources

Review Process for Architectural Resources

Review Applicability

- Structure 50+years old and/or Listed on the Register of Historic Places
- Work Requires a Permit

County Level

- Cultural/Preservation Commission Reviews the Project
- Is the Structure Eligible for the Register?
- Is the Change a Adverse Effect to the Historic Integrity of the Structure?

State Level

- Project Reviewed by the State Historic Preservation Division Architectural Historian
- Agrees or Disagrees with County Historic Commission Determination

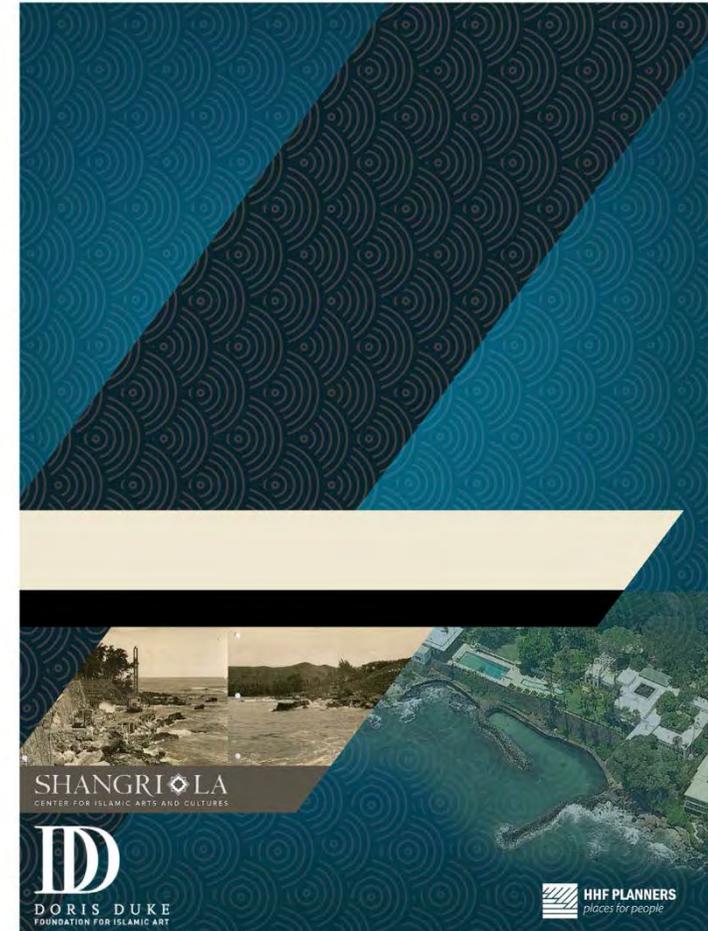
County, State, and Owners discuss how to best avoid, minimize or mitigate the adverse effect to the historic resource

County commissions are **public meetings** and take public **comment** on agenda items

HAR 13-284 Rules for Historic Preservation Review provide opportunities for **comment** from “interested persons” which are defined as “those organizations and individuals that are concerned with the effect of a project on historic properties.”

PURPOSE OF HRS 343

- ❑ Quality of humanity's environment is critical to humanity's well being,
- ❑ Process integrates the review of environmental concerns with existing planning processes of the State and counties
- ❑ Alert decision makers to significant environmental effects which may result from the implementation of certain actions.
- ❑ Process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and **public participation during the review process benefits all parties involved and society as a whole.**
- ❑ Establish a system of environmental review to ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.



ENVIRONMENTAL IMPACT STATEMENTS HRS 343

Environmental Assessment required for :

(4) Propose **any use within any historic site as designated in the National Register or Hawaii Register**, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;

Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action.

(1) A draft environmental assessment shall be made available for **public review and comment** for a period of thirty days;

(2) The office **shall inform the public of the availability of the draft environmental assessment** for public review and comment pursuant to section 343-3; and

(3) The applicant **shall respond in writing to comments received during the review** and the applicant shall prepare a final environmental assessment to determine whether an environmental impact statement shall be required. A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment. The agency shall file notice of the agency's determination with the office, which, in turn, shall publish the agency's determination for the public's information pursuant to section 343-3.

OFFICE OF ENVIRONMENTAL QUALITY CONTROL



OFFICE OF ENVIRONMENTAL QUALITY CONTROL
STATE OF HAWAII - DEPARTMENT OF HEALTH

The Environmental Notice

July 23, 2017

David Y. Ige, Governor
Scott Glenn, Director

The Environmental Notice provides public notice for projects undergoing environmental review in Hawaii as mandated under Section 343-3, Hawaii's Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawaii, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



Photo by [unreadable]

235 South Beretania Street, Suite 702 • Honolulu, Hawaii 96813 • (808) 586-4185 • oeqhawaii@doh.hawaii.gov • <http://health.hawaii.gov/oeqc>

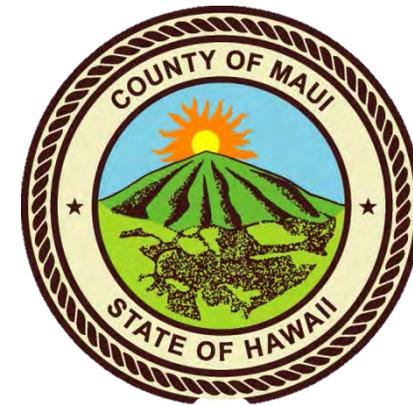
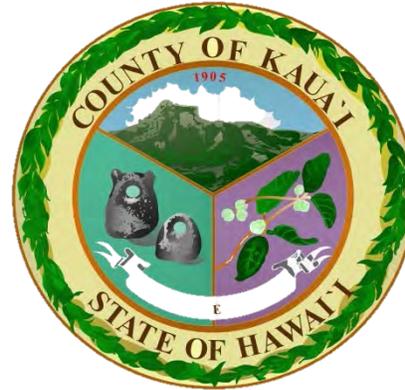
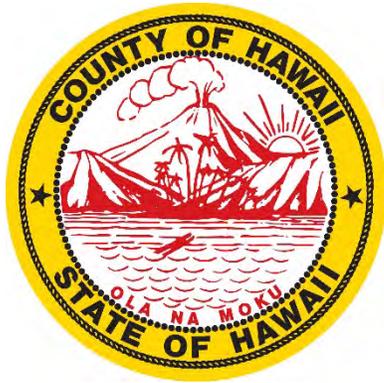
HAWAI‘I LOCAL ORDINANCES AND REGULATIONS

Certified Local Governments

Planning

Zoning, Development Standards and Design Review

CERTIFIED LOCAL GOVERNMENTS



A Partnership between the National Park Service, State Historic Preservation Division, and County governments

ZONING CONDITIONAL USES



*The Museum of Art contemporary collection
in the historic Cooke-Spaulling House*



The Liljestrand House

ZONING SPECIAL DISTRICTS/DESIGN GUIDELINES

Criteria and standards developed for a specific historic or special district used by local planning authorities or historic review commission to determine appropriateness of a proposed project.



Hale'iwa



Lahaina



'Ewa Villages



Chinatown

SECTION 3

CONSULTATION PROTOCOLS FOR NATIVE HAWAIIAN ORGANIZATIONS

NATIVE HAWAIIAN CONSULTATION PROTOCOLS — PRESENTATION OVERVIEW

- ❑ Purpose and Authority for Native Hawaiian Consultation
- ❑ Federal Government Policy and Guidance
- ❑ State of Hawai‘i Responsibilities
- ❑ Role of Native Hawaiian Advocacy Organizations



NATIVE HAWAIIAN CONSULTATION PROTOCOLS — PURPOSE & AUTHORITY

- Purpose and Authority for Native Hawaiian Consultation
 - Engage indigenous, aboriginal, maoli people of Hawai'i on protection and disposition of their cultural resources and ancestors
 - Bulk of archaeological sites in Hawai'i are of Native Hawaiian origin and construction
 - Majority of human burials (outside of cemeteries) are of Native Hawaiian origin
 - Native Hawaiian right to exercise and express traditional religion and customary practices

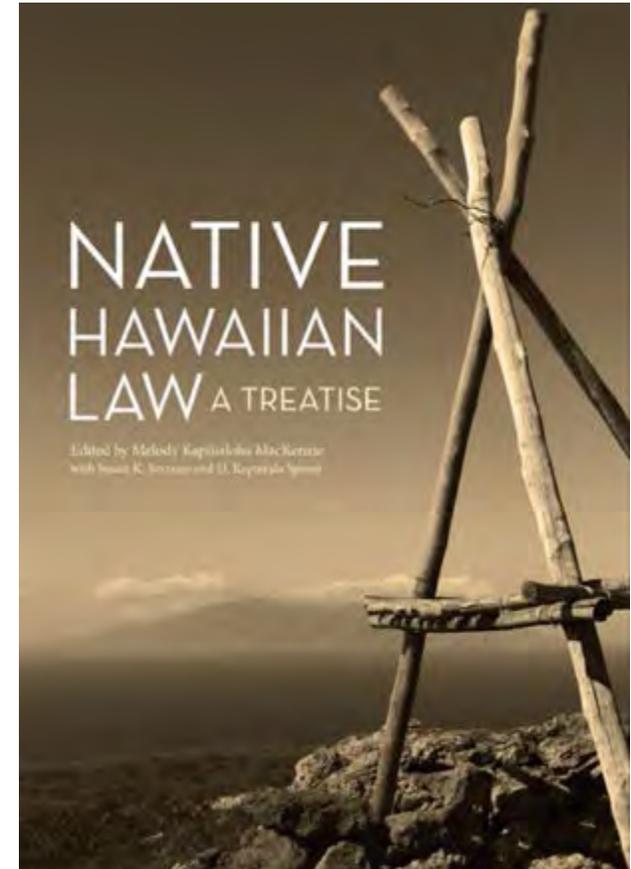


Source: Honolulu Star-Bulletin

NATIVE HAWAIIAN CONSULTATION PROTOCOLS – PURPOSE & AUTHORITY – CONT'D

- ❑ Federal Laws on Preservation and Native Hawaiians
 - National Historic Preservation Act (NHPA)
 - Native American Graves Protection and Repatriation Act (NAGPRA)
 - American Indian Religious Freedom Act (AIRFA)
 - Hawaiian Homes Commission Act (HHCA)

- ❑ State Laws on Preservation and Native Hawaiians
 - Hawai'i State Constitution Article XII – Hawaiian Affairs
 - Hawaiian Homes Commission Act (HHCA)
 - Office of Hawaiian Affairs (OHA) – HRS Chapter 10
 - Traditional and Customary Rights
 - HRS Chapter 6E – Historic Preservation
 - HRS Chapter 10H – Native Hawaiian Recognition
 - HRS Chapters 205 and 205A – Land Use and Coastal Zone Mgmt.
 - HRS Chapter 171 – Conservation and Resources



NATIVE HAWAIIAN CONSULTATION PROTOCOLS – FEDERAL POLICY AND GUIDANCE

- ❑ Department of Defense (DOD):
 - Consultation with Native Hawaiian Organizations (DOD Inst. 4710.03)

- ❑ Advisory Council for Historic Preservation (ACHP):
 - Policy Statement – Interaction with Native Hawaiian Organizations
 - Handbook – Native Hawaiian Consultation in Section 106 Review Process

- ❑ National Park Service (NPS):
 - Management Policies 2006

- ❑ Office of Native Hawaiian Relations (ONHR):
 - DOI, DOD, ACHP Native Hawaiian Interagency Working Group
 - Native Hawaiian Organization List



Source: Honolulu Advertiser



Source: Dept. of Defense

NATIVE HAWAIIAN CONSULTATION PROTOCOLS — STATE OF HAWAII RESPONSIBILITIES

- ❑ Office of Hawaiian Affairs
 - Advocates and ensures all State departments and agencies that affect Native Hawaiians to support Native Hawaiian interests [HRS § 10-1(b)]
 - Provides training to State agencies, boards and commissions on traditional and customary rights, resource protection, access, and the public trust (HRS § 10-41)
- ❑ State Historic Preservation Division & Island Burial Councils:
 - Designation and protection of historic properties (HRS § 6E)
 - Identification, treatment and disposition of Native Hawaiian burials and funerary objects (HRS § 6E)
- ❑ Office of Planning, Land Use Commission, Department of Land and Natural Resources (HRS §§ 205, 205A, 171)
 - Oversees land use designations, water & land development, resource protection, public land disposition



Source: OHA



Source: Maui News

NATIVE HAWAIIAN CONSULTATION PROTOCOLS — NATIVE HAWAIIAN ORGANIZATIONS

- Many Native Hawaiian Organizations that serve a variety of purposes and missions:
 - Legal Representation
 - Hawaiian Homestead Beneficiaries
 - Native Hawaiian Political, Economic, and Social Well-Being
 - Preservation of Places and Practices
 - Native Hawaiian Royal Trusts



Native Hawaiian
LEGAL CORPORATION



ASSOCIATION OF
HAWAIIANS
FOR HOMESTEAD LANDS



C·N·H·A



Association of Hawaiian Civic Clubs
Founded 1918 Honolulu, Hawaii



Protect Kaho'olawe 'Ohana



NATIVE HAWAIIAN
CHAMBER OF
COMMERCE



POLYNESIAN VOYAGING SOCIETY
HÖKŪLE'A™



Queen
Lili'uokalani
Trust

SECTION 4: CONSULTING PARTY BEST PRACTICES

CONSULTING PARTIES

- ❑ Federal Agency with responsibility for the action (land, funding, permit, license or approval)
- ❑ State Historic Preservation Officer (SHPO)
- ❑ **Native Hawaiian Organizations (NHO)**
- ❑ Local Government representatives
- ❑ Applicants for federal government assistance, permits, licenses and other approvals
- ❑ **Individuals and Organizations with a demonstrated Interest:**
 - Due to the nature of their legal or economic relationship to the undertaking or affected properties; or
 - Their concern with the undertaking's effect on historic properties
- ❑ **Members of the Public**
- ❑ Advisory Council on Historic Preservation (ACHP)

CONSULTING PARTY BEST PRACTICES – PRESENTATION OVERVIEW

- ❑ Laying the groundwork
 - Identifying the historic property or cultural resources at risk
 - Understanding the threat(s) to preservation
 - Determining the preservation setting and timing
 - Defining the preservation goals and desired outcomes
- ❑ Crafting the preservation strategy and engagement tactics
- ❑ Implementing the preservation strategy



CONSULTING PARTY BEST PRACTICES — LAYING THE GROUNDWORK

Identifying the historic property and cultural resources

- ❑ History or significance of the resource(s) / property(ies)
- ❑ Character defining features and their condition or quality
- ❑ Uses or practices are associated with the resource
- ❑ Potential for new (inadvertent) discoveries or information at the site



Source: Historic Hawai'i Foundation

CONSULTING PARTY BEST PRACTICES — LAYING THE GROUNDWORK

Understanding the preservation threat(s)

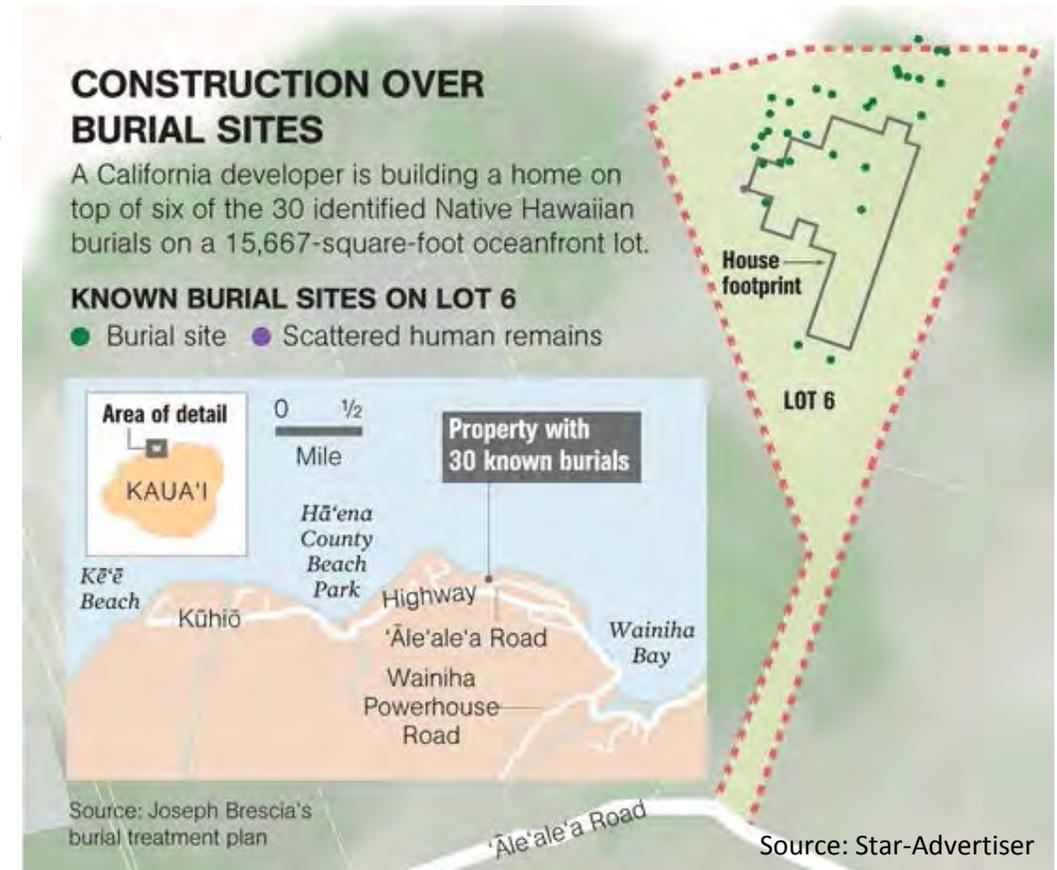
- ❑ Land use change being planned, proposed or implemented
- ❑ Effect of land use change on the historic property or cultural resource
- ❑ Physical details: area, height, subsurface, connecting infrastructure
- ❑ Use impacts: population density, traffic, noise, visual, infrastructure capacity



CONSULTING PARTY BEST PRACTICES — LAYING THE GROUNDWORK

Determining the preservation setting and timing

- ❑ Regulatory setting or decision-making processes
 - Understanding advocate rights and agency responsibilities
- ❑ Timing or stage of implementation of the threat
- ❑ Key parties, agencies, and organizations
 - Preservation advocates actively engaged
 - Agencies, companies, organizations, individuals supporting land use change
 - Understanding relationships and dynamics between key parties



CONSULTING PARTY BEST PRACTICES – LAYING THE GROUNDWORK

Defining preservation goals and desired outcomes

- ❑ Identify primary (secondary, tertiary...) goals and outcomes
- ❑ Benefit – preserve, restore, reuse historic property
- ❑ Avoid – do not demolish or inappropriately alter historic property
- ❑ Minimize – limit the amount of adverse effects
- ❑ Mitigate – address and offset significant adverse effects



CONSULTING PARTY BEST PRACTICES – LAYING THE GROUNDWORK

Additional considerations for mitigation

- ❑ Nexus between cause of effect and mitigation measure
- ❑ Proportional response – larger the impact, larger the mitigation
- ❑ Benefit to affected parties – relevant and appropriate
- ❑ Benefit to broader public – improved understanding; improved preservation systems; new preservation opportunities



CONSULTING PARTY BEST PRACTICES – CRAFTING THE PRESERVATION STRATEGY & TACTICS

- ❑ Get organized and involved –
Form advocacy group or join existing effort
- ❑ Frame the issue –
Prepare for public outreach and media involvement
- ❑ Per process and regulatory setting –
Testimony, lobbying, consultation, lawsuit
- ❑ Use timing and stage of implementation –
Act quickly or delay decision making
- ❑ Use preservation goals and outcomes –
Stop project, alter design, relocate, adaptive reuse



CONSULTING PARTY BEST PRACTICES – IMPLEMENTING THE PRESERVATION STRATEGY

- ❑ Take the initiative / play offense
- ❑ Good faith participation and follow-through
 - Be consistent in objectives, goals, and outcomes
 - Take moral high ground
 - Be reasonable and responsive
 - Avoid personalities
- ❑ Prepare for the long haul and changing landscape
 - New key parties and different agendas
 - Shifting agency or organizational priorities
 - Evolve tactics and strategy accordingly

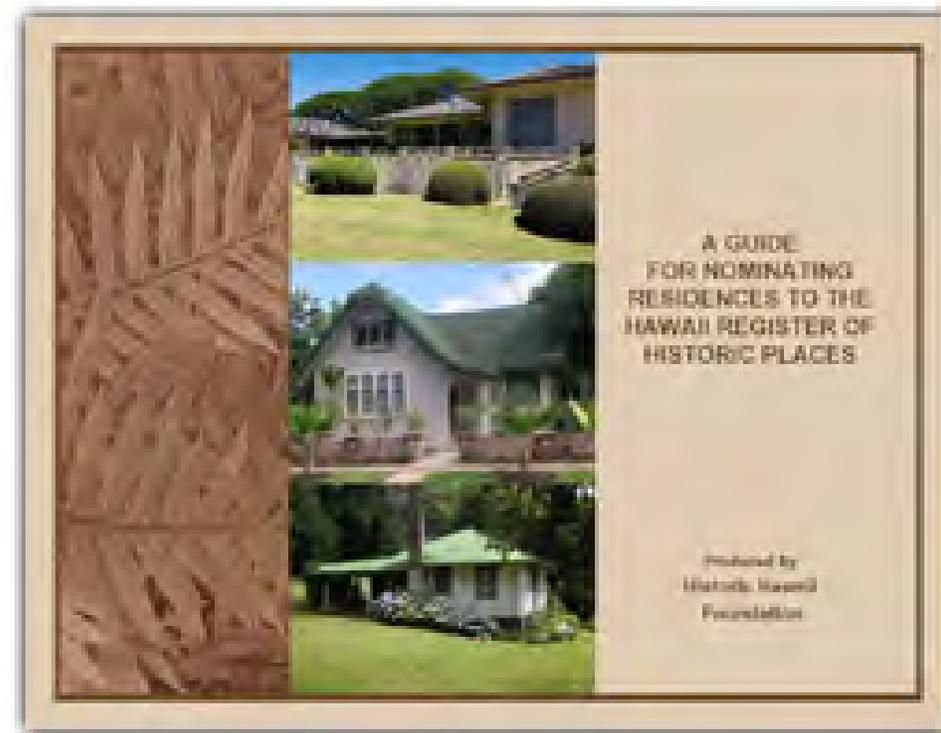


LUNCH BREAK

SECTION 5: ADDITIONAL TOOLS AND OPPORTUNITIES

INDIVIDUAL PRESERVATION ACTIONS

- ❑ Individuals can choose to preserve and maintain their historic properties by following appropriate standards
- ❑ Property owners can nominate properties to the Hawai'i and National historic registers.
- ❑ Individuals can place permanent restrictions to preserve the property
- ❑ Individuals can organize with others for a stronger voice



PRESERVATION EASEMENTS

- ❑ Perpetual deed restriction that establishes preservation restrictions on a historic property
- ❑ An easement is donated to a nonprofit organization for preservation management (e.g. Historic Hawai'i Foundation or Hawaiian Islands Land Trust)
- ❑ Owner retains possession and use of the historic property, subject to the easement terms
- ❑ Owner may qualify for tax deduction equivalent to the easement's market value



Jean & Zohmah Charlot House, O'ahu

COMMUNITY ORGANIZING

The best tool to preserve historic places
is a community that cares
about keeping the character of their community
and is willing to challenge actions that may harm or destroy it.



*Varsity Theatre,
Honolulu*

COMMUNITY ORGANIZING

Fundamental Principles:

1. Don't underestimate your strength.
2. Know that everything is political.
3. Recognize the power of saying "no."
4. Be prepared.
5. Use publicity and amplification.
6. Be organized.



Save Līhu'e Post Office, Kaua'i



Ka 'Ohana o Kalaupapa, Moloka'i



Protect Wa'ahila Ridge, O'ahu

NON-GOVERNMENTAL PRESERVATION ORGANIZATIONS

NATIONAL:

National Trust for Historic
Preservation (NTHP)

Association for Preservation
Technology (APT)

Historic Bridge Foundation

STATEWIDE:

Historic Hawai'i Foundation

Association of Hawaiian Civic
Clubs

Docomomo US, Hawai'i Chapter

LOCAL ORGANIZATIONS:

Maunaloa Fishpond Heritage Center

Lāna'i Heritage and Cultural Center

Kapaia Foundation

Hanalei Roads Committee

Waimea Community Association

Kaupō Community Association

Pūlama Iā Kona

Mālama Mānoa

Friends of 'Iolani Palace

Friends of *Falls of Clyde*

Friends of the Natatorium

Friends of Mahaulepu



Kaupō Community Association, Maui

Friends of Hawai'i Volcanoes National Park

Friends of Kewalos

Friends of Lāna'i

Friends of the Queen Theatre

Friends of Midway

Friends of Maunaloa Bay

Friends of Old Maui High School

NON-REGULATORY GOVERNMENT PROGRAMS

Tax Incentives (private property)

Grants in Aid (non-profit organizations)

Public Investment (public property)

Public-Private Partnerships

FEDERAL HISTORIC PRESERVATION TAX INCENTIVES

- Certified Historic Property
- Income-producing property
- Credit equivalent to 20% of the qualified costs of rehabilitation available



Baldwin Memorial Home/Lumeria Maui, Makawao

FEDERAL HISTORIC PRESERVATION TAX INCENTIVES

Mā'alaea General Store, Maui



Kunia Plantation Camp, O'ahu



COUNTY PROPERTY TAX EXEMPTIONS

- Offered in all Counties
- Residential property
- Designated on State Register
- Maintain weather-proof exterior (Kaua'i)
- Maintain in good condition, sign and visual access required (Honolulu)
- Pay minimum annual tax



'Ewa Plantation Villages, 'Ewa



Clarence Cooke Beach House, Kailua



Halaulani District, Hilo

HISTORIC COMMERCIAL PROPERTY TAX EXEMPTION

- ❑ City & County of Honolulu
- ❑ Property tax exemption of 50% of appraised value of historic buildings
- ❑ Designated on Hawai'i register, listed after 1977
- ❑ Commercial use, excluding industrial, resort and agriculture
- ❑ Owner submits a 10-year plan to maintain historically-significant features of the building



Harriet Bouslog Building, Merchant Street Historic District, Honolulu

GOVERNMENTAL PRESERVATION GRANT PROGRAMS

- ❑ African American Civil Rights
- ❑ American Battlefield Protection Program
- ❑ **Certified Local Government**
- ❑ Japanese American Confinement Sites
- ❑ **National Maritime Heritage**
- ❑ Save America's Treasures
- ❑ **Tribal Heritage Grants**
- ❑ Underrepresented Communities



CERTIFIED LOCAL GOVERNMENT GRANTS

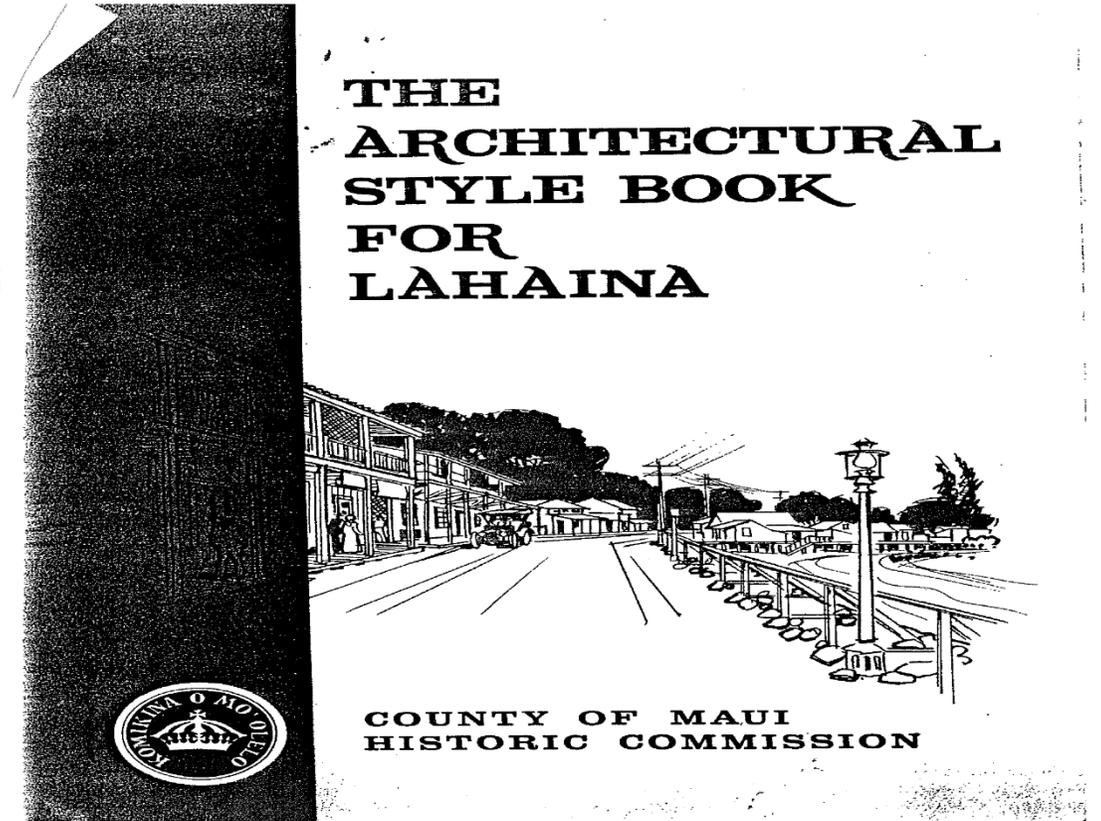
Federal grants (NPS) pass through State (SHPD) to Counties (must be CLG)

Matching funds required

Projects need to be consistent with grant guidelines

Examples from Maui County and Kaua'i County

- Context studies
- Architectural Reports
- Design Guidelines
- Trainings and Education Programs
- Inventory & Survey
- Building Reuse and Redevelopment Studies



TRIBAL HERITAGE GRANTS

NHPA authorizes grants to assist Indian Tribes, Alaskan Natives, and Native Hawaiian Organizations for cultural and historic preservation projects.

Example Recipients

- Yavapai-Apache Nation: *GIS Mapping of Exodus Route to Identify Correct Route*
- Karuk Tribe: *Nanu'avaha; Karuk Tribe's K-12 Curriculum Oral History Documentation Project*
- Seminole Tribe of Florida: *Red Barn preservation, A Symbol of STOF Cattle Industry*



Red Barn Project (before & after)

NONPROFIT ORGANIZATION GRANT PROGRAMS

- ❑ **Historic Hawai'i Foundation Grants**
- ❑ **NTHP/Sam & Mary Cooke Preservation Fund for Hawai'i**
- ❑ **Hawai'i Community Foundation**
- ❑ **Other private Foundations**
- ❑ **Office of Hawaiian Affairs Culture Grants**



Hualoha Church, Maui

HISTORIC HAWAI‘I FOUNDATION PRESERVATION GRANTS

- ❑ Applicant is a community-based and locally-supported non-profit organization that provides services that fill a community need. Projects on a neighbor island or in a rural community are strongly encouraged;
- ❑ The project preserves and rehabilitates a significant historic property following appropriate preservation standards, and adequate long-term preservation commitments are in place;
- ❑ Recipient has in place additional financial and/or in-kind support from individuals, community members and other funders, with the grant funding request being part of an overall financial plan that is thorough and reasonable



Old Lahaina Courthouse, Maui

NATIONAL TRUST FOR HISTORIC PRESERVATION

SAM & MARY COOKE PRESERVATION FUND FOR HAWAI'I

Grants from this fund will help preserve and enhance historic places in Hawai'i for future generations

Grants range from \$2,500 to \$10,000 each, totaling about \$15,000 per year

Administration is managed by National Trust

Funding decisions will be made in cooperation with Historic Hawai'i Foundation

Eligible applicants are Public Agencies and Nonprofit Organizations (501 c 3 status)

Organizational Forum Membership to National Trust required

Membership in Historic Hawai'i Foundation encouraged

1:1 cash matching funds required

Preservation work must comply with Secretary of Interior Standards for the Treatment of Historic Properties



O'ahu Sugar Company Smokestack, Waipahu, O'ahu

BREAK

SECTION 6: GROUP ACTIVITY

PRESERVATION SCENARIO EXERCISE

You are a member of a local historic preservation association –
“Sustaining, Advancing and Venerating our Exceptional Hawai‘i”
(**SAVE Hawai‘i**).

SAVE Hawai‘i is a community-based organization on a “representative” Hawaiian island whose mission is to sustain Hawai‘i’s culture and history through the protection and preservation of its unique districts, buildings, structures, landscapes, and objects for future generations.

SAVE Hawai‘i implements its mission through advocacy and engagement on land use changes that threaten historic properties and cultural resources.

PRESERVATION SCENARIO EXERCISE

SAVE Hawai'i has become aware of four land use changes that threaten historic properties and cultural resources.

❑ Scenario A: Proposed County Zoning Change

- Setting: Historic ethnic neighborhood (on National Register) composed of multiple private landowners is desired for high-density, mixed-use development by State Economic Development agency.

❑ Scenario B: Private Condominium Development

- Setting: Historic church and site (eligible for State & National Register) sold to private developer. Land is zoned for high-rise residential condominiums.

❑ Scenario C: Airport Runway Expansion

- Setting: State received Federal funds for planning and design of runway extension and adding 2nd parallel runway on State land.

❑ Scenario D: Historic Building Renovation

- Setting: Military is renovating a historic hospital for re-use as an office building. Building is a WWII National Historic Landmark located on Federal (Department of Defense) property.

"REPRESENTATIVE" HAWAIIAN ISLAND



Scenario A



Scenario C



Scenario B



Scenario D

SCENARIO A – PROPOSED COUNTY ZONING CHANGE

- ❑ **Setting:** Historic ethnic neighborhood (on National Register) composed of multiple private landowners is desired for high-density, mixed-use development by State Economic Development agency.
- ❑ **Implementation Stage:** Re-zoning application out for public comment and undergoing County Planning Dept. review for Council approval.
- ❑ **Preservation Threat:** Loss or alteration of historic district.
- ❑ **Resources at Risk:** Historic setting; feeling and association of community; architectural character (design, materials, and workmanship).
- ❑ **Task – Develop a Preservation Strategy:**
 - What are the preservation goals and outcomes?
 - What are the applicable federal and state laws?
 - What non-regulatory or community participation tools would help?
 - What is the preservation strategy to achieve the goals and outcomes?
 - What actions will SAVE Hawai'i take to implement the strategy?



SCENARIO B – PRIVATE CONDOMINIUM DEVELOPMENT

- ❑ **Setting:** Historic church and site (eligible for State & National Register) sold to private developer. Land is zoned for high-rise residential condominiums.
- ❑ **Implementation Stage:** Developer announces 30-story condominium project and is seeking plan approval from County redevelopment authority.
- ❑ **Preservation Threat:** Demolition of historic building and disturbance of subsurface Native Hawaiian archaeological material and human burials.
- ❑ **Resources at Risk:** Building and site; subsurface cultural materials; human remains and funerary objects; feeling and association. No cemetery on site.
- ❑ **Task – Develop a Preservation Strategy:**
 - What are the preservation goals and outcomes?
 - What are the applicable federal and state laws?
 - What non-regulatory or community participation tools would help?
 - What is the preservation strategy to achieve the goals and outcomes?
 - What actions will SAVE Hawai‘i take to implement the strategy?



SCENARIO C – AIRPORT RUNWAY EXPANSION

- ❑ **Setting:** State received Federal funds for planning & design of runway extension and 2nd parallel runway on State land.
- ❑ **Implementation Stage:** State-contracted planning and engineering company completed draft environmental impact statement (DEIS) and the State just released it for 60-day public review and comment period.
- ❑ **Preservation Threat:** Damage to Native Hawaiian archaeological sites, human burials and cultural landscape
- ❑ **Resources at Risk:** Archaeological sites: heiau, trails, house sites; human burials; and cultural landscape features: native plants / forest, topographic features (hills, depressions), and view planes.
- ❑ **Task – Develop a Preservation Strategy:**
 - What are the preservation goals and outcomes?
 - What are the applicable federal and state laws?
 - What non-regulatory or community participation tools would help?
 - What is the preservation strategy to achieve the goals and outcomes?
 - What actions will SAVE Hawai‘i take to implement the strategy?



SCENARIO D – HISTORIC BUILDING RENOVATION

- ❑ **Setting:** Military is renovating a historic hospital for re-use as an office building. Building is a WWII National Historic Landmark (NHL) located on Federal (Department of Defense) property.
- ❑ **Implementation Stage:** Interior and exterior design plans have been completed and appear to significantly alter the building's appearance. Military announced it is preparing to begin construction.
- ❑ **Preservation Threat:** Loss of integrity and character defining features.
- ❑ **Resources at Risk:** Per NHL nomination - Architectural elements (design, materials, workmanship); feeling and association with historic (WWII) features; and impacts to setting.
- ❑ **Task – Develop a Preservation Strategy:**
 - What are the preservation goals and outcomes?
 - What are the applicable federal and state laws?
 - What non-regulatory or community participation tools would help?
 - What is the preservation strategy to achieve the goals and outcomes?
 - What actions will SAVE Hawai'i take to implement the strategy?



SECTION 7: WRAP UP

Questions/Discussion
Course Evaluations

ADDITIONAL RESOURCES AT WWW.HISTORICHAWAII.ORG

Presentation slides

Federal Laws and Regulations

- Archaeological Resources Protection Act (ARPA)
- National Historic Preservation Act (NHPA)
- NHPA Section 106 Regulations (36 CFR Part 800)
- Native American Graves Protection and Repatriation Act (NAGRPA)
- NAGPRA Regulations (43 CFR Part 10)
- NEPA-NHPA Section 106 Handbook
- Legal Comparison of NAGPRA-ARPA-Section 106

ADDITIONAL RESOURCES AT WWW.HISTORICHAWAII.ORG

Hawai'i Laws and Regulations

- Historic Preservation Statute (HRS 6E)
- HP Exemption of Dwelling Units (HRS 6E 42.2)
- Rules for Review of Government Projects (HAR 13-275)
- Rules for Review of Privately Owned Historic Properties (HAR 13-284)
- SHPD Guidance for HRS 6E Review
- Environmental Policy Statute, Excerpt for Historic Properties (HRS 343)
- Sunshine Law Notice Quick Review Guidance (HRS 92-7)
- Cultural Resources Commission/Historic Preservation Review Commission Ordinances (Hawai'i, Maui, Kaua'i)

Native Hawaiian Organization Consultation Protocols

- ACHP Policy on Interaction with Native Hawaiian Organizations
- ACHP Handbook on Consultation with NHOs in the Section 106 Process
- ACHP Guidance for NHOs: What to Ask Federal Agencies in the Section 106 Process
- Department of Defense Consultation Policy with NHOs (DoDI 4710.03)
- National Park Service Management Policies

ADDITIONAL RESOURCES AT WWW.HISTORICHAWAII.ORG

Community Organizing Resources

- ACHP Citizens' Guide to the Section 106 Process
- CEQ Citizens' Guide to NEPA
- Saving the Neighborhood Crisis Intervention Booklet
- HHF Glossary of Historic Preservation Terms
- HHF Mitigation for Adverse Effects to Historic Properties

Sample Letters and Testimony

- Letter from an Organization to Agency for Section 106 Consultation Comments
- Letter from an Organization to a Planning Official on Planning Issue
- Letter from an Organization to a Federal Agency on a Planning Issue
- Testimony from an Organization to a Legislative Body on a Planning Issue
- Testimony from an Organization to a Legislative Body on a Legislative Issue
- Testimony from an Individual to a Legislative Body on a Legislative Issue

MAHALO!
