

**Historic Hawai'i Foundation**  
**Framework on Resolution for Adverse Effects on Historic Properties**  
**March 21, 2022**

As owners, stewards or development interests consider approaches to historic properties and cultural resources, they have the opportunity and responsibility to support appropriate preservation of these properties.

In many cases, a development or infrastructure project—whether done by a government agency or a private interest—has the potential to impact a historic property, either for good or for ill.

State, federal and local laws and regulations include processes that provide a systematic way to understand and address any potential harm. The process includes several basic steps:

1. Define the project or undertaking;
2. Define the geographic area of potential effect;
3. Determine if historic properties are present;
4. Determine if there is an adverse effect to those historic properties;
5. Determine how to avoid, minimize or mitigate that adverse effect; and
6. Document and execute the agreement to resolve effects.

**ASSESSING EFFECTS**

This process may identify cases where a historic property will suffer an adverse effect from a proposed project. “Adverse” is a general category that indicates that the historic property will be diminished or harmed in a way that undermines its historic integrity or the characteristics that make it eligible for designation on the state or national registers of historic places.

“Adverse effect” may include a continuum of effects that range from changes to context, inappropriate alterations, or complete demolition or destruction of the resource.

An “adverse effect” occurs if the proposed project has the potential to alter, directly or indirectly, any of the characteristics of the historic property that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.

Examples of Adverse Effects:

- physical destruction of or damage to all or part of the property; alteration of the property that is not consistent with the Standards for the Treatment of Historic Properties and applicable guidelines;

- removal of the property from its historic location;
- change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant features;
- neglect of the property which causes its deterioration, except where such neglect and deterioration or recognized qualities of the property of religious or cultural significance to a Native Hawaiian organization or other ethnic or cultural group;
- transfer, lease or sale out of the ownership or control of the State or any of its subdivisions without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

## RESOLUTION OF EFFECTS

As Historic Hawai'i Foundation participates in consultation about proposed changes that affect historic properties, HHF advocates for resolution of effects using a hierarchy of preferred actions. In order of preference, HHF's promotes outcomes that:

- Benefit** the historic property through appropriate preservation treatment (preserve, restore or rehabilitate following appropriate standards and techniques), planning, use and operations, including cultural conservation and restorative reuse.
- Avoid** adverse effect on the historic property. Do not demolish, raze, relocate, inappropriately alter, or otherwise destroy the features and characteristics that comprise historic fabric, significance and integrity.
- Minimize** adverse effect on the historic property. In cases where adverse effect to the historic property cannot be avoided, limit the nature of the impact to minimize the adverse effect.
- Mitigate** adverse effect. In cases where the adverse effect is significant, measures to mitigate the effect should be used.

## MITIGATION OF EFFECTS

In circumstances in which adverse effects to historic properties are unavoidable to complete a project, mitigation is appropriate. In reaching decisions about appropriate mitigation, the applicant, agency and consulting parties need to weigh a variety of factors, including the significance of the historic property, its value and to whom, associated costs, and project schedules.

A plan for mitigating adverse effect(s) is site-specific and requires a particular approach for each historic property impacted by the project. Mitigation measures may vary widely depending on the type of historic resource, the qualities that make the property historically significant, the location of the site with respect to the project, the degree of impact, and other circumstances unique to the situation.

When developing mitigation measures in response to adverse effects on historic properties, Historic Hawai'i Foundation considers the following core principles:

1. Mitigation for adverse effects is expected to have a **nexus** to the cause of the effect, such as connections between locations, type of historic resource, or type of impact with the proposed mitigation measure.
2. Mitigation is expected to be **proportional** to the adverse effect. Greater damage should result in greater mitigation, while minor effects may result in lesser levels of mitigation.
3. Mitigation is expected to have a **benefit to the impacted parties** (e.g. loss of a Native Hawaiian cultural resource should be mitigated by a benefit to Native Hawaiians; loss of a contributing structure in a district should be mitigated by a benefit to the district).
4. Mitigation is expected to have a **benefit to the larger public** (e.g. improve understanding or education; provide new opportunities for preservation results; improve preservation systems to avoid future conflicts or losses).
5. Mitigation is expected to be **timely** and complete before or at the same time the project becomes operational.
6. Mitigation is expected to be **place- and communities-based**.

Additional values and considerations include:

- Mitigation should meet communities' historic preservation needs, address communities' historic preservation challenges, and deepen communities' relationship and knowledge of place and be developed through communities-based consultation.
- Mitigation is expected to be culturally appropriate.
- Mitigation is expected to achieve standards of excellence and quality (i.e., employ professional and ethical best practices, meet professional and ethical standards).
- Mitigation should avoid "document and destroy" approaches and practices in favor of "preserve in place" measures using current innovations and approaches that facilitate the protection, preservation and future access of the resource.
- Mitigation should provide access to places and resources for restorative reuse and cultural conservation.