

# AVOID, MINIMIZE & MITIGATE: BEST PRACTICES FOR SAVING HISTORIC PLACES

---

HAWAI'I CONGRESS OF PLANNING OFFICIALS CONFERENCE

15 SEPTEMBER 2022





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.

[www.HistoricHawaii.org](http://www.HistoricHawaii.org)



# OVERVIEW OF THE SESSION



Haleakalā National Park, Maui. Photo courtesy ONHR



C  
O  
N  
S  
U  
L  
T  
A  
T  
I  
O  
N

## 1. DEFINE the project or undertaking

- Determine scope of the activity
- Notify SHPO, Agencies with Jurisdiction
- Identify NHOs and Other Consulting Parties
- Plan to involve the public

## 2. DETERMINE the Area of Potential Effect

- Establish the geographic area of direct, indirect, cumulative & foreseeable effects

## 3. IDENTIFY historic properties

- Assess and evaluate if historic properties/cultural resources are present

## 4. ASSESS adverse effects

- Apply criteria of adverse effect

## 5. RESOLVE adverse effects

- Avoid, minimize, or mitigate adverse effects

## 6. IMPLEMENT and Verify

- Execute and implement the agreement/conditions to resolve effects

*Undertaking with potential to cause effects?*

YES

NO



Process  
complete



*Historic properties present & affected?*

YES

NO



Process  
complete



*Historic properties adversely affected?*

YES

NO



Process  
complete



*Reach agreement on resolution?*

YES

NO



Keep trying



Process complete;  
Implement agreement



# Assessing Adverse Effects

An adverse effect is defined as the **alteration, directly or indirectly, of any characteristics of a historic property that convey its historic significance** in a manner that would **diminish the integrity** of the property's location, design, setting, materials, workmanship, feeling, or association.



Hanapēpē Bridge public meeting, Hanapēpē, Kauaʻi. Photo courtesy FHWA.

# ADVERSE EFFECTS

---

**Consider all qualifying characteristics** of a historic property, including those that may have been identified subsequent to the original evaluation of the property's historic significance or eligibility for the Hawai'i/National Register.

Adverse effects may also include **reasonably foreseeable effects** caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.



# ADVERSE EFFECTS MAY INCLUDE:

## **Physical destruction of or damage to all or part of the property**

Since 1999, damage to sites includes archaeological data recovery.



Fire destroyed the Queen's Retreat, Maunawili, O'ahu. Photo courtesy Civil Beat.



# ADVERSE EFFECTS MAY INCLUDE:

---

## **Alteration of a property**

Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the standards for the treatment of historic properties and applicable guidelines.



Twitter @PlanningShit



# ADVERSE EFFECTS MAY INCLUDE:

## **Removal of the property from its historic location**

Moving is an adverse effect – but may be preferable to destruction or other damage



Red Hill, Navy home relocation. Photo courtesy Forest City.

# ADVERSE EFFECTS MAY INCLUDE:

---

**Change of the character of the property's use or of physical features** within the property's setting that contribute to its historic significance.

New construction introduces changes to the setting, feeling, association and physical features



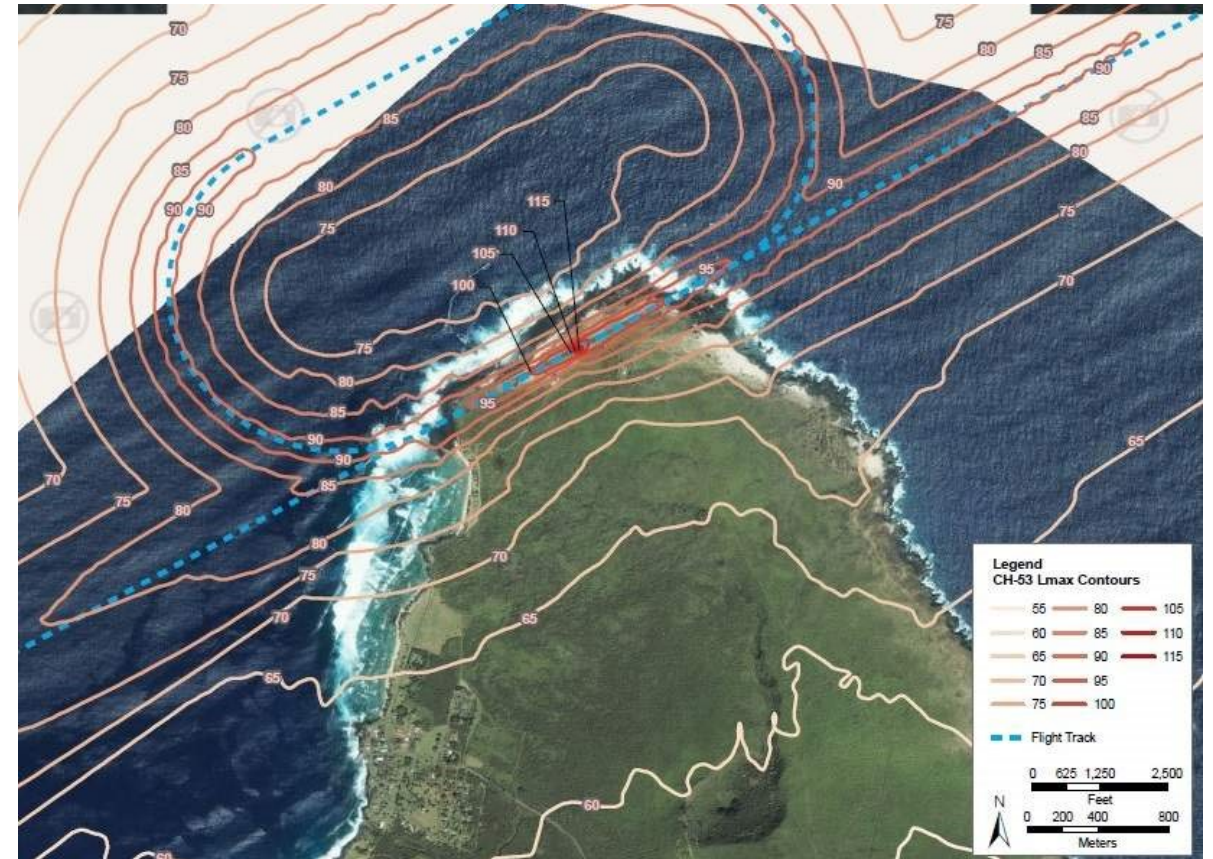
Our Lady of Peace Cathedral Basilica and Century Square, Honolulu, O'ahu . Photo courtesy HHF.



# ADVERSE EFFECTS MAY INCLUDE:

**Introduced visual, atmospheric or audible elements that diminish the property's integrity**

Examples of “atmospheric” elements = particulate matter (dust, smog), noxious smells



Noise Map from proposed military training at Kalaupapa NHL courtesy MCBH and photo courtesy DoD.



# ADVERSE EFFECTS MAY INCLUDE:

---

## **Neglect of a property which causes its deterioration**

except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native Hawaiian organization.



Patient's abandoned house at Kalaupapa National Historic Landmark. Photo courtesy HHF.



# ADVERSE EFFECTS MAY INCLUDE:

**Transfer, lease, or sale of property** without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.



Līhu'e Post Office, Kaua'i, USPS reversed its decision to transfer the historic post office after Sec 106 and other public input opposed the proposal.  
Photo courtesy HHF.

# RESOLVING ADVERSE EFFECTS TO HISTORIC PROPERTIES

---

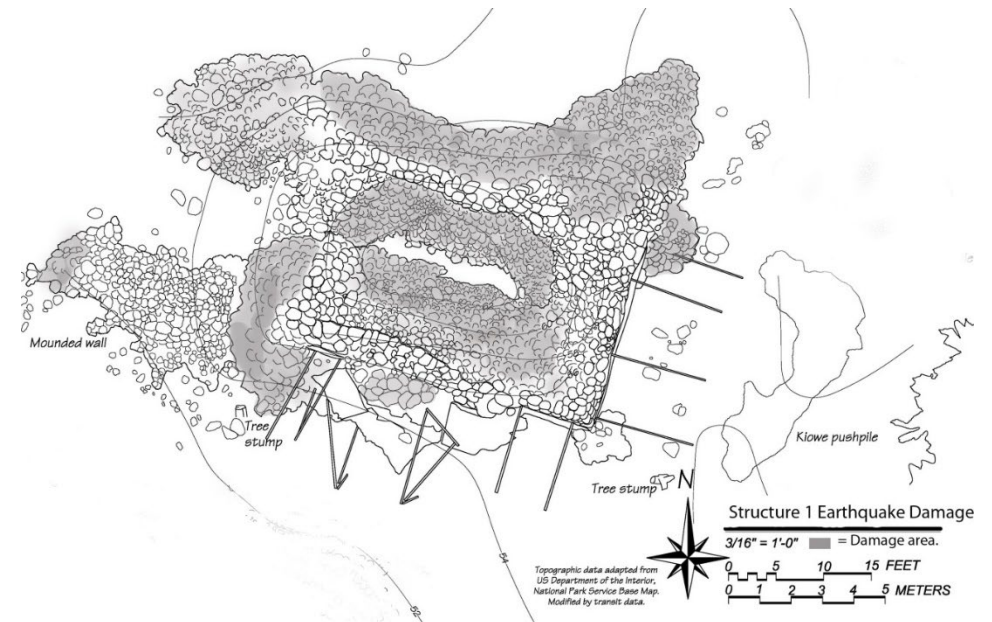


Kalaupapa Historic Structures Management Workshop 2022. Photo courtesy HHF.



# Hierarchy of Preferred Outcomes

1. Benefit
2. Avoid
3. Minimize
4. Mitigate



Repairing earthquake damage at John Young Homestead, Hawai'i Island. Photos courtesy NPS.

**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.

---



Rehabilitation and Adaptive Reuse of Dearborn Building, Kaka'ako, O'ahu. Photos courtesy Fung Associates, Inc.



**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.

---



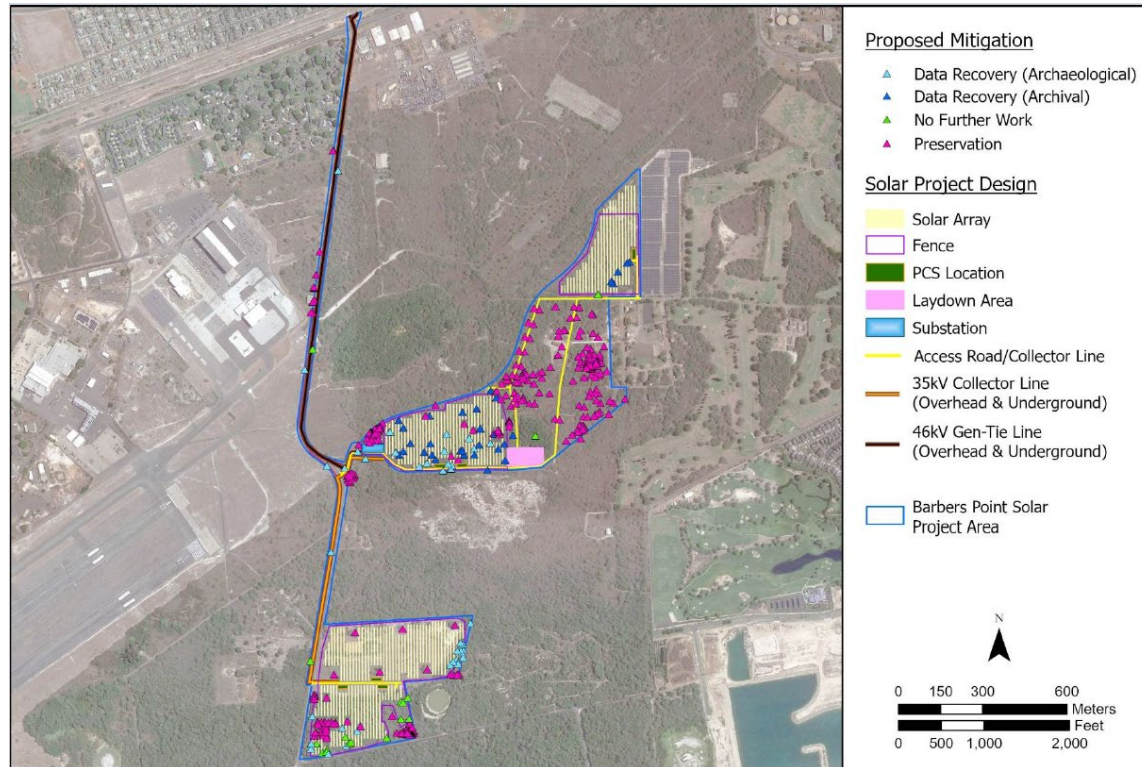
Hanapēpē County Bridge Rehabilitation, Kauaʻi. Photo courtesy HDOT.



680 Ala Moana Boulevard Adaptive Reuse; SALT at Our Kakaʻako, Oʻahu.  
Photo @LoopNet.com



**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.



## Preservation Features

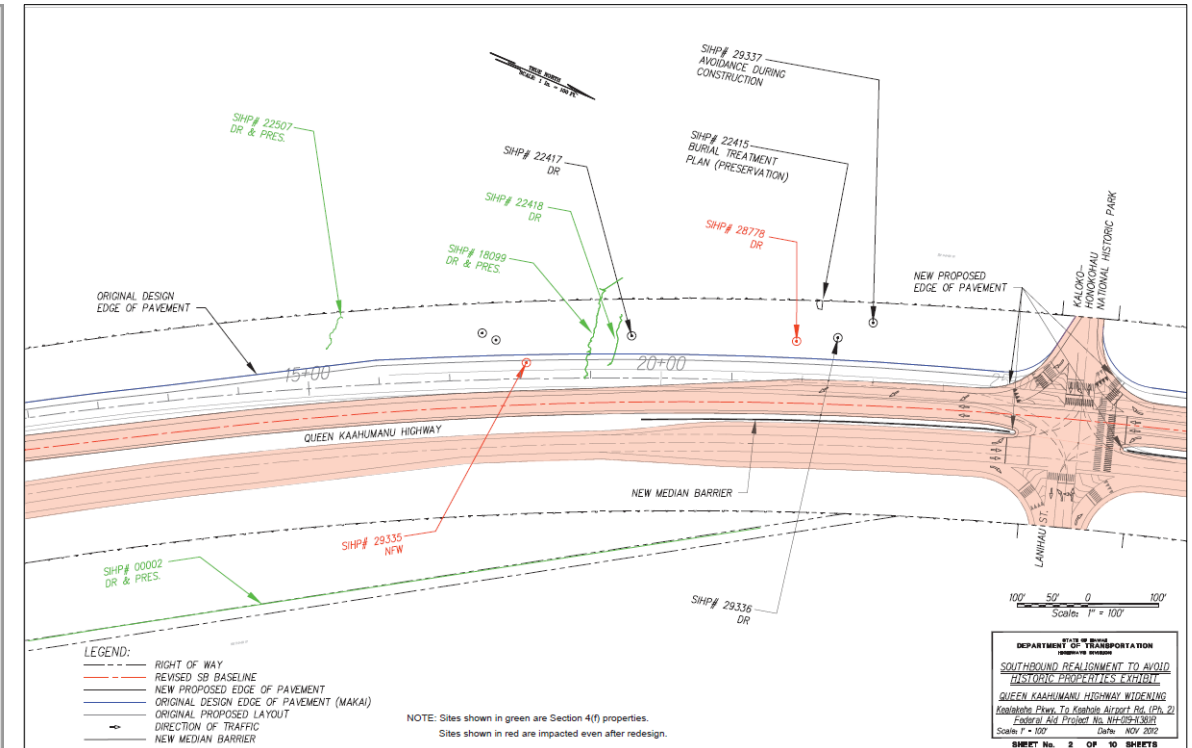
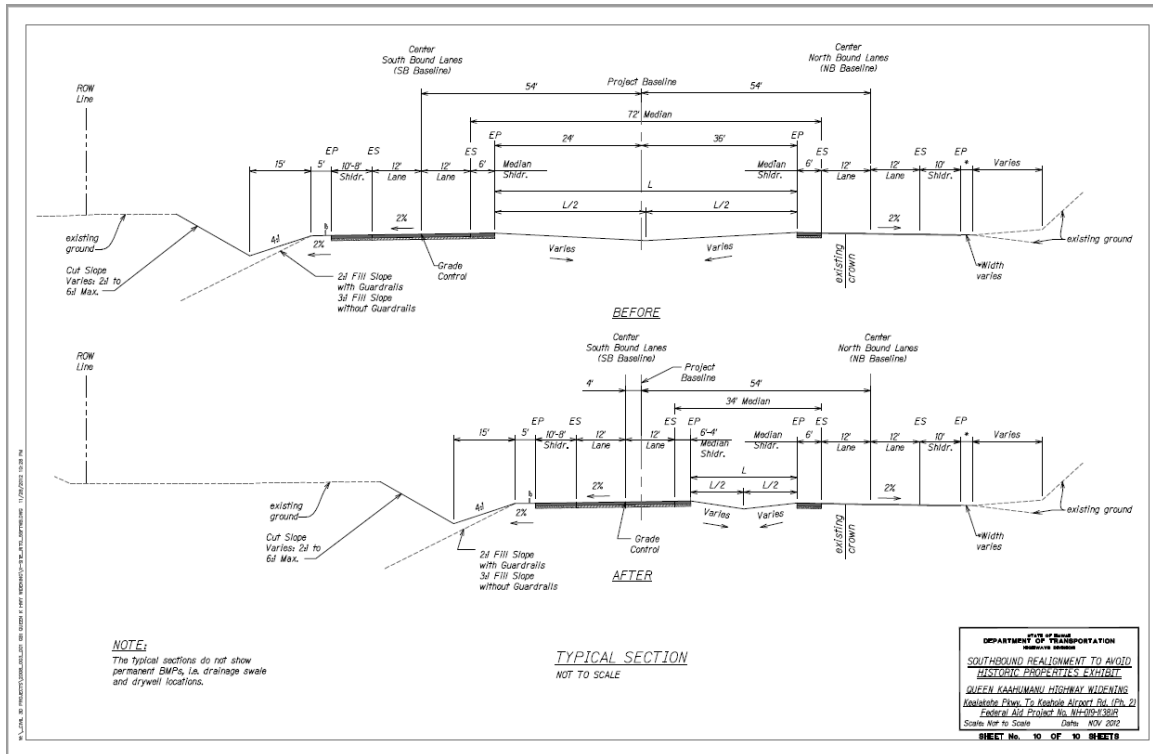
SIHP 50-80-12-05106

Features 9 – 27, 33 – 42, 44, 46 – 68, 72 – 96, 98:  
Enclosures, mounds, platforms, C-shapes, L-shape, walls, unmodified pits, modified pits

**Buffers:**  
10 m from maximum extent of features;  
5 m from maximum extent of opening of modified pits;  
3 m from maximum extent of opening of unmodified pits



**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.

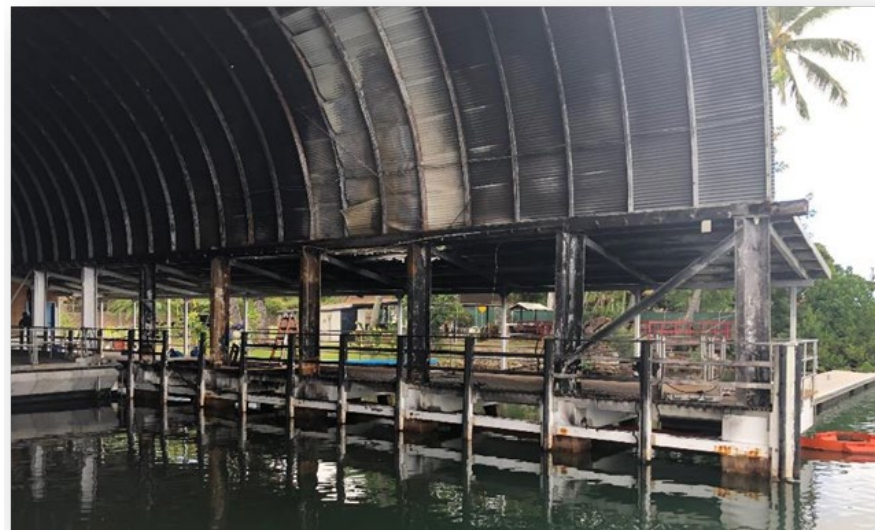


Queen Ka'ahumanu Highway Road Realignment and Cross-section narrowing, Hawai'i Island. Courtesy HDOT



**Mitigate** adverse effect. In cases where the adverse effect is significant, measures to mitigate the effect should be used.

---



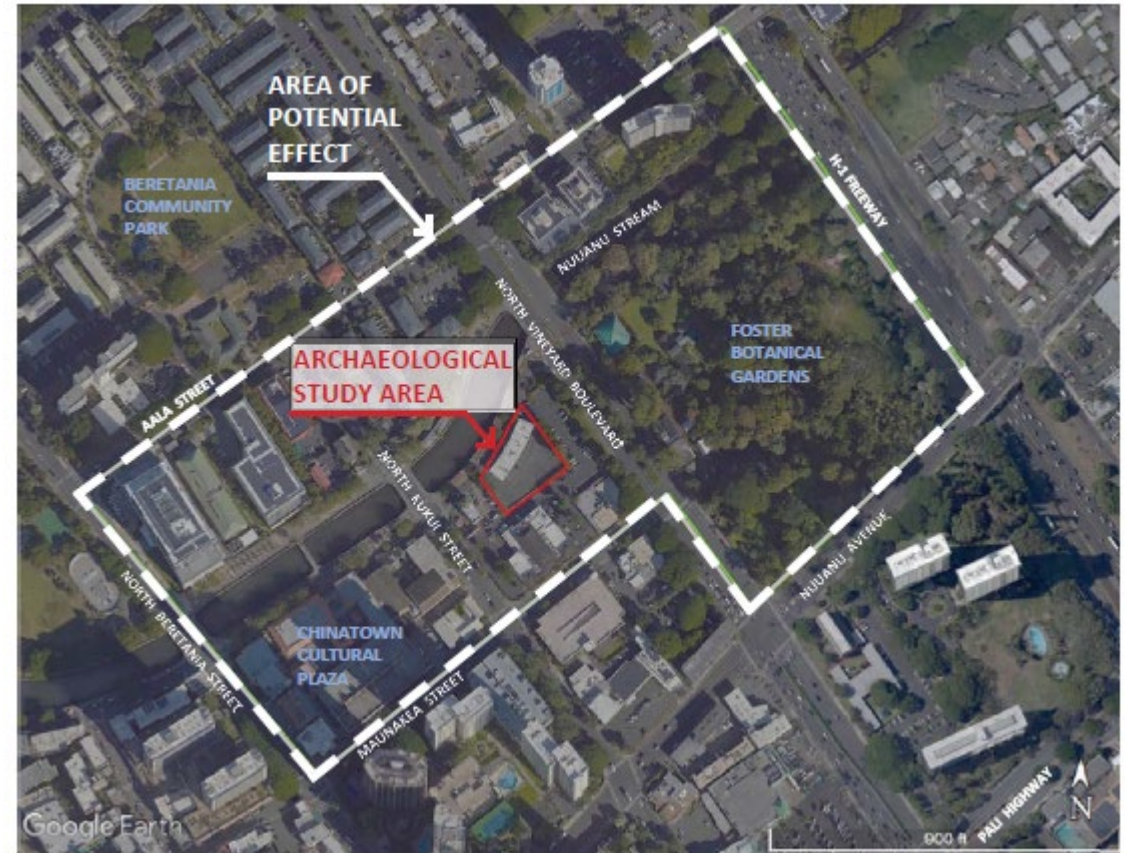
Admiral's Boathouse damaged by fire. Resolution of effects includes design review for replacement building; avoid site features/preserve in place; historic interpretation signage and displays. Mitigation to include rehabilitation of another historic building (Facility 17) in the same style and period. Pearl Harbor National Historic Landmark, O'ahu. Photos courtesy U.S. Navy.



**Mitigate** adverse effect. In cases where the adverse effect is significant, measures to mitigate the effect should be used.

Affordable Senior Housing Project, Chinatown, O'ahu:

- Establish and support Community Advisory Committee for use of a Community Room/Social Activities Center
- Historic Context Study of the engineer and engineering of the building, which was a unique example of the materials and construction technique
- Burial Treatment Plan
- Archaeological Mitigation
- Educational and Interpretive Programs—Story Map consultation, development, distribution and maintenance
- Construction protection plan to protect neighboring buildings from vibration, damage



Map courtesy City & County of Honolulu Department of Land Management

# Principles for Mitigation

---

## **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.

## **PROPORTIONAL** to the adverse effect

- Greater damage should result in greater mitigation, while minor effects may result in lesser levels of mitigation.

## **BENEFIT TO THE IMPACTED PARTIES**

- e.g. loss of a Native Hawaiian cultural resource should be mitigated by a benefit to Native Hawaiians, or
- loss of a contributing structure in a district should be mitigated by a benefit to the district, etc.

## **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.

## **TIMELY**

- Complete before or at the same time the project becomes operational.

## **PLACE- AND COMMUNITIES-BASED**



# Best Practice 1: Consultation

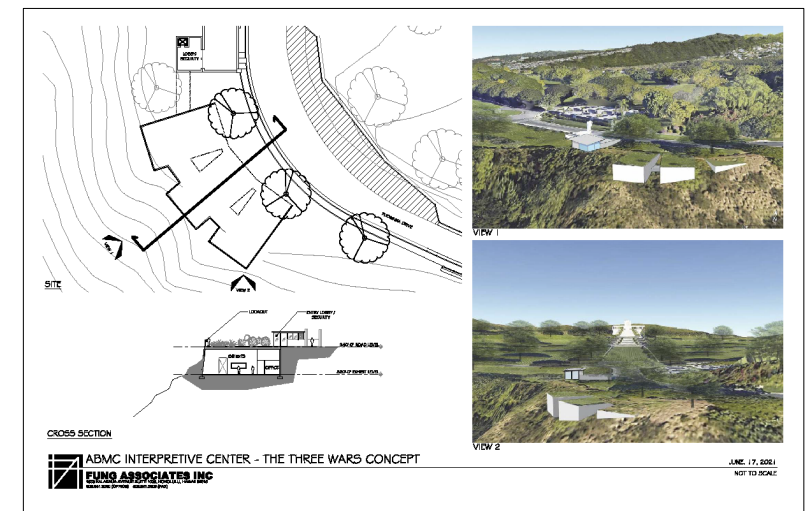
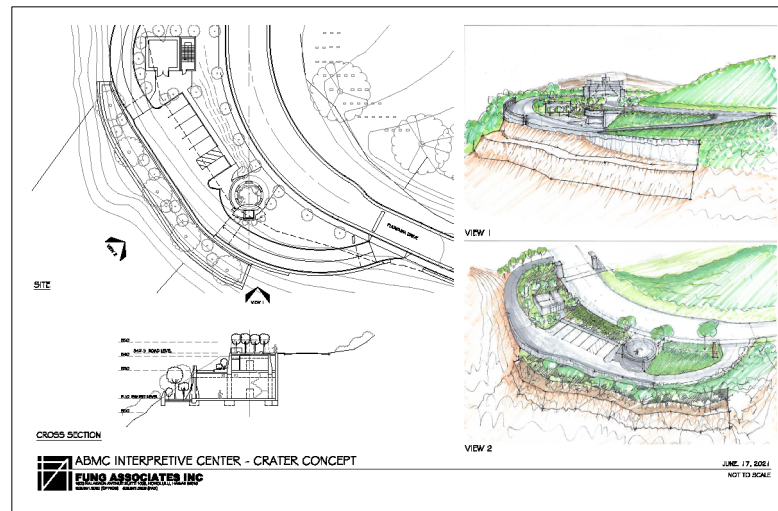
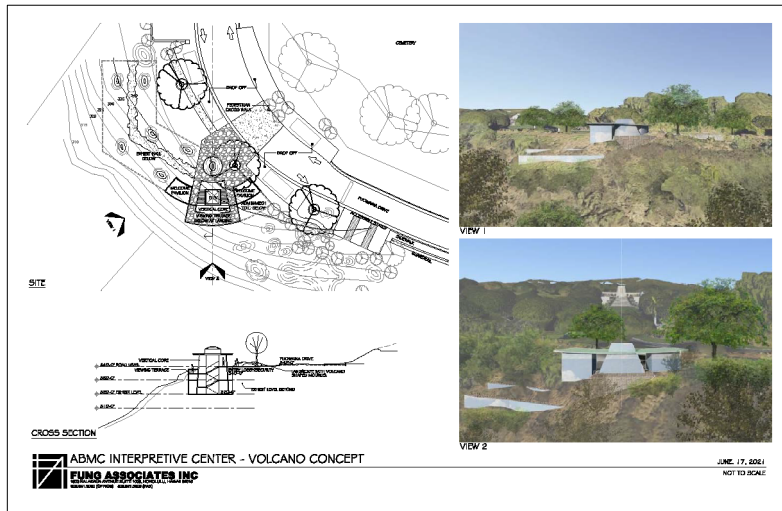
Consultation is the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them on matters arising in the historic preservation process.



Consultation meeting involving FHWA, HDOT, ACHP, SHPD, OHA, NPS, Kona Hawaiian Civic Club, Makani Hou o Kaloko-Honokōhau, Historic Hawai'i Foundation. Photo courtesy HHF.

# Best Practice 2: Alternatives

Develop and evaluate alternatives or modifications to the undertaking that could **Avoid, Minimize, or Mitigate** adverse effects on historic properties. **Begin with a broad range of possibilities that are refined through consultation to reach a focused resolution.**



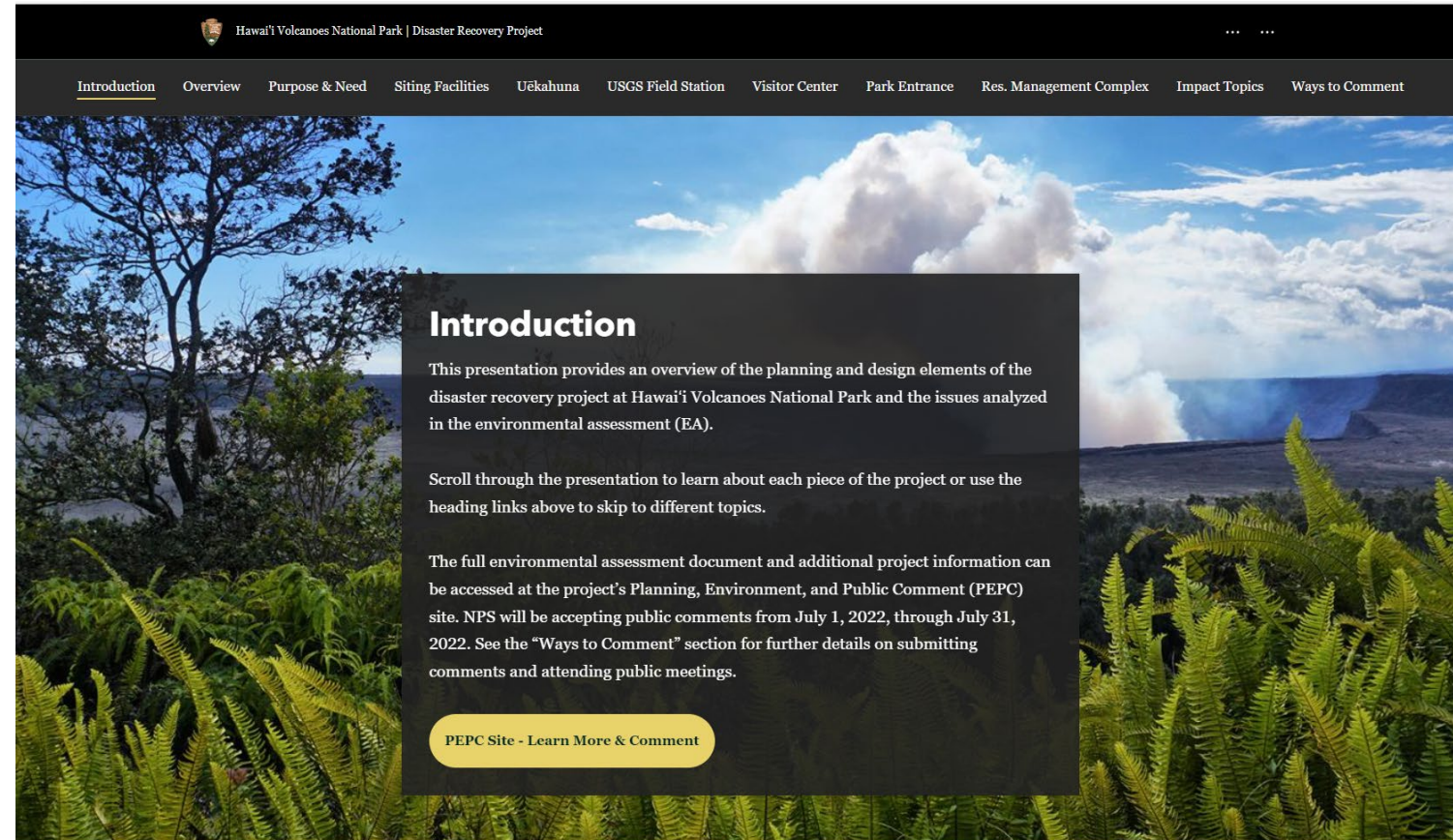
Concept presentations at design charrette for new construction in a historic district. Courtesy Fung Associates, Inc.



# Best practice 3: Information

In order to participate effectively, participants must be well informed. Consider whether appropriate and relevant information has been shared with consulting parties and opportunities for broader public outreach have been explored.

Provide quality information in a clear, complete, and timely manner, and should make consulting parties aware of project timelines, milestones, agency obligations, limitations, and scope.



Story Map for Alternatives, Information and Public Comment for Eruption Recovery Draft Environmental Assessment at Hawai'i Volcanoes National Park. Courtesy NPS.

# Best practice 4: Timing

Resolution of effects happens only after completing earlier steps to establish the area of potential effects, identify historic properties, assess the potential effects of its undertaking on them, and determine that its undertaking may adversely affect a historic property.

Do not present a draft agreement document until the broad outlines of the agreement have been developed.

**Premature drafts can have a chilling effect on effective consultation and do not convey good faith efforts to consult.**



Field consultation at Moa'ulanui, Kaho'olawe, photo courtesy ONHR.



# Best practice 5: Openness & Good Faith

## Downloads



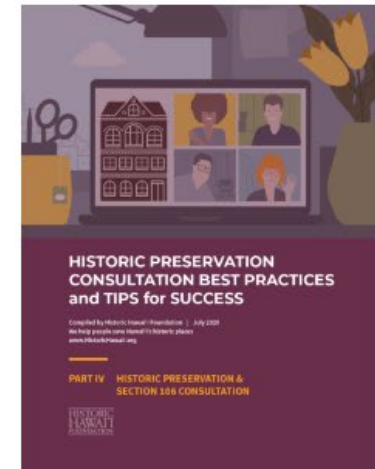
PART 1: MEETING LOGISTICS AND PRACTICALITIES



PART 2: MEETING FACILITATION



PART 3: RELATIONSHIP BUILDING AND BEHAVIOR



PART 4: HISTORIC PRESERVATION & SECTION 106 CONSULTATION

## SMALL GROUP ACTIVITY

---

Round 1) Share an example of a project or plan that applied the principles of **benefit, avoid or minimize** harm to a historic property. What happened?

Round 2) Share an example of a project or plan that applied the principle of **mitigation** to a historic property. What happened?

Round 3) Share an example of a project or plan that **failed to resolve effects**. What happened?