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## A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§6E-           Review of proposed projects on undeveloped  
5 private lands. (a) No permit, license, certificate, land use  
6 change, subdivision, or other approval for a proposed project  
7 subject to section 6E-42, that is located on undeveloped private  
8 lands, shall be issued by any agency or officer of the State or  
9 its political subdivisions until the requirements in subsections  
10 (b) through (d) are met.

11           (b) The department shall publish all its notices of "no  
12 historic properties are affected" comments that are currently  
13 posted on the state historic preservation division's website  
14 pursuant to section 6E-42 or any rules adopted under that  
15 section, in the same manner as prescribed in section 1-28.5(2),  
16 at least once in the county in which the proposed project is  
17 located, along with a detailed location of the proposed project.



1        (c) Whenever a mitigation plan is prepared for any  
2 proposed project subject to section 6E-42, that is located on  
3 undeveloped private lands, the developer or landowner shall:

4        (1) Conduct a meeting to inform the public about the draft  
5 mitigation plan prepared for the proposed project, and  
6 gather information about the impact of the proposed  
7 project on the public;

8        (2) Publish notice of the date, time, and place of the  
9 meeting not less than thirty days and not more than  
10 sixty days before the meeting in the same manner as  
11 prescribed in section 1-28.5(2), in the county in  
12 which the proposed project is located, detailing the  
13 proposed project and its location, and where the  
14 public can obtain a copy of the draft mitigation plan;  
15 and

16        (3) Provide the department with a copy of the notice not  
17 less than thirty days before the meeting.

18        The department may within thirty days of the date of the  
19 meeting enter upon the proposed project site as provided in  
20 section 6E-10.

21        (d) If, after the public meeting in subsection (c), the  
22 department determines the draft mitigation plan is insufficient



1 to protect the historic properties on the site of the proposed  
2 project, the department shall within ninety days of the meeting:

3 (1) Commence condemnation proceedings for the purchase of  
4 the historic property if the department and the  
5 landowner or developer do not agree upon an  
6 appropriate course of action;

7 (2) Permit the landowner or developer to proceed with the  
8 landowner or developer's construction, alteration, or  
9 improvement; or

10 (3) In coordination with the landowner or developer,  
11 undertake or permit the investigation, recording,  
12 preservation, and salvage of any historical  
13 information deemed necessary to preserve Hawaiian  
14 history, by any qualified agency for this purpose; or

15 (4) In coordination with the landowner or developer and  
16 the public, prepare a revised mitigation plan to  
17 mitigate the effects on the historic property, to be  
18 approved by the department.

19 Any permit, license, or other approval for the project  
20 shall not be granted until the department issues written  
21 approval; provided that the permit, license, or other approval



1 may be granted if the department fails to take action under  
2 paragraphs (1) through (4) within ninety days of the meeting.

3 (e) The department's approval or disapproval under this  
4 section may be appealed by the landowner, developer, or any  
5 person to the Hawaii historic places review board.

6 (f) The director shall adopt rules in accordance with  
7 chapter 91 for the purposes of this section."

8 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is  
9 amended by adding a new definition to be appropriately inserted  
10 and to read as follows:

11 "Developer" means a person, organization, or other legal  
12 entity constructing, erecting, enlarging, altering, or engaging  
13 in any development activity."

14 SECTION 3. Section 6E-5.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (d) to read as follows:

16 "(d) The department's determinations made pursuant to  
17 [~~section~~] sections 6E-8 and 6E-\_\_\_\_\_ may be appealed to the review  
18 board."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Historic Preservation

**Description:**

Fills gaps in the historic review process for proposed projects on undeveloped private lands by requiring a landowner or developer to obtain the written concurrence of the State Historic Preservation Division and conduct a public meeting for any draft mitigation plans prior to obtaining a permit or other approval. Requires publication of "no historic properties affected" comments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

