
A BILL FOR AN ACT

RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.

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

1 SECTION 1. Section 6E-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Programmatic agreement" means a document that sets forth
5 the terms of a formal, legally binding agreement, which
6 establishes a process for consultation, review, and compliance
7 with one or more federal laws."

8 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§6E-8 Review of effect of proposed state projects. (a)**
11 Before any agency or officer of the State or its political
12 subdivisions commences any project which may affect historic
13 property, aviation artifact, or a burial site, the agency or
14 officer shall advise the department and allow the department an
15 opportunity for review of the effect of the proposed project on
16 historic properties, aviation artifacts, or burial sites,
17 consistent with section 6E-43, especially those listed on the
18 Hawaii register of historic places. The proposed project shall



1 not be commenced, or in the event it has already begun,
 2 continued, until the department shall have given its written
 3 concurrence. Where the proposed project consists of corridors
 4 or large land areas, or where access to properties is
 5 restricted, or where circumstances dictate that construction be
 6 done in stages, the department may give its written concurrence
 7 based on a phased review of the project. A programmatic
 8 agreement shall be in place between the department and the
 9 project applicant that identifies each phase and the estimated
 10 timelines for each phase.

11 The department is to provide written concurrence or non-
 12 concurrence within ninety days after the filing of a request
 13 with the department. The agency or officer seeking to proceed
 14 with the project, or any person, may appeal the department's
 15 concurrence or non-concurrence to the Hawaii historic places
 16 review board. An agency, officer, or other person who is
 17 dissatisfied with the decision of the review board may apply to
 18 the governor, [~~who may request the Hawaii advisory council on~~
 19 ~~historic preservation to report or~~] who may take action as the
 20 governor deems best in overruling or sustaining the department.

21 (b) The department of Hawaiian home lands, prior to any
 22 proposed project relating to lands under its jurisdiction, shall



1 consult with the department regarding the effect of the project
2 upon historic property or a burial site.

3 (c) The State, its political subdivisions, agencies, and
4 officers shall report to the department the finding of any
5 historic property during any project and shall cooperate with
6 the department in the investigation, recording, preservation,
7 and salvage of the property.

8 (d) The department shall adopt rules in accordance with
9 chapter 91 for the purposes of this section."

10 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§6E-42 Review of proposed projects.** (a) Before any
13 agency or officer of the State or its political subdivisions
14 approves any project involving a permit, license, certificate,
15 land use change, subdivision, or other entitlement for use,
16 which may affect historic property, aviation artifacts, or a
17 burial site, the agency or office shall advise the department
18 and prior to any approval allow the department an opportunity
19 for review and comment on the effect of the proposed project on
20 historic properties, aviation artifacts, or burial sites,
21 consistent with section 6E-43, including those listed in the
22 Hawaii register of historic places. Where the proposed project



1 consists of corridors or large land areas, or where access to
2 properties is restricted, or where circumstances dictate that
3 construction be done in stages, the department's review and
4 comment may be based on a phased review of the project. A
5 programmatic agreement shall be in place between the department
6 and the project applicant that identifies each phase and the
7 estimated timelines for each phase.

8 (b) The department shall inform the public of any project
9 proposals submitted to it under this section which are not
10 otherwise subject to the requirement of a public hearing or
11 other public notification.

12 (c) The department shall adopt rules in accordance with
13 chapter 91 for the purposes of this section."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Historic Preservation Project Reviews

Description:

Authorizes the phased review of certain projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between state and federal law. Removes language that provided the Governor with the option to request the Hawaii Advisory Council on Historic Preservation to report an action to overrule or sustain a department when an agency, officer, or other person is dissatisfied with a decision of the Hawaii Historic Places Review Board. Effective January 1, 2050. (SB1171 HD1)

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

