

JAN 17 2014

A BILL FOR AN ACT

RELATING TO THE PHASED REVIEW OF HISTORIC PRESERVATION PROJECTS.

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

1 SECTION 1. The purpose of this Act is to clarify relevant
2 sections of the Hawaii Revised Statutes to conform to federal
3 regulations.

4 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Before any agency or officer of the State or its
7 political subdivisions commences any project which may affect
8 historic property, aviation artifact, or a burial site, the
9 agency or officer shall advise the department and allow the
10 department an opportunity for review of the effect of the
11 proposed project on historic properties, aviation artifacts, or
12 burial sites, consistent with section 6E-43, especially those
13 listed on the Hawaii register of historic places. The proposed
14 project shall not be commenced, or if it has already begun,
15 continued, until the department has given its written
16 concurrence. If:

17 (1) The proposed project consists of corridors or large
18 land areas; or



1 (2) Access to properties is restricted[~~or~~
2 ~~(3) Circumstances dictate that construction be done in~~
3 stages],
4 the department may give its written concurrence based on a
5 phased review of the project; provided that there shall be a
6 programmatic agreement between the department and the project
7 applicant that identifies each phase and the estimated timelines
8 for each phase.

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

18 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Before any agency or officer of the State or its
21 political subdivisions approves any project involving a permit,
22 license, certificate, land use change, subdivision, or other



1 entitlement for use, which may affect historic property,
2 aviation artifacts, or a burial site, the agency or office shall
3 advise the department and prior to any approval allow the
4 department an opportunity for review and comment on the effect
5 of the proposed project on historic properties, aviation
6 artifacts, or burial sites, consistent with section 6E-43,
7 including those listed in the Hawaii register of historic
8 places. If:

- 9 (1) The proposed project consists of corridors or large
10 land areas; or
11 (2) Access to properties is restricted[~~, or~~
12 ~~(3) Circumstances dictate that construction be done in~~
13 ~~stages],~~

14 the department's review and comment may be based on a phased
15 review of the project; provided that there shall be a
16 programmatic agreement between the department and the project
17 applicant that identifies each phase and the estimated timelines
18 for each phase."

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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S.B. NO. 2417

Report Title:

Historic Preservation; Historic Properties; Phased Review

Description:

Amends existing law to conform to federal regulations by clarifying that a phased review of a proposed project that may affect historic property is allowed if the proposed project consists of corridors or large land areas or access to properties is restricted. Repeals the allowance of phased review based solely on the existence of circumstances dictating that construction be done in stages.

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