
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislature finds that many affordable
2 housing projects are delayed because of the state historic
3 preservation division's inability to efficiently and effectively
4 provide necessary reviews to ensure compliance with the state
5 historic preservation law.

6 The purpose of this Act is to:

- 7 (1) Authorize the department of land and natural resources
8 to delegate to qualified archaeologists employed by
9 the counties the authority to perform reviews of
10 proposed projects under the historic preservation
11 program, under certain conditions;
- 12 (2) Deem proposed projects to be approved if the
13 archaeological review is not completed within a
14 certain time frame; and
- 15 (3) Grant challenges to archaeological reviews expedited
16 hearings before the supreme court.



1 SECTION 2. Section 6E-42, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§6E-42 Review of proposed projects. (a) Except as
4 provided in section 6E-42.2, before any agency or officer of the
5 State or its political subdivisions approves any project
6 involving a permit, license, certificate, land use change,
7 subdivision, or other entitlement for use, which may affect
8 historic property, aviation artifacts, or a burial site, the
9 agency or office shall advise the department and prior to any
10 approval shall allow the department or a qualified archaeologist
11 employed by the relevant county an opportunity for review and
12 comment on the effect of the proposed project on historic
13 properties, aviation artifacts, or burial sites, consistent with
14 section 6E-43, including those listed in the Hawaii register of
15 historic places. If:

- 16 (1) The proposed project consists of corridors or large
17 land areas;
- 18 (2) Access to properties is restricted; or
- 19 (3) Circumstances dictate that construction be done in
20 stages,



1 the [department's] review and comment may be based on a phased
2 review of the project; provided that there shall be a
3 programmatic agreement between the department and the project
4 applicant that identifies each phase and the estimated timelines
5 for each phase.

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

10 (c) The department's review under this section may be
11 delegated to a qualified archaeologist employed by the relevant
12 county:

13 (1) Upon request by the county;

14 (2) Upon request by the entitlement applicant, with the
15 concurrence of the county agency employing the
16 archaeologist; or

17 (3) By agreement between the county agency employing the
18 archaeologist and the department.

19 (d) The proposed project shall be deemed automatically
20 approved by the state historic preservation division if the



1 archaeological review under this section is not completed within
2 thirty calendar days.

3 (e) Challenges to any archaeological review shall be
4 subject to an expedited hearing before the supreme court.



5 [~~e~~] (f) The department shall adopt rules in accordance
6 with chapter 91 to implement this section."

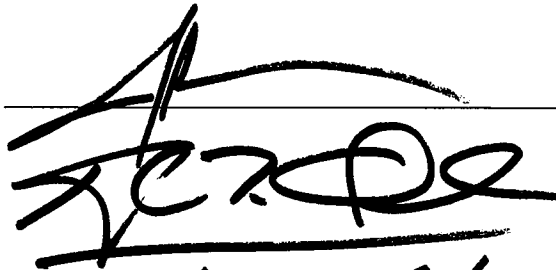
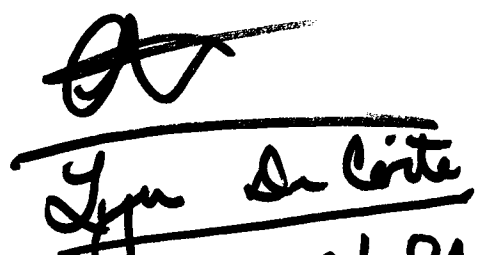
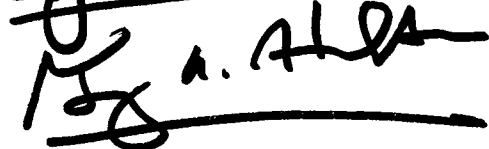
7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Historic Preservation; Review of Proposed Projects; DLNR;
Counties; Qualified Archaeologists

Description:

Authorizes DLNR to delegate to qualified archaeologists employed by the counties the authority to perform reviews of proposed projects under the historic preservation program, under certain conditions. Provides that proposed projects under the program are deemed automatically approved if the archaeological review is not completed within 30 calendar days. Provides that challenges to an archaeological review are subject to an expedited hearing before the supreme court.

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