

JAN 15 2025

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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 part I to be appropriately designated
3 and to read as follows:

4 "§6E- Proposed state housing projects; historic review
5 requirements. (a) Notwithstanding section 6E-8, before any
6 agency or officer of the State or its political subdivisions
7 commences any housing project that may affect a historic
8 property, an aviation artifact, or burial site, the agency or
9 officer shall advise and authorize the department to make a
10 determination for the proposed project as to the effect of the
11 project on the historic property, aviation artifact, or burial
12 site. The project shall not commence or continue until the
13 department has made its determination; provided that, if the
14 department determines that the proposed project is in a:
15 (1) Highly sensitive area known to include a high density
16 of historic, cultural, or archaeological resources,
17 the department shall require an archaeological



1 inventory survey in accordance with rules adopted by
2 the department unless an archaeological inventory
3 survey has already been previously reviewed and
4 accepted by the department for the same or a
5 substantially similar project located in the same
6 project area;

7 (2) Moderately sensitive area where no significant
8 historic properties have been previously identified,
9 the department may authorize the project to proceed
10 under an archaeological monitoring program in
11 accordance with rules adopted by the department; or

12 (3) Nominally sensitive area known to include a low
13 density of historic, cultural, or archaeological
14 resources, or where the project area has been
15 substantially disturbed by previous excavation or
16 other ground disturbing work and no significant
17 historic properties have been previously identified,
18 the department may authorize the project to proceed
19 without further review under this section.

20 The department shall provide its written determination
21 within ninety days after the filing of a request with the



1 department; provided that the department's determination may be
2 appealed to the Hawaii historic places review board.

3 (b) The department shall confirm that housing projects
4 have state inventory of historic places numbers for all historic
5 properties located within the housing project area before the
6 start of construction.

7 (c) Before any agency or officer of the State or its
8 political subdivisions commences any housing project that may
9 adversely affect a significant historic property, the agency or
10 officer shall make a reasonable and good faith effort to avoid
11 or minimize any effect to the significant historic property. If
12 any adverse effect cannot reasonably be avoided, the agency or
13 officer shall mitigate the adverse effect. Mitigation includes
14 but is not limited to preservation, archaeological data
15 recovery, reburial, ethnographic documentation, historic data
16 recovery, and architectural recordation. Mitigation shall be
17 implemented pursuant to terms approved by the department.

18 (d) If human remains are identified during archaeological
19 monitoring or housing project construction, all work within the
20 vicinity of the finding of the remains shall be stopped;



1 provided that work in other areas of the project may continue,
2 and may only proceed in accordance with section 6E-43.6.

3 (e) If other historic property is identified during
4 archaeological monitoring or housing project construction, all
5 work within the vicinity of the finding shall be stopped and the
6 state historic preservation division shall be contacted.

7 (f) Before commencement of any proposed project relating
8 to lands under the jurisdiction of the department of Hawaiian
9 home lands, the department of Hawaiian home lands shall consult
10 with the department regarding the effect of the project upon any
11 historic property or a burial site.

12 (g) The department shall adopt rules in accordance with
13 chapter 91 to implement this section.

14 (h) For the purposes of this section, "housing project" or
15 "project" means a housing project that is developed by,
16 receiving financing from, or situated on land owned by the State
17 or a county."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

20

INTRODUCED BY:



S.B. NO. 79

Report Title:

DLNR; DHHL; Housing Projects; Historical Review

Description:

Requires the Department of Land and Natural Resources to determine the effect of any certain proposed housing projects within ninety days of a request for determination. Establishes historical review requirements based on the project area's known historic, cultural, and archaeological resources. Requires the Department of Hawaiian Home Lands to consult with the DLNR before commencement of a proposed project relating to lands under DHHL's jurisdiction.

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

