



Permitting & Preservation

State Historic Preservation Division (SHPD)

In 1966 the U.S. Congress
passed the National Historic
Preservation Act

and

In 1976, the Hawaii State
Legislature passed Hawaii
Revised Statutes Chapter 6E -
Hawaii's Historic Preservation
Policy.





Both National and Hawaii historic preservation policies were established in response to post World War II growth and urban renewal programs that progressed without consideration to historic resources they damaged or destroyed and the and the culturally rich communities they displaced.

The purpose, however, of National and Hawaii historic preservation policy is *not to require* historic properties be preserved, rather it is a process to ensure that they are *considered* as we transition from one era to the next.

National Historic Preservation Act Programs

36 CFR Part 61.4 State Programs

- (a) For a State to participate in the [federal] program that this part describes, **the Governor must appoint and designate a State Historic Preservation Officer (SHPO) to administer the State Historic Preservation Program.**

- (b) It is the responsibility of the SHPO to carry out the duties and activities that section 110(b)(3) of the Act describes. In performing those duties and activities:
 - (1) **The SHPO must carry out a historic preservation planning process that includes the development and implementation of a comprehensive statewide historic preservation plan that provides guidance for effective decision making about historic preservation throughout the State.**





Hawaii Historic Preservation Programs §6E-1 Declaration of intent.

The Constitution of the State of Hawaii recognizes the value of conserving and developing the historic and cultural property within the State for the public good.

The legislature declares that the historic and cultural heritage of the State is among its important assets and that the rapid social and economic developments of contemporary society threaten to destroy the remaining vestiges of this heritage.

The legislature further declares that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of its citizens.

The legislature further declares that it shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property. [L 1976, c 104, pt of §2]



Hawaii State Historic Preservation Program:

Hawaii and National Registers of Historic Places

- Program to identify and provide honorary designation to historic resources.
- Does not prevent a historic property from being altered or demolished.
- Can be eligible for grant funding or federal historic preservation tax credits useful for revitalizing aging building stock.
- Triggers HRS 6E-10 consultation with SHPD prior to implementation of a project.
- Requires consultation pursuant to Section 106 of the National Historic Preservation Act if utilizing federal funds, permits, lands, or other federal agency involvement in a project. Requires mitigation if project will result in an adverse effect to an historic property.
- Does not directly impact permits but does require SHPD consultation prior to implementation of the project.





Hawaii State Historic Preservation Program:

Federal Historic Preservation Tax Credits

- 20% tax credit of “qualified rehabilitation expenses”
- Can be captured via substantial rehabilitation of an income producing National Register listed historic resource.
- Triggers HRS 6E-10 historic preservation consultation and can add time to overall project implementation.
- Does not directly impact permits but does determine allowable scope of work and requires consultation with SHPD and National Park Service prior to project execution.

Hawaii State Historic Preservation Program:

Certified Local Government Program

- SHPD receives approximately \$750,000 in grant monies from the Department of the Interior to support the State Historic Preservation Officer in executing federal historic preservation program requirements.
- 10% of that allotment is earmarked for our Certified Local Governments
- All of Hawaii's eligible counties are Certified Local Governments. We are the only state with 100% local government participation.
- In addition to being eligible for federal grants, CLG communities have certified that they will maintain their own historic preservation program and support a local historic preservation commission.
- The CLG program does not directly impact permitting processes, but permitted projects within CLG communities may be subject to additional requirements established by the local commission and/or historic preservation program.





State Historic Preservation Program:

National Historic Preservation Act **Section 106 Consultation**

- Required whenever federal resources (i.e. monies, land, permits, or approvals) are used/required.
- Requires the federal agency to engage in consultation with the State Historic Preservation Officer, the Office of Hawaiian Affairs, and Native Hawaiian Organizations
- Requires mitigation if a project will result in the adverse effect of historic properties
- Does not directly impact the permitting process but may impact the project scope of work and overall timelines.
- Regulations found at 36 CFR Part 800.

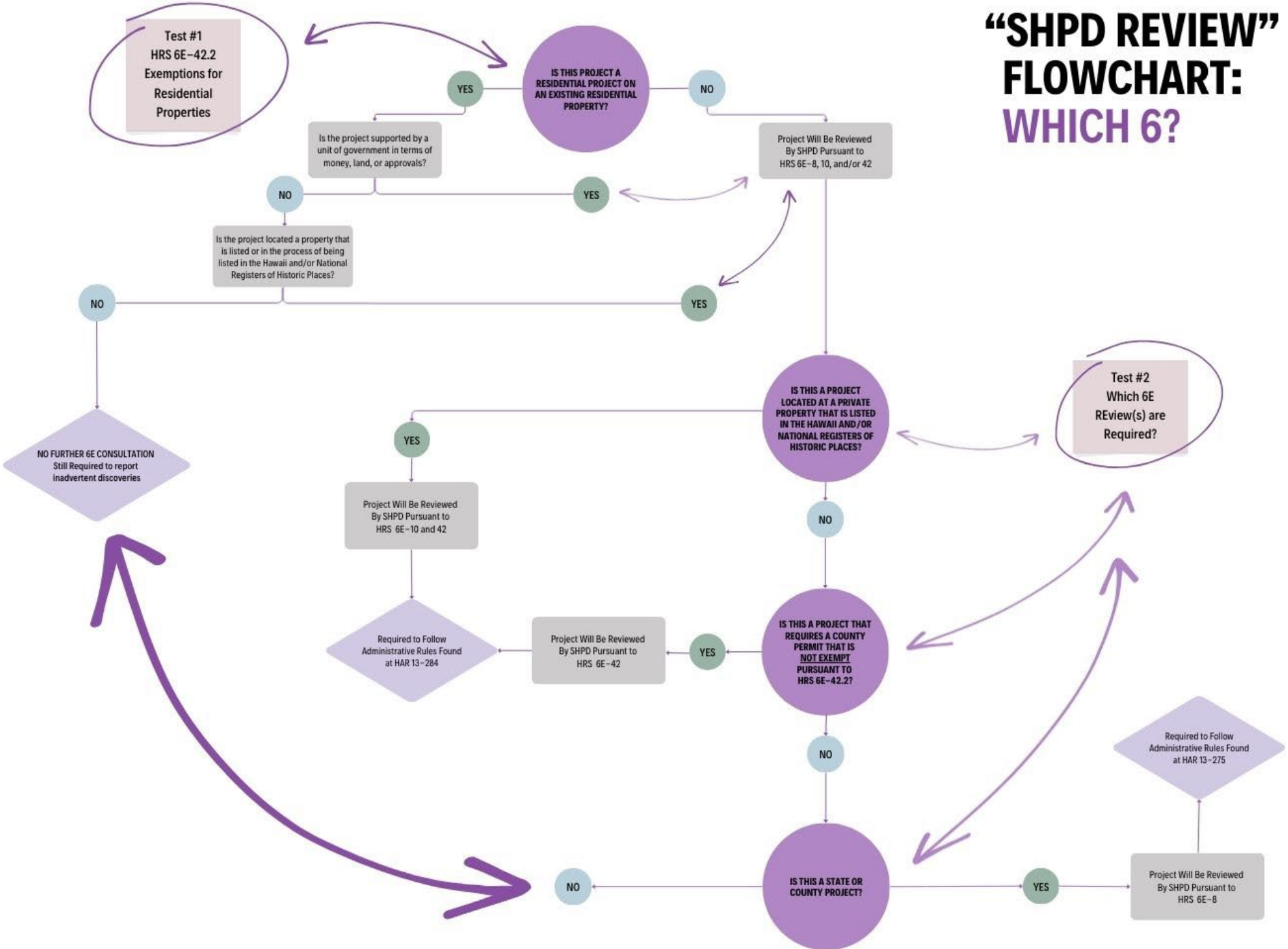
Historic Preservation Program:

HRS Chapter 6E-8, 10, 42, and 43

- Require consultation with SHPD prior to implementation of a project and/or approval of a permit to identify whether a project will affect an historic property.
- HRS 6E-8 requires consultation for public projects (i.e. local or state project)
- HRS 6E-10 requires consultation with SHPD for any project on a privately owned property listed in the Hawaii or National Registers of Historic Places
- HRS 6E-42 requires the state and/or local governments to consult with SHPD prior to the state or local government entity approve the permit.
 - Exemptions for residential properties exist pursuant to HRS 6E-42.2
- HRS 6E-43 identifies all burial sites are significant and requires that burials not be relocated without SHPD's approval. Outlines treatment of inadvertent discoveries and previously identified burials.
- Of the state statute, only HRS 6E-42 directly impacts the permitting process. However, all four HRS statutes indirectly impact projects in terms of scope of work and/or timelines.
- Rules found at HAR 13-275, HAR 13-284, and HAR 13-300

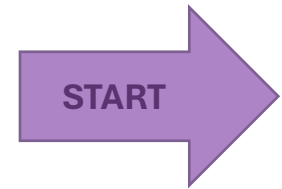


“SHPD REVIEW” FLOWCHART: WHICH 6?





NHPA 106 and HRS 6E Processes

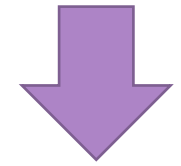


Identify Project Area



NHPA 106 and HRS 6E Processes

Identify Project Area



Identify Scope of Work



NHPA 106 and HRS 6E Processes

Identify Project Area
Identify Scope of Work



Identify Historic Properties within Project Area



NHPA 106 and HRS 6E Processes

Identify Project Area

Identify Scope of Work

Identify Historic Properties within Project Area



Assess whether historic properties within project area will be affected by project



NHPA 106 and HRS 6E Processes

Identify Project Area

Identify Scope of Work

Identify Historic Properties within Project Area

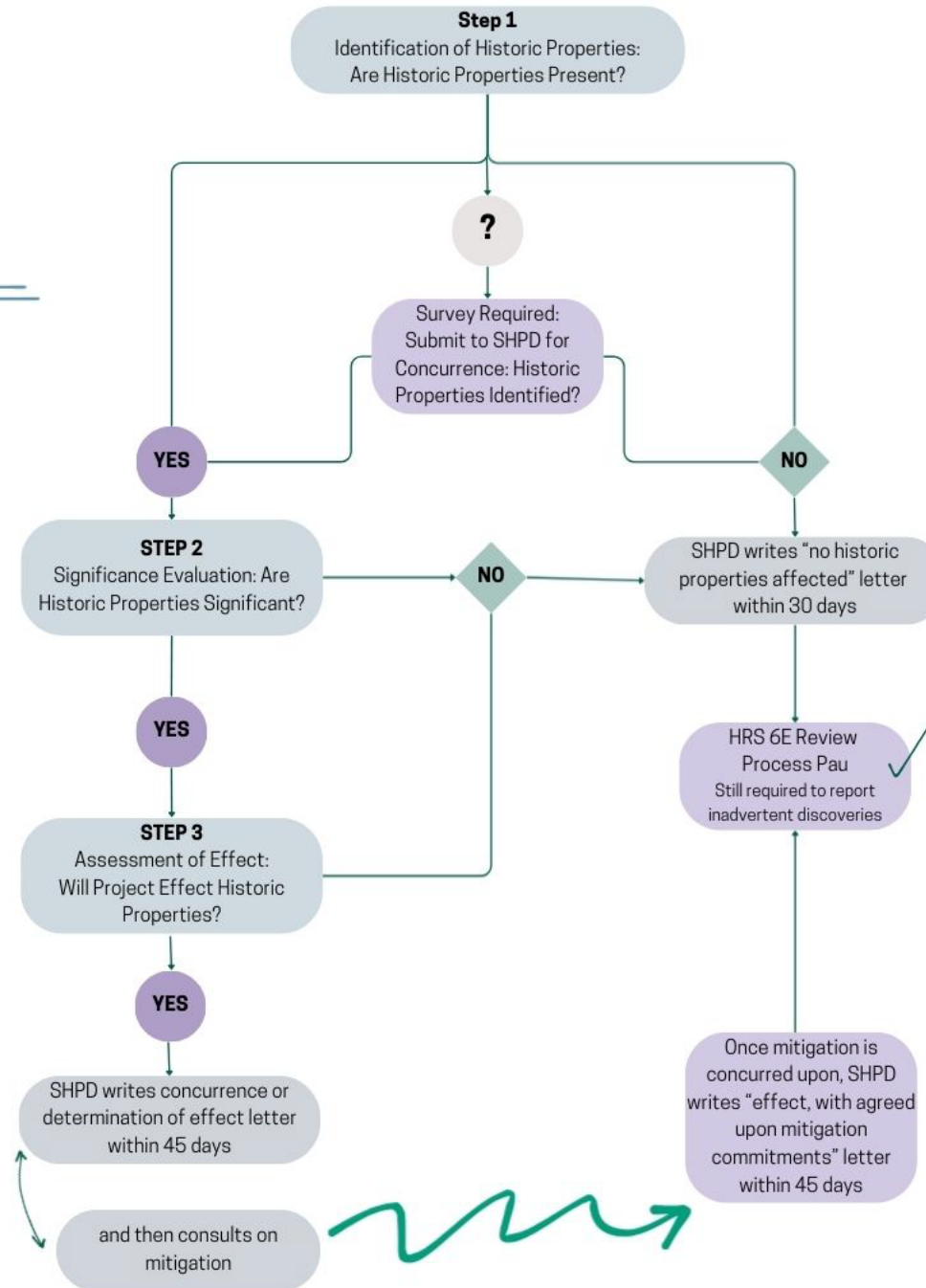
Assess whether historic properties within project area will be affected by project



Mitigate if Effect

HISTORIC PRESERVATION REVIEW PROCESS

HRS 6E-42 and HAR 13-284



NHPA 106 and HRS 6E Submittal Requirements

- Agency Cover Letter/6E submittal form
- Project Drawings with Site Plan and Narrative Scope of Work
- Identification of Historic Properties
- Assessment of Effects
- Proposed Mitigation (if appropriate)
- Comments from CLGs, Native Hawaiian Organizations, Office of Hawaiian Affairs and/or Consulting Parties (for HRS 6E-8 and Section 106 specifically)



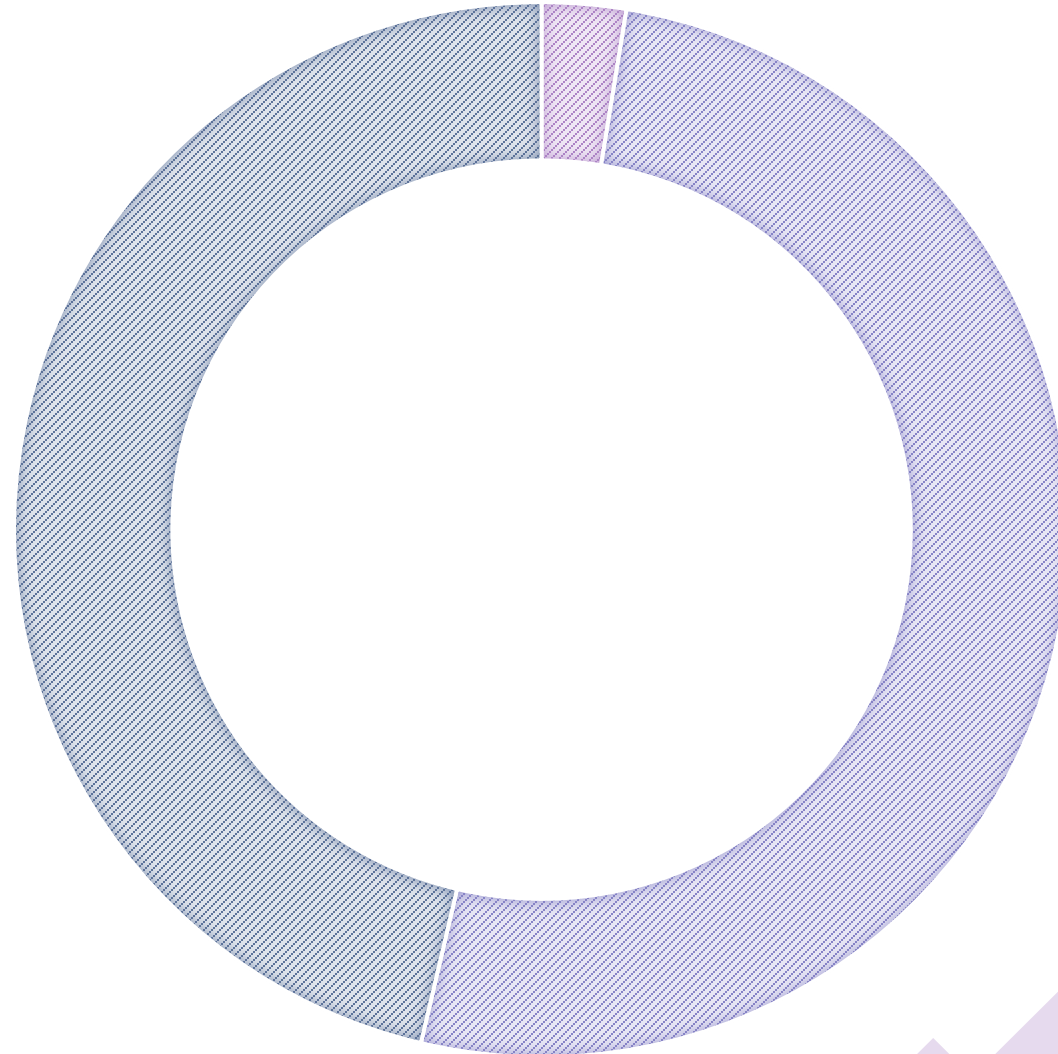


Challenges

- Complete submittals
- Accurate information
- Timeliness of responses (for everyone)
- Negotiating mitigation and/or project scope to avoid affects
- Average review time - 56 days

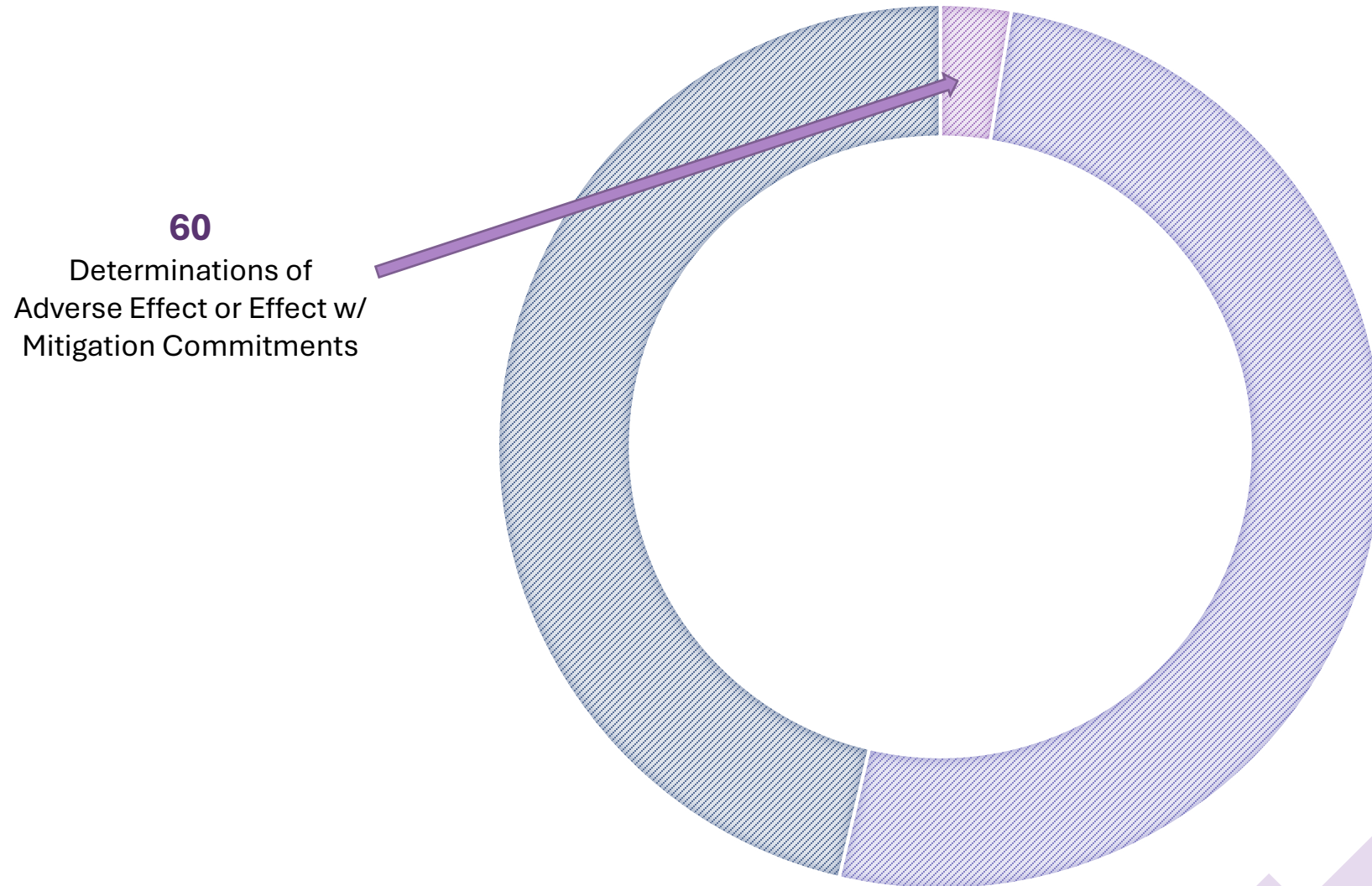
TOTAL PROJECTS REVIEWED BY SHPD 2024/2025 STATE AND FEDERAL REPORTING PERIOD

■ Adverse Effect ■ No Adverse Effect or No Historic Properties Affected ■ Required Additional Information/Incomplete



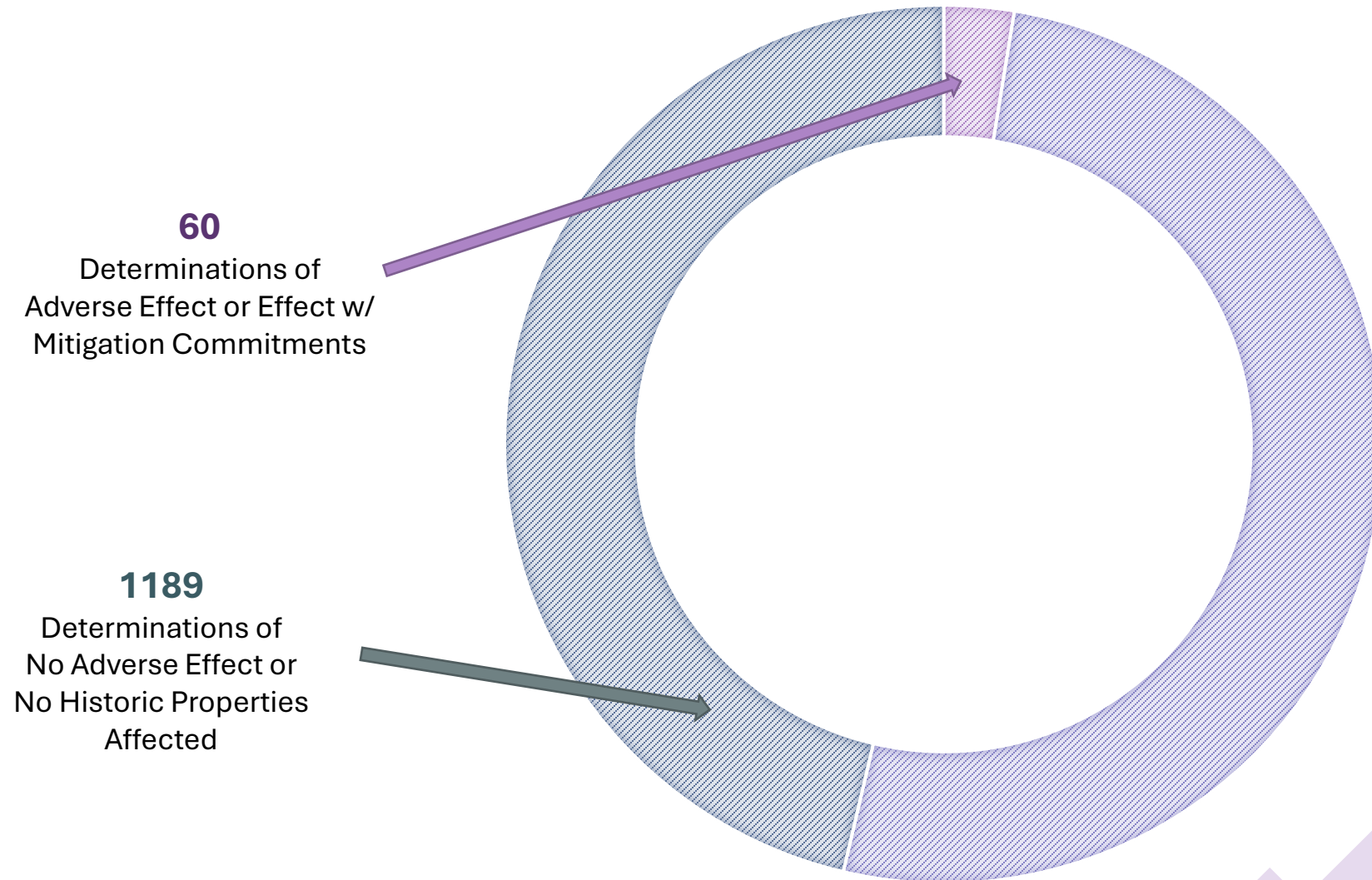
TOTAL PROJECTS REVIEWED BY SHPD 2024/2025 STATE AND FEDERAL REPORTING PERIOD

■ Adverse Effect ■ No Adverse Effect or No Historic Properties Affected ■ Required Additional Information/Incomplete



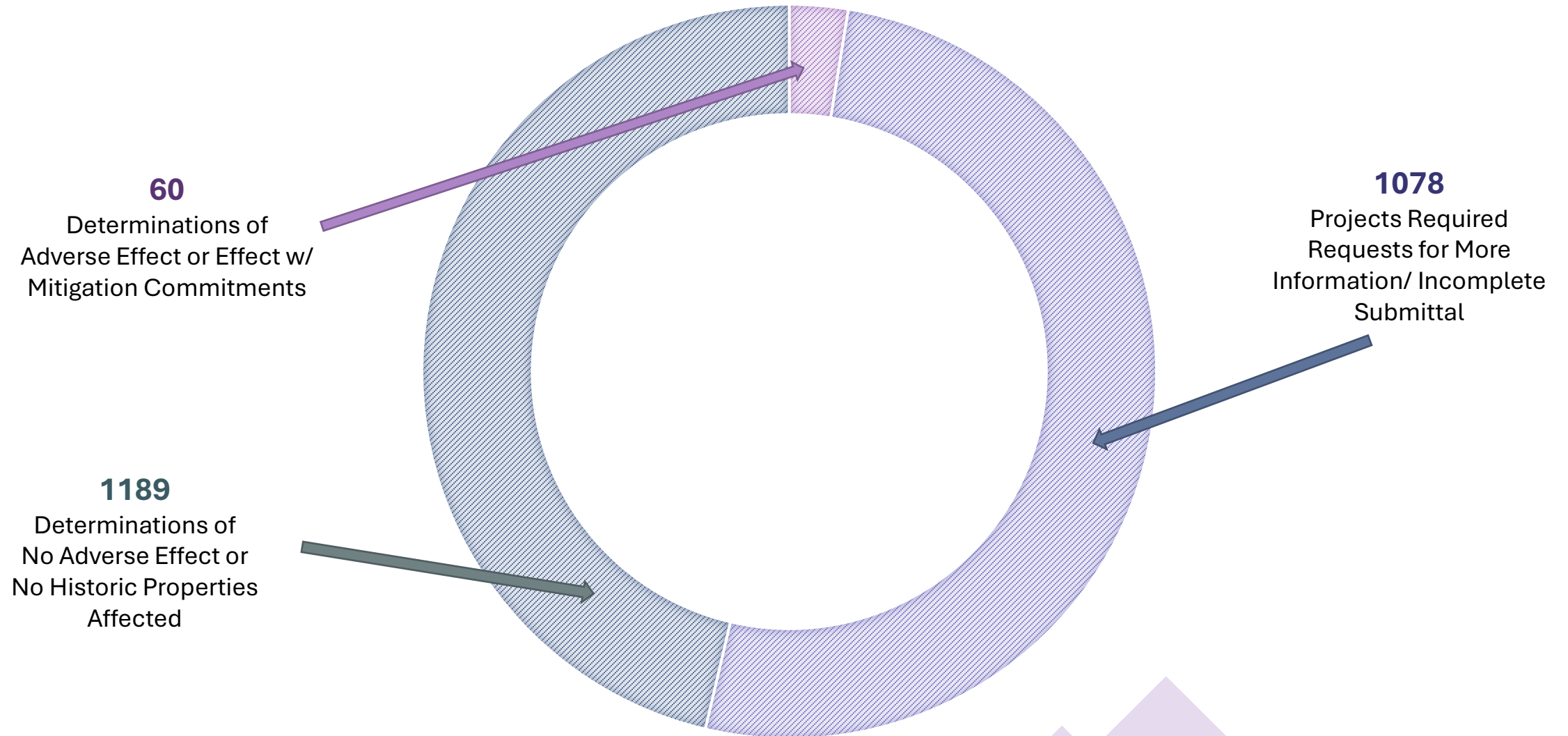
TOTAL PROJECTS REVIEWED BY SHPD 2024/2025 STATE AND FEDERAL REPORTING PERIOD

■ Adverse Effect ■ No Adverse Effect or No Historic Properties Affected ■ Required Additional Information/Incomplete



TOTAL PROJECTS REVIEWED BY SHPD 2024/2025 STATE AND FEDERAL REPORTING PERIOD

■ Adverse Effect ■ No Adverse Effect or No Historic Properties Affected ■ Required Additional Information/Incomplete



60
Determinations of
Adverse Effect or Effect w/
Mitigation Commitments

1189
Determinations of
No Adverse Effect or
No Historic Properties
Affected

1078
Projects Required
Requests for More
Information/ Incomplete
Submittal

Opportunities

- CLGs/County Coordination
- Programmatic Approaches
- HICRIS
- Training/Outreach





WASHINGTON PLACE

pau