
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislative areas designated as "Hawaiian
2 Heritage Areas" are of vital importance to the protection of our
3 Hawaii historic areas. This designation would allow the State
4 to partner with non-profit organizations, local governments, and
5 other groups to protect these areas, by recognizing regional
6 values and encouraging locally tailored resource management.

7 This program will also help standardize processes for
8 conducting feasibility studies, designating a system of Hawaiian
9 Heritage Areas, and approving of management plans for Hawaiian
10 Heritage Areas.

11 This program will also help provide appropriate linkages
12 between the Hawaii Historic Places Review Board, communities,
13 State government, local government, the Federal government, and
14 organizations within the Hawaiian Heritage Areas.

15 This program will also provide financial and technical
16 assistance to Hawaiian Heritage Area local coordinating entities
17 that act as a catalyst for diverse regions, communities,



1 organizations, and citizens to undertake projects and programs
2 for collaborative management and protection.

3 SECTION 2. The Hawaii Revised Statutes is amended by
4 adding a new chapter to be appropriately designated and to read
5 as follows:

6 "CHAPTER

7 HAWAIIAN HERITAGE AREAS

8 PART I. HAWAIIAN HERITAGE AREAS SYSTEMS

9 § -1 Definitions. The following terms, wherever used or
10 referred to in this chapter shall have the following respective
11 meanings, unless a different meaning clearly appears from the
12 context:

13 "Hawaiian Heritage Area" means an area that is designated
14 by the Legislature that is important to the heritage of Hawaii
15 and meets the criteria established under this chapter.

16 "Importance" means possession of unique natural,
17 historical, cultural, educational, scenic, or recreational
18 resources of exceptional value or quality, and a high degree of
19 integrity of location, setting, or association in illustrating
20 or interpreting the heritage of Hawaii.

21 "Local coordinating authority" means the entity designated
22 by the legislature to develop, in partnership with others, the



1 management plan for the Hawaiian Heritage Areas, and to act as a
2 catalyst for the implementation of projects and programs among
3 diverse partners in the Hawaiian Heritage Area.

4 "Management plan" means the plan prepared by the local
5 coordinating entity for a Hawaiian Heritage Area designated by
6 the legislature that specifies actions, policies, strategies,
7 performance goals, and recommendations that meet the goals of
8 the Hawaiian Heritage Area, in accordance with section __ of
9 this chapter.

10 "Proposed Hawaiian Heritage Area" means an area under study
11 by the State Historic Preservation Officer or other parties for
12 potential designation by the legislature as a Hawaiian Heritage
13 Area.

14 "State Historic Preservation Officer" means the person
15 appointed by the Governor to this position as stated in §6E-5,
16 Hawaii Revised Statutes.

17 "Study" means a study conducted by the State Historic
18 Preservation Officer, or conducted by one or more other
19 interested parties and reviewed by the State Historic
20 Preservation Officer, in accordance with the criteria and
21 processes as established under section ____, to determine



1 whether the area meets the criteria to be designated a Hawaiian
2 Heritage Area by the Legislature.

3 "System" means the system of Hawaiian Heritage Areas
4 established under section ___.

5 § -2 Hawaii Heritage Area Systems. (a) In order to
6 recognize certain areas of Hawaii that tell important stories
7 and to protect, enhance, and interpret the natural, historic,
8 scenic, and cultural resources of the areas that together
9 illustrate significant aspects of the heritage of Hawaii, there
10 is established a system of Hawaiian Heritage Areas through which
11 the State Historic Preservation Officer shall provide technical
12 and financial assistance to local coordinating entities to
13 support the establishment, development, and continuity for
14 Hawaiian Heritage Areas.

15 (b) The system of Hawaiian Heritage Areas shall be composed
16 of:

17 (1) Hawaiian Heritage Areas established by the
18 legislature before or on the date of enactment of
19 this Act; or

20 (2) Hawaiian Heritage Areas established by the
21 legislature after the date of enactment of this



1 Act, as provided for by section ____ of this
2 chapter.

3 (c) Under the system, the State Historic Preservation
4 Officer shall:

- 5 (1) Conduct studies, as directed by the Legislature
6 to assess the suitability and feasibility of
7 designating proposed Hawaiian Heritage Areas; or
- 8 (2) Review and comment on studies undertaken by other
9 parties to make such assessment;
- 10 (3) Provide technical and financial assistance, on
11 non-reimbursable basis, for the development and
12 implementation of management plans for designated
13 Hawaiian Heritage Areas;
- 14 (4) Enter into cooperative agreements with interested
15 parties to carry out this Act;
- 16 (5) Provide information, promote understanding, and
17 encourage research on Hawaiian Heritage Areas in
18 partnership with local coordinating entities;
- 19 (6) Provide oversight, analysis, coordination, and
20 technical financial assistance and support to
21 ensure consistency and accountability under the
22 system; and



1 (7) Submit annually to the legislature a report
2 describing the allocation and expenditure of
3 funds for activities conducted with respect to
4 the Hawaiian Heritage Areas under this Act.

5 § -3 Studies. (a) In conducting or reviewing a
6 study, the State Historic Preservation Officer shall apply the
7 following criteria to determine the sustainability and
8 feasibility of designating a proposed Hawaiian Heritage Area.
9 The proposed area shall:

- 10 (1) Have an assemblage of natural, historic,
11 cultural, educational, scenic, or recreational
12 resources that together are important to the
13 heritage of Hawaii;
- 14 (2) Represent distinctive aspects of the heritage of
15 Hawaii worthy of recognition, conservation,
16 interpretation, and continuing use;
- 17 (3) Be best managed as such an assemblage through
18 partnerships among public and private entities at
19 the local regional level;
- 20 (4) Reflect traditions, customs, beliefs, and
21 folklife that are a valuable part of the heritage
22 of Hawaii;



- 1 (5) Provide outstanding opportunities to conserve
2 natural, historical, cultural, or scenic
3 features;
- 4 (6) Provide outstanding recreational or educational
5 opportunities;
- 6 (7) Have resources and traditional uses that have
7 importance to Hawaii;
- 8 (8) Have residents, business interests, nonprofit
9 organizations, and government agencies within the
10 proposed area that are involved in the planning
11 and have demonstrated significant support through
12 letters and other means for Hawaiian Heritage
13 Area designation and management;
- 14 (9) Have an identifiable local coordinating entity
15 responsible for preparing and implementing the
16 management plan;
- 17 (10) Have the proposed local coordinating entity and
18 units of government supporting the designation
19 are willing and have documented a significant
20 amount of work in partnership to protect,
21 enhance, interpret, fund, manage, and develop
22 resources within the Hawaiian Heritage Area;



1 (11) Develop a conceptual financial plan by the
2 proposed local coordinating entity that outlines
3 the roles of all participants in the management
4 of the Hawaiian Heritage area;

5 (12) Have a proposal consistent with continued
6 economic activity within the area; and

7 (13) Have a conceptual boundary map has been developed
8 and is supported by the public and participating
9 State agencies.

10 (b) In conducting or reviewing a study, the State Historic
11 preservation Officer shall consult with the managers of any
12 State land within the proposed Hawaiian Heritage Area and secure
13 the concurrence of the managers with the findings of the study
14 before making a determination for designation.

15 (c) On completion or receipt of a study for a Hawaiian
16 Heritage Area, the State Historic Preservation Officer shall:

17 (1) review, comment on, classify, and determine if
18 the study meets the criteria specified in
19 subsection __ for designation as a Hawaiian
20 Heritage Area; and



- 1 (2) Hawaiian Heritage Areas shall be classified, as
2 required by the previous section, into one of
3 three designations as follows:
- 4 (A) Class A. Class A designation is deemed to
5 be the most important designation. To be
6 designated as Class A, the Prospective Hawaiian
7 Heritage Area must be:
- 8 (i) vital to the culture, history, or heritage
9 of Hawaii;
- 10 (ii) on the National Register of Historic Places;
- 11 (iii) on the Hawaii Historic Registry;
- 12 (iv) irreplaceable;
- 13 (v) unique to Hawaii; and
- 14 (vi) damaging to Hawaii's tourism industry and
15 economy, if lost.
- 16 (B) Class B. Class B designation is the second
17 most important designation. To be designated as
18 Class B, the Prospective Hawaiian Heritage Area
19 must be:
- 20 (i) of great importance to the culture, history,
21 and heritage of Hawaii;



1 (ii) on or in the process of being placed on the
2 National Registry of Historic Places;

3 (iii) on or in the process of being placed on the
4 Hawaii Registry of Historic Places; and

5 (iv) damaging to Hawaii, if lost.

6 (c) Class C designation is the third most
7 important designation. To be designated as class
8 C, the Prospective Hawaiian Heritage Area must
9 be:

10 (i) of significance to the culture, history, or
11 heritage of Hawaii.

12 (3) transmit to the Legislature the study, including
13 a finding as to whether the proposed Hawaiian
14 Heritage Area meets the criteria for designation.

15 (d) If the State Historic Preservation Officer determines
16 that any proposed Hawaiian Heritage Area does not meet the
17 criteria for designation, the State Historic Preservation
18 Officer shall include within the study submitted under
19 subsection _____ a description of the reasons for the
20 determination.

21 § -4 Designation of Hawaiian Heritage Areas. (a) The
22 designation of a Hawaiian Heritage Area shall be:



- 1 (1) by Act of the Legislature; and
- 2 (2) contingent on the prior completion of a study and
- 3 an affirmative determination by the State
- 4 Historic preservation Officer that the area meets
- 5 the criteria established under section ____.

6 **§ -5 Management Plans.** (a) The management plan for any
7 Hawaiian Heritage Area shall:

- 8 (1) describe comprehensive policies, goals,
- 9 strategies, and recommendations for telling the
- 10 story of the heritage area covered by the
- 11 Hawaiian Heritage Area and encouraging long term
- 12 resource protection, enhancement, interpretation,
- 13 funding, management, and development of a
- 14 Hawaiian Heritage Area;
- 15 (2) include a description of actions and commitments
- 16 that governments, private organizations, and
- 17 citizens will take to protect, enhance,
- 18 interpret, fund, manage, and develop natural,
- 19 historical, cultural, educational, scenic, and
- 20 recreational resources of a Hawaiian Heritage
- 21 Area;



- 1 (3) specify existing and potential sources of funding
2 for economic development strategies to protect,
3 enhance, interpret, fund, manage, and develop the
4 Hawaiian Heritage Area;
- 5 (4) include an inventory of the natural, historical,
6 cultural, educational, scenic, and recreational
7 resources of the Hawaiian Heritage Area related
8 to the importance and themes of the Hawaiian
9 Heritage Area that should be protected, enhanced,
10 interpreted, managed, funded, and developed;
- 11 (5) recommend policies and strategies for resource
12 management, including the development of
13 intergovernmental and interagency agreements to
14 protect, enhance, interpret, fund, manage, and
15 develop the natural, historical, cultural,
16 educational, scenic, and recreational resources
17 of the Hawaiian Heritage Area;
- 18 (6) describe a program for implementation for the
19 management plan, including:
20 (A) performance goals;



- 1 (B) plans for resource protection, enhancement,
- 2 interpretation, funding, management, and
- 3 development; and
- 4 (C) specific commitments for implementation that
- 5 have been made by the local coordinating
- 6 entity or any government agency,
- 7 organization, business, or individual;
- 8 (7) include an analysis of, and recommendations for,
- 9 means by which Federal, State, and local programs
- 10 may be best coordinated to further the purpose of
- 11 this Act; and
- 12 (8) include a business plan that:
- 13 (A) describes the role, operation, financing,
- 14 and functions of the local coordinating entity
- 15 and of each of the major activities contained in
- 16 the management plan; and
- 17 (B) provides adequate assurances that the local
- 18 coordinating entity has the partnerships and
- 19 financial and other resources necessary to
- 20 implement the management plan for the
- 21 Hawaiian Heritage Area.



1 § -6 **Deadline.** (a) Not later than 3 years after the
2 date on which funds are first made available to develop the
3 management plan after designation as a Hawaiian Heritage Area,
4 the local coordinating entity shall submit the management plan
5 to the State Historical Preservation Officer for approval.

6 (b) If the management plan is not submitted to the State
7 Historical Preservation Officer in accordance with this section,
8 the local coordinating entity shall not qualify for any
9 additional financial assistance under this Act until such time
10 as the management plan is submitted to and approved by the State
11 Historical Preservation Officer.

12 (c) Not later than 180 days after receiving the plan, the
13 State Historic Preservation Officer shall review and approve or
14 disapprove the management plan for a Hawaiian Heritage Area on
15 the basis of the criteria established under subsection (d) of
16 this section.

17 (d) In determining whether to approve a management plan
18 for a Hawaiian Heritage Area, the State Historic Preservation
19 Officer shall consider whether:

20 (1) the local coordinating entity represents the
21 diverse interests of the Hawaiian Heritage Area,
22 including governments, natural and historic



- 1 resource protection organizations, educational
2 institutions, businesses, recreational
3 organizations, community residents, and private
4 property owners;
- 5 (2) the local coordinating entity has afforded
6 adequate opportunity for public governmental
7 involvement, through workshops and hearings, in
8 the preparation of the management plan;
- 9 (3) the local coordinating entity provides for at
10 least semiannual public meetings to ensure
11 adequate implementation of the management plan;
- 12 (4) the resource protection, enhancement,
13 interpretation, funding, management, and
14 development strategies described in the
15 management plan, if implemented, would adequately
16 protect, enhance, interpret, fund, manage, and
17 develop the natural, historical, cultural,
18 educational, scenic, and recreational resources
19 of the Hawaiian Heritage Area;
- 20 (5) the management plan would not adversely affect
21 any activities authorized on State land under
22 public land laws or land use plans;



1 (6) the local coordinating entity has demonstrated
2 financial capability, in partnership with others,
3 to carry out the plan;

4 (7) the State Historic Preservation Officer has
5 received adequate assurances from the appropriate
6 State and local officials whose support is needed
7 to ensure the effective implementation of the
8 governmental elements of the management plan; and

9 (8) the management plan demonstrates partnerships
10 among the local coordinating entity, Federal,
11 State, and local governments, regional planning
12 organizations, non-profit organizations, or
13 private sector parties for implementation of the
14 management plan.

15 § -7 Disapproval of the management plan. (a) If
16 the State Historic Preservation Officer disapproves of the
17 management plan, the State Historic Preservation Officer:

18 (1) shall advise the local coordinating entity in
19 writing for the reasons of disapproval; and

20 (2) may make recommendations to the local
21 coordinating entity for revisions of the
22 management plan.



1 (b) Not later than 180 days after receiving a revised
2 management plan, the State Historic Preservation Officer shall
3 approve or disapprove the revised management plan.

4 § -8 Amendments to the management plan. (a) An
5 amendment to the management plan that substantially alters the
6 purposes of the Hawaiian Heritage Area shall be reviewed by the
7 Historic Preservation Officer and approved or disapproved in the
8 same manner as the original management plan.

9 (b) The local coordinating entity shall not use state
10 funds to implement an amendment to the management plan until the
11 State Historic Preservation Officer approves the amendment.

12 § -9 Local Coordinating Entities. (a) To further the
13 purposes of the Hawaiian Heritage Area, the local coordinating
14 entity shall:

15 (1) prepare a management plan for the Hawaiian
16 Heritage Area, and submit the management plan to
17 the State Historic Preservation Officer, in
18 accordance with section __;

19 (2) submit an annual report to the State Historic
20 Preservation Officer for each fiscal year for
21 which the local coordinating entity receives
22 State funds under this act, specifying:



- 1 (A) the specific performance goals and
- 2 accomplishments of the local coordinating
- 3 entity;
- 4 (B) the expenses and income of the local
- 5 coordinating entity;
- 6 (C) the amounts and sources of matching funds;
- 7 (D) grants made to any other entities during the
- 8 fiscal year;
- 9 (3) make available for audit for each fiscal year for
- 10 which the local coordinating entity receives
- 11 State funds under this Act, all information
- 12 pertaining to the expenditure of the funds and
- 13 any matching funds; and
- 14 (4) encourage economic viability and sustainability
- 15 that is consistent with the Hawaiian Heritage
- 16 Area.
- 17 (b) For the purpose of preparing and implementing the
- 18 approved management plan for the Hawaiian Heritage Area, the
- 19 local coordinating entity may use State funds made available
- 20 under this Act to:



- 1 (1) make grants to political jurisdictions, non
2 profit organizations, and other parties within
3 the Hawaiian Heritage Area;
- 4 (2) enter into cooperative agreements with or provide
5 technical assistance to political jurisdictions,
6 non-profit organizations, and other interested
7 parties;
- 8 (3) hire and compensate staff, including individuals
9 with expertise in:
 - 10 (A) natural, historical, cultural, educational,
11 scenic, and recreational resource
12 conservation;
 - 13 (B) economic and community development; or
 - 14 (C) heritage planning.
- 15 (4) obtain funds or services from any source,
16 including other Federal and State Laws or
17 programs;
- 18 (5) contract for goods and services; or
- 19 (6) support activities of partners and any other
20 activities that further the purpose of the
21 Hawaiian Heritage Area and are consistent with
22 the approved management plan.



1 (c) The local coordinating entity may not use State funds
2 authorized under this Act to acquire any interest in real
3 property.

4 § -10 Relationship to other State Agencies. (a)
5 Nothing in this Act affects the authority of a state agency to
6 provide technical or financial assistance under any other law.

7 (b) The head of any State agency planning to conduct
8 activities that may have an impact on a Hawaiian Heritage Area
9 is encouraged to consult and coordinate activities with the
10 State Historic Preservation Officer and the local coordinating
11 entity to the maximum extent practicable.

12 (c) Nothing in this Act shall:

13 (1) modify, alter, or amend any law or regulation
14 authorizing a State Agency to manage State land
15 under the jurisdiction of the State Agency;

16 (2) limit the discretion of a state land manager to
17 implement an approved land use plan within the
18 boundaries of a Hawaiian Heritage Area; or

19 (3) modify, alter, or amend any authorized use of
20 state land under the jurisdiction of a State
21 Agency.



1 § -11 Private Property and Regulatory Protections. (a)

2 Nothing in this Act shall:

3 (1) abridge the rights of any property owner, whether
4 public or private, including the right to refrain
5 from participating in any plan, project, or
6 activity conducted within the Hawaiian Heritage
7 Area;

8 (2) require any property owner to permit public
9 access to the property of the property owner, or
10 to modify the public access or use of the
11 property of the property owner under any other
12 Federal, State, or Local Law;

13 (3) alter any duly adopted land use regulation,
14 approved land use plan, or other regulatory
15 authority of any Federal, State, or local agency,
16 or conveys any land use or other regulatory
17 authority to any local coordinating entity;

18 (4) authorize or imply the reservation or
19 appropriation of water or water rights;

20 (5) diminish the authority of the State to manage
21 fish and wildlife, including the regulation of



1 fishing and hunting with the National Heritage
2 Area; or

3 (6) create any liability, or affects any liability
4 under any other law, of any private property
5 owner with respect to any person injured on the
6 private property.

7 § -12 Partnership Support. (a) On termination of
8 the 15 year period for which assistance is provided under
9 section __, the State Historic Preservation Officer may, request
10 of a local coordinating entity to continue to provide technical
11 assistance to a Hawaiian Heritage Area under section __.

12 § -13 Grant assistance. (a) The State Historic
13 Preservation Officer may establish a grant program under which
14 the State Historic Preservation Officer provides grants on a
15 competitive basis, to local coordinating entities for the
16 conduct of individual projects at Hawaiian Heritage Areas for
17 which financial assistance has terminated under section __.

18 (b) The provision of a grant shall be subject to the
19 condition that:

20 (1) a project must be approved by the local
21 coordinating entity as promoting the purposes of
22 the management plan required under section __;



- 1 (2) a project may receive only one grant of no more
- 2 than \$_____ in any fiscal year;
- 3 (3) a maximum of \$_____ may be received by a
- 4 local coordinating entity for projects funded
- 5 under this subsection in any fiscal year; and
- 6 (4) a project shall not be eligible for funding under
- 7 this section in any fiscal year that a local
- 8 coordinating entity receives an appropriation
- 9 through the Historic Preservation Program for the
- 10 Hawaiian Heritage Area at which the project is
- 11 being conducted.

12 (c) For each fiscal year in which assistance is provided

13 under this section, the State Historic Preservation Officer

14 shall submit to the Legislature a list of projects provided

15 assistance for the fiscal year.

16 (d) As a further condition of receiving grants under this

17 Act, the recipient of the grant shall provide matching funds in

18 an amount that is equal to the amount of the grant. The

19 matching funds may be made in the form of in-kind contributions

20 of goods or services fairly valued.

21 SECTION 3. The authority of the State Historic

22 Preservation Officer to provide financial assistance to an



1 individual local coordinating entity under this Act shall
2 terminate on the date that is 15 years after the date of the
3 initial receipt of the assistance by the local coordinating
4 entity. A Hawaiian Heritage Area shall retain the designation
5 as a Hawaiian Heritage Area after the termination date
6 prescribed in this section.

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$_____, or so much
9 thereof as may be necessary for fiscal year 2007-2008, and the
10 same sum, or so much thereof as may be necessary for fiscal year
11 2008-2009, for the purposes of this Act, provided that not more
12 than \$_____ may be used for any individual study for a proposed
13 Hawaiian Heritage Area and not more than five percent of the
14 amount of funds made available for a fiscal year may be used by
15 the State Historic Preservation Officer for technical
16 assistance, oversight, and administrative purposes.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purposes of this Act.

19 SECTION 5. This Act shall take effect on July 1, 2007.

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Report Title:

Hawaii Heritage Program

Description:

Establishes a Hawaii Heritage Partnership Program, a program that encourages innovative and partnership-driven management strategies of areas identified by the State Historic Preservation Officer.

