

DEPARTMENT OF LAND AND NATURAL RESOURCES  
Amendment and Compilation of Chapter 13-223  
Hawaii Administrative Rules  
August 12, 2005

SUMMARY

1. Title amended.
2. §13-223-1 is amended.
3. §13-223-2 is amended.
4. A new §13-223-3 is added.
5. Chapter 223 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 10

LAND MANAGEMENT

CHAPTER 223

HISTORIC PRESERVATION AND RESTORATION ON PUBLIC LANDS

- §13-223-1 Purpose  
§13-223-2 Definitions  
§13-223-3 Determination of historic preservation  
and restoration projects

§13-223-1 Purpose. The purpose of this chapter is to determine what constitutes historic preservation and restoration projects on public lands for the purposes of section 171-36.2, HRS. [Eff 2/6/88; am and comp **OCT 03 2005** ] (Auth: HRS §171-36.2) (Imp: HRS §171-36.2)

§13-223-2 Definitions. As used in this chapter: "Board" means the board of land and natural resources.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods are interred, and its immediate surrounding archaeological context, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Chairperson" means the chairperson of the board of land and natural resources.

"Department" means the department of land and natural resources.

"Historic preservation and restoration project" means any undertaking designed to preserve or restore significant historic properties or burial sites on public lands by mitigating the potential effects of proposed or ongoing activities on these properties and sites or by mitigating the effects of deterioration,

neglect, loss, danger, or injury. Mitigation includes, but is not limited to, restoration, reconstruction, stabilization, repair, maintenance, rehabilitation, or protection as determined by the department through the historic preservation review process.

"Historic preservation review process" means the process established by chapter 13-275 to comply with sections 6E-7 and 6E-8, HRS.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Mitigation plan" means the plan setting forth appropriate treatment of historic properties, burial sites, or human remains in accordance with sections 13-275-3 and 13-275-8(h); sections 13-300-33 and 13-300-38(e); or sections 13-300-34 and 13-300-39(d).

"Public lands" means any lands defined as public lands by section 171-2, HRS. [Eff 2/6/88; am and comp  
OCT 03 2005 ] (Auth: HRS §171-36.2) (Imp: HRS §171-36.2)

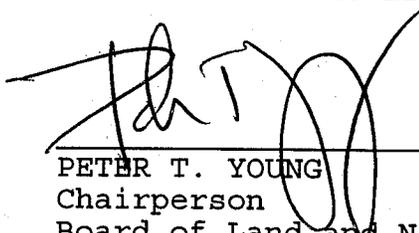
§13-223-3 Determination of historic preservation and restoration projects. (a) To determine if a proposed lease of public land is a historic preservation and restoration project for the purposes of section 171-36.2, HRS, the proposed lease, including the proposed mitigation plan, shall be reviewed by the department in accordance with sections 6E-7 and 6E-8, HRS, and the historic preservation review process established by chapter 13-275, including any amendments thereto.

(b) All provisions of the approved mitigation plan shall be included as conditions in the lease agreement. [Eff and comp  
OCT 03 2005 ] (Auth: HRS §171-36.2) (Imp: HRS §171-36.2)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to and compilation of chapter 13-223, Hawaii Administrative Rules, on the Summary Page dated August 12, 2005, were adopted on August 12, 2005, pursuant to SLH 2002, Act 114, and following the duly noticed meeting of the Board held on the island of Oahu on August 12, 2005, after public notice was given in the Board agenda filed at the Office of the Lieutenant Governor on August 5, 2005.

The amendment and compilation shall take effect ten days after filing with the Office of the Lieutenant Governor.

  
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PETER T. YOUNG  
Chairperson  
Board of Land and Natural  
Resources

  
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LINDA LINGLE  
Governor  
State of Hawaii

Dated: 9/21/05

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Filed

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

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LIEUTENANT GOV