

JAN 19 2024

A BILL FOR AN ACT

RELATING TO BURIAL SITES.

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

1 SECTION 1. The legislature finds that the lack of an
2 objective certification, selection or evaluation process for
3 historic preservation professionals allows developers to
4 purchase services that produce plans and reports mandated in the
5 historic preservation review process, which accommodate their
6 development interests.

7 Therefore, the purpose of this Act is to:

8 (1) Require the State historic preservation division to
9 compile a list of archaeological professionals
10 approved by the department to ensure the quality and
11 integrity of archaeological services contracted by
12 developers; and

13 (2) Specify information to be included in an
14 archaeological inventory survey.

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



1 "**§6E-42 Review of proposed projects.** (a) Except as
2 provided in section 6E-42.2, before any agency or officer of the
3 State or its political subdivisions approves any project
4 involving a permit, license, certificate, land use change,
5 subdivision, or other entitlement for use, which may affect
6 historic property, aviation artifacts, or [a] burial sites, the
7 agency or office shall advise the department and prior to any
8 approval allow the department an opportunity for review and
9 comment on the effect of the proposed project on historic
10 properties, aviation artifacts, or burial sites, consistent with
11 section 6E-43, including those listed in the Hawaii register of
12 historic places. If:

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

18 the department's review and comment may be based on a phased
19 review of the project; provided that there shall be a
20 programmatic agreement between the department and the project



1 applicant that identifies each phase and the estimated timelines
2 for each phase.

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

7 (c) The department shall not commence with review and
8 comment unless the landowner provides the department with
9 project area information and comprehensive identification of
10 historic properties, aviation artifacts, or burial sites in an
11 archaeological inventory survey.

12 (d) The department shall not exempt projects on lands
13 previously or currently built from an archaeological inventory
14 survey.

15 (e) The department shall compile a list of approved
16 archaeological professionals to ensure the quality and integrity
17 of any archaeological services contracted by developers;
18 provided that:

19 (1) The department shall consider any qualified
20 archaeologist that submits a letter of interest and



1 set of qualifications to the state historic
2 preservation officer; and
3 (2) Each island burial council shall review applicants on
4 an annual basis and may approve or reject an
5 applicant's inclusion on the list of archaeological
6 professionals approved by the department based on the
7 quality of the applicant's previous work.

8 (f) The information provided in an archaeological
9 inventory survey involving the identification of historic
10 properties, aviation artifacts, or a burial site on these lands
11 shall consider characteristics that indicate the presence of
12 burial sites or possible burial sites, pursuant to the
13 definition of "previously identified" under section 13-300-2,
14 Hawaii Administrative Rules.

15 (g) Only archaeologists included on the list of
16 archaeological professionals approved by the department
17 established in subsection (e) shall conduct professional
18 archaeological services or administrative archaeological reviews
19 rendered in the historic preservation process.

20 [+e+) (h) The department shall adopt rules in accordance
21 with chapter 91 to implement this section."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: _____



S.B. NO. 2440

Report Title:

DLNR; SHPD; Burial Sites; Archaeological Inventory Surveys;
Contractors; Developers

Description:

Requires the State Historic Preservation Division of the Department of Land and Natural Resources to compile a list of approved archaeologists to ensure the quality and integrity of archaeological services contracted by developers. Specifies information to be included in an archaeological inventory survey.

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