

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 of land and natural
11 resources to ensure the quality and integrity of
12 archaeological services contracted by developers; and
13 (2) Specify information to be included in an
14 archaeological inventory survey.

15 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§6E-8 Review of effect of proposed state projects. (a)

2 Before any agency or officer of the State or its political
3 subdivisions commences any project which may affect historic
4 property, aviation artifact, or a burial site, the agency or
5 officer shall advise the department and allow the department an
6 opportunity for review of the effect of the proposed project on
7 historic properties, aviation artifacts, or burial sites,
8 consistent with section 6E-43, especially those listed on the
9 Hawaii register of historic places. The proposed project shall
10 not be commenced [~~or if it has already begun, continued,~~]

11 until the department has given its written concurrence. If:

12 (1) The proposed project consists of corridors or large
13 land areas;

14 (2) Access to properties is restricted; or

15 (3) Circumstances dictate that construction be done in
16 stages,

17 the department may give its written concurrence based on a
18 phased review of the project; provided that there shall be a
19 programmatic agreement between the department and the project
20 applicant that identifies each phase and the estimated timelines
21 for each phase.



1 The department shall provide written concurrence or non-
2 concurrence within ninety days after the filing of a request
3 with the department. The agency or officer seeking to proceed
4 with the project, or any person, may appeal the department's
5 concurrence or non-concurrence to the Hawaii historic places
6 review board. An agency, officer, or other person who is
7 dissatisfied with the decision of the review board may apply to
8 the governor, who may take action as the governor deems best in
9 overruling or sustaining the department.

10 (b) The department shall inform the public of any project
11 proposals submitted to it under this section that are not
12 otherwise subject to the requirement of a public hearing or
13 other public notification.

14 (c) The department shall not commence with a review and
15 comment unless the agency or officer of the State or its
16 political subdivisions undertaking the project provides the
17 department with project area information and comprehensive
18 identification of historic properties, aviation artifacts or
19 burial sites in an archaeological inventory survey.



1 (d) The department shall not exempt projects on lands
2 previously or currently built from an archaeological inventory
3 survey.

4 (e) The department shall compile a list of approved
5 archaeological professionals to ensure the quality and integrity
6 of any archaeological services contracted by developers;
7 provided that:

8 (1) The department shall consider any qualified
9 archaeologist that submits a letter of interest and
10 set of qualifications to the state historic
11 preservation officer; and

12 (2) Each island burial council shall review applicants on
13 an annual basis and may approve or reject an
14 applicant's inclusion on the list of archaeological
15 professionals approved by the department based on the
16 quality of the applicant's previous work.

17 (f) The information provided in an archaeological
18 inventory survey involving the identification of historic
19 properties, aviation artifacts, or a burial site shall consider
20 characteristics that indicate the presence of burial sites or



1 possible burial sites, pursuant to the definition of "previously
2 identified" under section 13-300-2, Hawaii Administrative Rules.

3 (g) Only archaeologists included on the list of
4 archaeological professionals approved by the department
5 established in subsection (e) shall conduct professional
6 archaeological services or administrative archaeological reviews
7 rendered in the historic preservation process.

8 [~~h~~] (h) The department of Hawaiian home lands, prior to
9 any proposed project relating to lands under its jurisdiction,
10 shall consult with the department regarding the effect of the
11 project upon historic property or a burial site.

12 [~~e~~] (i) The State, its political subdivisions, agencies,
13 and officers shall report to the department the finding of any
14 historic property during any project and shall cooperate with
15 the department in the investigation, recording, preservation,
16 and salvage of the property.

17 [~~d~~] (j) The department shall adopt rules in accordance
18 with chapter 91 to implement this section."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:





S.B. NO. 2587

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.

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

