
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislature finds that many affordable
2 housing projects are delayed because of the state historic
3 preservation division's inability to efficiently and effectively
4 provide necessary reviews to ensure compliance with state
5 historic preservation law. The purpose of this Act is to
6 authorize the counties to employ qualified archaeologists to
7 perform necessary reviews under chapter 6E, Hawaii Revised
8 Statutes.

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

11 "§6E-42 Review of proposed projects [-]; approval;
12 expedited hearing. (a) Except as provided in section 6E-42.2,
13 before any agency or officer of the State or its political
14 subdivisions approves any project involving a permit, license,
15 certificate, land use change, subdivision, or other entitlement
16 for use, which may affect historic property, aviation artifacts,
17 or a burial site, the agency or office shall [advise] give



1 notice to the department [and prior to any approval] of the
 2 project to allow the department or a qualified archaeologist
 3 employed by the county in which the project is located an
 4 opportunity for review and comment on the effect of the proposed
 5 project on historic properties, aviation artifacts, or burial
 6 sites, consistent with section 6E-43, including those listed in
 7 the Hawaii register of historic places. If:

- 8 (1) The proposed project consists of corridors or large
- 9 land areas;
- 10 (2) Access to properties is restricted; or
- 11 (3) Circumstances dictate that construction be done in
- 12 stages,

13 the ~~[department's]~~ department or archaeologist's review and
 14 comment may be based on a phased review of the project; provided
 15 that there shall be a programmatic agreement between the
 16 department and the project applicant that identifies each phase
 17 and the estimated timelines for each phase.

18 (b) The department shall inform the public of any project
 19 proposals submitted to it under this section that are not
 20 otherwise subject to the requirement of a public hearing or
 21 other public notification.



1 (c) The archaeological review and comment required by this
2 section may be delegated to a qualified archaeologist employed
3 by the county in which the project is located with the approval
4 of the department.

5 (d) As used in this section, "qualified archaeologist"
6 means the principal investigator for the project with the
7 following qualifications:

8 (1) A graduate degree from an accredited institution in
9 archaeology or anthropology with a specialization in
10 archaeology;

11 (2) At least one year of cumulative archaeological
12 experience in Hawaii or the Pacific region;

13 (3) At least four months of supervised archaeological
14 finds and analytical experience in Hawaii; and

15 (4) A demonstrated knowledge of historic preservation
16 laws, rules, and guidelines.

17 (e) The department shall approve, approve with
18 modification, or disapprove an archaeological review within
19 thirty days of submission of a completed review. If, on the
20 thirty-first day, a review is not approved, approved with



1 modification, or disapproved by the department, the review shall
2 be deemed approved.


3 (f) A person aggrieved by the findings and recommendation
4 of an archaeological review may bring an action against the
5 department. The circuit court in which the complaint is made
6 shall have jurisdiction over the action brought under this
7 section. Except as to cases the court considers of greater
8 importance, proceedings brought under this section shall take
9 precedence and shall be expedited in every way.

10 [~~e~~] (g) The department shall adopt rules in accordance
11 with chapter 91 to implement this section."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: 

JAN 23 2020



H.B. NO. 2003

Report Title:

Counties; Archaeologist; Historic Preservation; Review

Description:

Authorizes the counties to employ qualified archaeologists to perform necessary reviews under chapter 6E, Hawaii Revised Statutes.

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