
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 the State's
5 historic preservation law.

6 The purpose of this Act is to authorize the counties to
7 employ qualified archaeologists to perform necessary reviews
8 under chapter 6E, Hawaii Revised Statutes.

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

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



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

7 (1) The proposed project consists of corridors or large
8 land areas;

9 (2) Access to properties is restricted; or

10 (3) Circumstances dictate that construction be done in
11 stages,

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

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



1 (c) The department shall adopt rules in accordance with
2 chapter 91 to implement this section.

3 (d) The department's review under this section may be
4 delegated to a qualified archaeologist employed by the relevant
5 county:

6 (1) Upon request by the county;

7 (2) Upon request by the entitlement applicant, with the
8 concurrence of the county agency employing the
9 archaeologist; or

10 (3) By agreement between the department and the county
11 agency employing the archaeologist.

12 (e) The proposed project shall be deemed automatically
13 approved by the state historic preservation division if the
14 necessary archaeological review is not completed within thirty
15 days.

16 (f) Challenges to any archaeological review shall be
17 subject to an expedited hearing before the supreme court."


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



H.B. NO. 1778

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

2

INTRODUCED BY: 

By Request

JAN 16 2020



H.B. NO. 1778

Report Title:

Maui County Package; Historic Preservation; Archaeological Review; County Archaeologist

Description:

Authorizes the counties to employ qualified archaeologists to perform necessary reviews under Chapter 6E, Hawaii Revised Statutes. Provides for automatic approval of a project if the necessary archaeological review was not completed within 30 days.

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