

JAN 21 2022

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.

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[-]; 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) The department shall approve, approve with
6 modification, or disapprove an archaeological review within
7 thirty days of submission of a completed review. If, on the
8 thirty-first day, a review is not approved, approved with
9 modification, or disapproved by the department, the review shall
10 be deemed approved.

11 (e) A person aggrieved by the findings and recommendation
12 of an archaeological review may bring an action against the
13 department. The circuit court in which the complaint is made
14 shall have jurisdiction over the action brought under this
15 section. Except as to cases the court considers of greater
16 importance, proceedings brought under this section shall take
17 precedence and shall be expedited in every way.

18 [~~e~~] (f) The department shall adopt rules in accordance
19 with chapter 91 to implement this section.



1 (g) As used in this section, "qualified archaeologist"
2 means the principal investigator for the project with the
3 following qualifications:

4 (1) A graduate degree from an accredited institution in
5 archaeology or anthropology with a specialization in
6 archaeology;

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

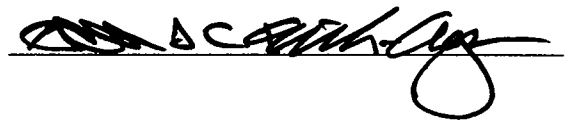
9 (3) At least four months of supervised archaeological
10 finds and analytical experience in Hawaii; and

11 (4) A demonstrated knowledge of historic preservation
12 laws, rules, and guidelines."

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 Statutory material to be repealed is bracketed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

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

16 INTRODUCED BY:



S.B. NO. 2361

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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