

DEPARTMENT OF LAND AND NATURAL RESOURCES

**Adoption of Chapter 13-278
Hawaii Administrative Rules**

October 31, 2002

SUMMARY

**Chapter 13-278, Hawaii Administrative Rules,
entitled "Rules Governing Standards for Archaeological
Data Recovery Studies and Reports", is adopted.**

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 278

RULES GOVERNING STANDARDS FOR ARCHAEOLOGICAL DATA
RECOVERY STUDIES AND REPORTS

§13-278-1	Policy and purpose
§13-278-2	Definitions
§13-278-3	Preparation of a data recovery plan
§13-278-4	Archaeological data recovery report
§13-278-5	Final disposition of collections
§13-278-6	Penalty

§13-278-1 Policy and purpose. This chapter establishes uniform standards for archaeological data recovery studies and reports, to ensure the overall quality of mitigation measures and to better protect the public's interests. [Eff. 01-01-2003] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-278-2 Definitions. As used in this chapter unless the context requires otherwise:

"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.

"Archaeological data recovery" means the form of mitigation that archaeologically records or recovers a reasonable and adequate amount of information as determined by the department, from a significant historic property.

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these

properties; and considering their views in a good faith and appropriate manner during the review process.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Mitigation" means the measures taken to minimize impacts to significant historic properties. Mitigation may take different forms, including, but not limited to, preservation, archaeological data recovery, reburial, ethnographic data recovery, historic data recovery, and architectural recordation.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Project" means any activity directly undertaken by the state or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the state or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the state or its political subdivisions.

"Project area" means the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will take place, but also the proposed project's area of potential effect.

"Significant historic property" means any historic property that meets the criteria of the Hawaii register of historic places or the criteria enumerated in subsection 13-275-6(b) or 13-284-6(b).

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources.

[Eff DEC 1 2003] (Auth: HRS §§6E-2, 6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-278-3 Preparation of a data recovery plan.

(a) An archaeological data recovery plan (research design) shall be prepared by an archaeologist who meets the minimum requirements under chapter 13-281 prior to the start of archaeological data recovery. This plan shall:

- (1) Identify historic properties to be studied;
- (2) Identify research objectives to be addressed. This shall be done through reviewing prior archaeological and historical work in the parcel, ahupua`a, and wider region. The specifics of these research objectives will vary with the extent of prior work;
- (3) Identify data needed to address the research objectives;
- (4) Identify field methods to be used to acquire and analyze the data. Any sampling approaches to be used shall be noted here. The plan shall also use the most efficient methods to try to answer the research objectives;
- (5) Identify any necessary laboratory work. This work may include, but not be limited to, dating, faunal analyses, soil analyses, botanical analyses, and artifact analyses. If osteological analysis of human skeletal remains is to be undertaken it shall conform to chapters 13-300 and 13-283;
- (6) Identify a procedure for depositing collections after conclusion of the data recovery project; and
- (7) If burials are to be disinterred, a written data recovery plan is not required for inadvertent discoveries. For burials the procedures of section 6E-43, HRS, and chapter 13-300 shall be followed.

(b) If properties deemed significant under paragraphs 13-275-6(b)(5) or 13-284-6(b)(5) are involved, the archaeologist shall consult with members of the relevant ethnic group and consider any comments when preparing this plan. The plan shall describe the consultation process, list the consulted individuals and organizations, and summarize their comments.

[Eff. 1-1-2003] (Auth: HRS §§6E-3, 6E-43, 6E-43.5) (Imp. HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-278-4 Archaeological data recovery report.

(a) The archaeological data recovery report shall be prepared by an archaeologist who meets the minimum requirements under chapter 13-281. It shall include the following:

- (1) A management summary that presents concise information, with the lay reader in mind, to include:
 - (A) The sites studied; and
 - (B) General findings relevant to research objectives;
- (2) An introduction, including the reasons for the project and the location of the study area. This shall include:
 - (A) A portion of the relevant United States Geological Survey standard 1:24,000 topographic map showing the ahupua`a, the parcel, and the sites studied; and
 - (B) Text, which specifies the island, district, ahupua`a, and the tax map key (TMK) of the parcel.
- (3) A research objectives section which identifies the research objectives, test implications, and relevant information to address the research objectives;
- (4) An archaeological field methods section which identifies:
 - (A) Number of personnel, with the names and qualifications of the principal investigator and field director;
 - (B) When the work was done; and
 - (C) Methods planned in the data recovery plan and any deviations, to include sampling strategies and specifics on techniques used.
- (5) Archaeological fieldwork findings;
- (6) Laboratory findings;
- (7) Historical and oral historical findings, if covered in the data recovery plan and if not reported elsewhere;
- (8) Research conclusions;
- (9) References; and
- (10) Location of depository (archive) for collections, photographs, ^{with} written site records, and maps (may be presented in an appendix).
 - (b) In the archaeological fieldwork findings section of the report, each site studied shall be individually described, to include:
 - (1) State site number and any previous numbers;
 - (2) Reference to a previous study, if the site has been recorded before;

- (3) The site's formal type (e.g., C-shaped enclosure, platform, enclosure, wall, paving, etc.). If it has several major features, then each of these should be noted (e.g., three C-shaped enclosures, one platform, four stone cairns);
- (4) A description of the site, to include any of the following, if not recorded in previous studies:
 - (A) Size, horizontal extent;
 - (B) Shape, area, with representative architectural heights and widths, etc. (in metrics), of the major feature or features;
 - (C) The presence or absence of surface remains (artifacts, midden, debris, etc.), and if present, the general nature of these remains, their density, and distribution;
 - (D) The presence or absence of any subsurface deposits, and if so, an assessment of the general depth and nature of these deposits;
 - (E) Representative photographs, or line drawings, or both;
 - (F) Drafted plan maps, which shall include major features, a bar scale, north arrow, and indicate method used (e.g. tape and compass or instrument mapping.); and
 - (G) The integrity of the site.
- (5) If excavations, augering, shovel tests, etc. occurred, findings must be presented under each site's description, to include:
 - (A) Location of the excavations, augering, etc. on a plan map of the site;
 - (B) Description of stratigraphic layers, with United States Department of Agriculture standard soil descriptions (using Munsell colors);
 - (C) Line-drawings depicting the entire length of the profiles, to scale, of all test excavations through surface architecture or of all test excavations with cultural layers;
 - (D) Representative stratigraphic profiles, to scale, of test excavations not through surface architecture or where no

- cultural layers are visible in the excavation side walls;
- (E) Descriptions of features, including provenience within layers;
 - (F) Listing of artifacts, including provenience within layers;
 - (G) Listing of faunal remains, by layer;
 - (H) Listing of debris and other remains, by layer; and
 - (I) Listing of carbon samples, by provenience;
- (6) An assessment of site function, with reasonable and adequate supportive arguments; and
 - (7) An assessment of site age.
- (c) The results and analysis section of the report shall include:
- (1) An overall presentation of artifacts, to include:
 - (A) A master list with provenience, material and type;
 - (B) Measurements of each artifact, as appropriate, which can be in table form and can be presented under the next item;
 - (C) Analysis of artifact assemblage by artifact types, materials, and provenience, as appropriate; and
 - (D) Illustrations (line drawings or photographs, or both) of a representative sample of artifacts.
 - (2) An overall presentation of faunal and botanical remains, to include:
 - (A) A master list, presenting the species within each layer of each site and their counts and weight in grams;
 - (B) Analysis by taxa, as possible; and
 - (C) Methods of sample selection.
 - (3) An overall presentation of chronology to include absolute and relative dating, to include:
 - (A) A master list, by site and by provenience within site, which includes laboratory numbers for each date;
 - (B) Methods of collection and lab treatment;
 - (C) For radiocarbon dates, C12/C13 ratios shall be obtained; and
 - (D) Methods of sample selection.

- (4) An overall presentation of lithic sourcing, if appropriate, to include:
- (A) A master list, by site and by provenience within site;
 - (B) Methods of sample selection; and
 - (C) Methods and techniques of source analysis.
- (5) Osteological analyses, if human skeletal remains are to be analyzed, the analysis shall conform to chapters 13-283 and 13-300.
 [Eff ^{DEC 1 1 2003}] (Auth: HRS §§6E-3, 6E-43)
 (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-278-5 Final disposition of collections. (a) All collections, excluding human remains, from public lands shall be placed in an acceptable archive to be designated by the SHPD. Arrangements shall be made with private landowners on the disposition of collections from their lands. If private landowners request archiving of material, then the archive shall be determined in consultation with the SHPD.


(b) Final disposition of human skeletal remains shall be in accordance with chapter 13-300.
 [Eff ^{DEC 1 1 2003}] (Auth: HRS §§6E-3, 6E-43)
 (Imp: HRS §§6E-1, 6E-3, 6E-6, 6E-7, 6E-8, 6E-42, 6E-43)

§13-278-6 Penalty. Non-compliance with the provisions and procedures established by this chapter may result in a directive to the person not to proceed with construction in the project area, a denial or revocation of SHPD's written concurrence or agreement, and penalties as provided in section 6E-11, HRS, and applicable laws. [Eff ^{DEC 1 1 2003}] (Auth: HRS §§6E-3, 6E-43)
 (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

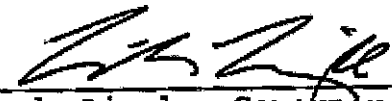
DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-278, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-278 shall take effect ten days after filing with the Office of the Lieutenant Governor.


Peter T. Young, Chairperson
Board of Land and Natural
Resources

Approved:


Linda Lingle, Governor
State of Hawaii

Dated: NOV 25 2002

APPROVED AS TO FORM:


Deputy Attorney General

Filed