

This pdf contains the relevant excerpt, §13-275-5(b) from Chapter 13-275, Hawaii Administrative Rules, for Literature Reviews and Field Checks. Literature Reviews and Field Checks are not required but can facilitate the consultation process with SHPD, as described by §13-275-5(b), to determine if an inventory survey of the study parcel is necessary.

Please note that §13-275-5 relates to government projects. §13-284-5 is for non-government projects, but the wording is the similar and so was not duplicated here.

§13-275 and §13-284, in their entirety, can be found at the State Historic Preservation website on their page regarding Laws and Administrative Rules in Hawai'i Relative to Historic Preservation and SHPD at:

<http://hawaii.gov/dlnr/hpd/hphrs.htm>

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-275  
Hawaii Administrative Rules

October 31, 2002

SUMMARY

Chapter 13-275, Hawaii Administrative Rules, entitled "Rules Governing Procedures for Historic Preservation Review for Governmental Projects Covered Under Sections 6E-7 and 6E-8, HRS", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 275

RULES GOVERNING PROCEDURES FOR HISTORIC PRESERVATION  
REVIEW FOR GOVERNMENTAL PROJECTS COVERED UNDER SECTIONS  
6E-7 AND 6E-8, HRS

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§13-275-1 Purpose, applicability, and participants. (a) The purpose of this chapter is to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of Hawaii by presenting a historic preservation review process for state and county projects. The review process is designed to

In addition, filing fees will be charged for the following:

- (1) \$50 for an archaeological assessment report;
- (2) \$150 for an archaeological inventory survey plan;
- (3) \$450 for an archaeological, architectural or ethnographic inventory survey report;
- (4) \$150 for a preservation plan;
- (5) \$25 for a monitoring plan;
- (6) \$150 for an archaeological data recovery plan;
- (7) \$250 for a burial treatment plan;
- (8) \$100 for a monitoring report, if resources are reported;
- (9) \$450 for an archaeological data recovery report;
- (10) \$450 for an ethnographic documentation report;
- (11) \$25 for a burial disinterment report; and
- (12) \$50 for an osteological analysis report.

(b) Preservation plans submitted to the division for review will be charged for each of the above plans they contain.

(c) Reports or plans submitted to the SHPD for review shall be accompanied by the appropriate fee. Reports or plans will not be considered received or reviewed, until the filing fees are paid.

(d) No fee will be charged for the review of any revisions to a previously submitted plan or report.

(e) All fees shall be payable to the Hawaii historic preservation special fund.

[Eff **DEC 1 1 2003** ] (Auth: HRS §§6E-3, 6E-16)  
(Imp: HRS §§6E-3, 6E-16)

§13-275-5 Identification and inventory of historic properties. (a) The agency shall be responsible for determining whether historic properties are present in the project area and, if so, to properly identify and inventory the properties.

(b) An agency shall first consult the SHPD to determine if the area proposed for the project needs to undergo an inventory survey to determine if historic properties are present. The tax map key for the parcel or parcels involved and a map shall be submitted to the SHPD to locate and define the boundaries of the project area. The SHPD shall supply a response in writing within thirty days of the receipt of the initiating

request at the SHPD office. This response shall include a justification by the SHPD for its conclusion.

- (1) If the SHPD concludes that no significant historic sites are likely to be present then the SHPD will make this determination in the form of a "no historic properties affected" letter within thirty days of receipt of the request.
- (2) Alternatively, the agency can submit documents claiming no significant historic sites are likely to be present. The document must present supportive evidence documenting any land altering activities (including areal extent and depth of disturbances) and documenting the likely nature and depth of historic properties that may have once existed in the area. The SHPD shall respond in writing within thirty days of receipt of the request.
  - (A) If the SHPD agrees that no significant historic properties are present, then the SHPD shall issue a written concurrence to the agency in the form of a "no historic properties affected" determination and historic preservation review ends; or
  - (B) If the SHPD does not find the documentation satisfactory, then a letter shall be sent to the agency specifying why. To proceed with the review process, the agency shall correct the problems, consulting with the SHPD as needed, and resubmit the documentation or shall conduct an inventory survey, whichever is required.
- (3) The SHPD will make all "no historic properties affected" determinations available to interested persons by posting notice every Friday of all such determinations either at the SHPD office or on the SHPD website. Should the office be closed on any Friday as a result of a holiday or some type of disaster, the information shall be posted on the first following working day. Interested persons have the opportunity to submit written comments on such determinations within thirty days of the notice's posting. Should historic properties be reported to the

- SHPD during these thirty days the SHPD may reconsider its concurrence under the provisions of section 13-275-11.
- (4) If the SHPD determines that an adequate survey exists and that historic properties are present, then the agency shall proceed to the next step in the review process, evaluation of the significance of the historic properties according to section 13-275-6.
  - (5) If the SHPD concludes an inventory survey needs to be done, this survey shall identify all historic properties and gather enough information to evaluate the properties' significance. Inventory surveys fall into three main categories, and the SHPD will indicate which category or combination of categories is needed.
    - (A) An archaeological inventory survey may be undertaken when the SHPD concludes that archaeological properties are present or are likely to be present. Archaeological survey often involves detailed field mapping and test excavations, laboratory analyses, and interpretive studies. An archaeological permit, issued by the SHPD, as set forth in chapter 13-282, is required for this survey and any lesser level of archaeological survey work. The survey must be directed by a qualified archaeologist who meets the qualifications set forth in chapter 13-281. Results of the survey shall be reported either through an archaeological assessment, if no sites were found, or an archaeological survey report which meets the minimum standards set forth in chapter 13-276. An archaeological assessment shall include the information on the property and the survey methodology as set forth in subsections 13-276-5(a) and (c), as well as a brief background section discussing the former landuse and types of sites that might have been previously present.
    - (B) An ethnographic survey may be undertaken when the SHPD concludes that historic

properties which may be significant under criterion "e" of paragraph 13-275-6(b)(5) are present or are likely to be present within the project area and when the project area is known to have been used by members of an ethnic community at least fifty years ago or by preceding generations. Guidelines for this survey can be obtained from the SHPD. The survey must be directed by a qualified ethnographer who meets the qualifications set forth in chapter 13-281.

- (C) An architectural inventory survey may be undertaken when the SHPD concludes that historic buildings, structures, objects, or districts are present or are likely to be present within the project area. Information shall be of sufficient quality to either complete a National Register of Historic Places nomination form, or have SHPD agree it provides an adequate basis for making historic preservation decisions. The survey must be directed by a qualified historian, architect or architectural historian who meets the qualifications set forth in chapter 13-281.

(c) Should the SHPD believe unusual archaeological conditions may be present in a project area, such as the presence of paleo-environmental materials or historic archaeology, the division may require an inventory plan be submitted for approval prior to the undertaking of any inventory survey work. This plan shall include, but not be limited to:

- (1) All the information required in subsections 13-276-5 (a) and (b) which identifies the project area, identifies the project owner, describes the environment, provides the results of background research, as appropriate, and reviews any relevant prior archaeological studies.
- (2) A research design for the identification of historic properties within the project area. This would be a section on the methods to be used in the archaeological field survey which shall include:

- (A) The names and qualifications of the principal investigator;
  - (B) The anticipated number of field personnel, and any specialized qualifications which they might possess;
  - (C) The anticipated duration of time for the survey;
  - (D) The extent of survey coverage, as appropriate. If the coverage is to be less than one hundred percent, the rationale for the sample (the sampling design) must be presented in a careful discussion. Sampling designs which include analysis of possible subsurface sites under sand dunes, urban fill, and other areas must also be presented here;
  - (E) A discussion of any factors which might limit the survey effort, if appropriate;
  - (F) The techniques to be used to identify archaeological properties (transects, sweeps, test excavations, augering, etc.);
  - (G) The anticipated extent of historic property recording (mapping, measuring, photographing, test excavations) and the techniques to be used, with the rationale for these techniques given, if appropriate; and
  - (H) The method to be used to plot site location, if appropriate.
- (3) Information obtained through the consultation process with individuals knowledgeable about the project area's history, if discussions with the SHPD, background research or public input indicate a need to consult with knowledgeable individuals. This section would include all the information required in subsection 13-276-5(g).
- (d) If an inventory plan is required, once it is completed, one copy of the inventory plan shall be submitted to the SHPD for review. The plan shall meet the above requirements. The SHPD shall inform the agency within thirty days of receipt of the plan if the information contained in the plan is adequate or inadequate.
- (1) Any interested persons may comment on the plan. Comments must be submitted in writing to the SHPD within thirty days of the SHPD



posting notice of the receipt of the plan. The SHPD shall take all comments into consideration when issuing its determination letter. In the event comments are received after the issuance of the determination letter, the SHPD may reconsider its determination under the provisions of section 13-275-11.

- (2) If the SHPD determines that the plan is inadequate, then a letter shall be sent to the agency stating why the plan is inadequate. To proceed with the review process, the agency shall correct the problems, consulting with the SHPD as needed to resolve differences, and resubmit the results.
- (3) If the SHPD finds the plan adequate, then the agency will be sent a written notice of acceptance.

(e) If an inventory survey is needed, once it is completed, one copy of the inventory survey report or, if appropriate, an archaeological assessment shall be submitted to the SHPD for review. The report shall meet the requirements noted in chapter 13-276 for archaeology; shall conform with the SHPD guidelines for ethnography; or shall meet the requirements to complete a National Register of Historic Places nomination form or forms for architecture. When consultation is required, as specified in any of the reporting rules or guidelines for surveys, the report will include a summary of the consultation. The SHPD shall inform the agency within forty five days of receipt of the report or archaeological assessment if the information contained in the report or archaeological assessment is adequate or inadequate.

- (1) Any interested persons may comment on the survey report or archaeological assessment. Comments must be submitted in writing to the SHPD within thirty days of the SHPD posting notice of the receipt of the report or assessment. The SHPD shall take all comments into consideration when issuing its determination letter. In the event comments are received after the issuance of the determination letter, the SHPD may reconsider its determination under the provisions of section 13-275-11.


- (2) If the SHPD determines that the survey, report, or assessment is inadequate (e.g., survey failed to cover the entire project area, historic properties are incompletely described, etc.), then a letter shall be sent to the agency stating why the inventory survey is inadequate. To proceed with the review process, the agency shall correct the problems, consulting with the SHPD as needed to resolve differences, and resubmit the results.
- (3) If the SHPD finds the report or archaeological assessment adequate, then the agency will be sent a written notice of acceptance. Once the survey report or archaeological assessment is accepted, seven copies of the report or assessment shall be provided by the agency to the following repositories: two copies shall be sent to the SHPD library with one copy going to the relevant SHPD neighbor island office's library, one copy shall be sent to the University of Hawaii at Manoa Hamilton Library Pacific Collection, one copy shall be sent to the Bishop Museum library, one copy shall be sent to the University of Hawaii at Hilo library, one copy shall be sent to the Maui Community College library, and one copy sent to the Kauai Community College library.
- (f) If the SHPD gives the archaeological assessment or report final acceptance and if no historic properties are present, then historic preservation review ends and the SHPD shall include in the notice of final acceptance its written concurrence to the project in the form of a "no historic properties affected" determination.
- (g) If the SHPD finds the report adequate and historic properties are present, then the significance of each property shall be evaluated as discussed in the following section. [Eff DEC 11 2003 ] (Auth: HRS §§6E-3, 6E-7, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-275-6 Evaluation of significance. (a) Once a historic property is identified, then an assessment of significance shall occur. The agency shall make this assessment or delegate this assessment, in

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-275, 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 13-275 shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

APPROVED:

  
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Linda Lingle, Governor  
State of Hawaii

Dated: NOV 25 2003

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

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Filed

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