

Cultural & Historic Resource Protection (State Level)

Historic Preservation Law (Chapter 6E, Hawaii Revised Statutes)

Chapter 6E of the Hawaii Revised Statutes is the State's overarching historic preservation law. It establishes a statewide process for historic preservation review, a Historic Places Review Board, and five Burial Councils. The Historic Places Review Board approves nominations of historic properties to the Hawaii Register of Historic Places and recommends nominations to the National Register of Historic Places. The Burial Councils approve proposals to relocate or preserve in place previously identified *kanaka maoli* (Native Hawaiian) burials over 50 years old.

Administrative Rules for the State Historic Preservation Division

Chapters 13-197 through 13-198, 13-275 through 13-284, and 13-300 of the Hawaii Administrative Rules help put into effect the State's historic preservation law. These administrative rules establish detailed processes and requirements for the following topics:

- Hawaii and National Registers of Historic Places
- Historic preservation review
- Archaeological reports and studies
- Burial sites and human remains

State Historic Preservation Division

The State Historic Preservation Division is the department that administers the State's historic preservation law (Chapter 6E, Hawaii Revised Statutes) and related administrative rules. This department also operates under the requirements of the National Historic Preservation Act (a federal law). Key duties of this department include:

- Reviewing federal, State, and County actions that may affect historic and archaeological properties;
- Reviewing private development projects that may affect historic and archaeological properties;
- Maintaining a statewide survey to identify and evaluate historic and cultural sites;
- Providing staff support for the Historic Places Review Board; and
- Providing staff support for the Hawaii, Maui/Lanai, Molokai, Oahu, and Kauai/Niihau Burial Councils.

There are three main branches of the State Historic Preservation Division:

1. Archaeology

- Requests, reviews, and approves archaeological reports and studies
- Reviews project proposals that involve excavation or ground disturbances (grading and grubbing permits)

2. Architecture

- Reviews project proposals that involve historic buildings (building permits, Special Management Area applications, historic district permits etc.)
- Provides staff support to the Historic Places Review Board

3. History and Culture

- Manages the department's burial sites program
- Provides staff support to the Burial Councils

Additional Preservation Laws at the State Level

Chapter 6E, Hawaii Revised Statutes is not the only State law that deals with historic and cultural resources. Additional State laws that consider historic and cultural resources include:

- **Caves Protection Act (Chapter 6D, Hawaii Revised Statutes);**
- **Coastal Zone Management Act (Chapter 205A, Hawaii Revised Statutes); and**
- **Hawaii Environmental Protection Act (Chapter 343, Hawaii Revised Statutes).**

Additional Resources

If you want more information about the State Historic Preservation Division, please visit their website at: <https://dlnr.hawaii.gov/shpd/>

If you are interested in reading more about laws governing iwi kupuna (ancestral bones), traditional and customary rights, water, or quiet title, the Office of Hawaiian Affairs and Ka Huli Ao Center for Excellence in Native Hawaiian Law developed a set of legal primers on each of these topics. The primers summarize major laws and issues, and direct those with additional questions to available resources. You can access the primers at the following website: <https://blog.hawaii.edu/kahuliao/scholarship-and-legal-resources/legal-primers/>

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