



## Historic Sites

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I would like to briefly cover three major topics. The first is a summary of the major state and federal laws that apply to historic sites and the role played by the state Historic Preservation Division in implementing these laws. Second, I will briefly outline the process by which our office reviews projects for their impact on historic sites. Third, I'd like to emphasize the kinds of information we need from applicants when we are reviewing proposals and making our assessments. The sooner we have adequate information in these proposals, the faster the process will go.

Both state and federal laws require that impacts on historic sites be considered for most private-sector projects that require permits or those receiving government funding and for most projects undertaken by government agencies. The state Historic Preservation Division has a mandated role in implementing both the federal and the state historic preservation laws. If the federal government is involved in a project either through funding or permits compliance with Section 106 of the National Historic Preservation Act is probably required. Section 106 is implemented by regulations which set out the process by which historic sites are identified, evaluated, and their treatment determined. In bureaucratic shorthand, this is just usually referred to as Section 106 or 106, so if you hear that, you know they're discussing the federal process.

The way the federal review process is set up, the state Historic Preservation office plays a major role in reviewing proposed projects. For example, in various steps in the process our office must be consulted or we must be given the opportunity to concur that the project will or will not have an affect on historic sites. For the projects being discussed here, I think federal funding is probably the action that would most likely trigger the federal historic preservation law. But, it would also apply to projects on federal lands or those for which federal permits are required. The state laws governing historic sites are found in Chapter 6E of Hawai'i Revised Statutes.

For our purposes here, today, two sections of this law are particularly important. Section 6E-8 applies to all projects undertaken by state and county agencies which may have an affect on historic sites. It requires these agencies to obtain written concurrence from the state Historic Preservation Division before a project commences. Essentially, this applies to all projects receiving state funds, or any taking place on state lands. Section 6E-42 says that the state Historic Preservation Division shall be given the opportunity to review and comment on a range of undertakings or a range of action undertakings by state and county agencies. These generally involve permits, licenses, land use changes, subdivisions, and other entitlements. This is one means by which we've become involved in reviewing many projects that require zoning or grading and grubbing permits. So, to recap it very briefly, if there is a federal involvement in Section 106, the National Historic Preservation Law, if there's a state or county involvement, the process will probably begin with one of two sections of Chapter 6E, and both mandate the participation of the state Historic Preservation Division.

I will now try to very briefly the summarize historic preservation review process, only emphasizing the major elements of the process. Essentially, the state review process parallels that of the federal regulations. I generally like to tell people that it's like filling out your state and federal tax forms. The form looks the same and the approach is essentially the same even though there are some differences. The first step in the review is to determine whether any historic sites are present in a project area. If we know that none are present or that they are highly unlikely, our office will concur that we have no concerns and the project can commence; essentially, no further work is needed. If we know that there are historic sites in a project or feel that it is very likely, then we generally ask that what we call an inventory survey be conducted of the project area. We have staff archaeologists on all the major islands, and they may be able to assist applicants with field inspection to determine if



the survey is needed. This would be particularly appropriate if we are unsure whether there are sites in an area or we believe the likelihood is very low. Of course, this would depend on the staff members, their availability, and their current workload, but it is a service we hope we can provide. Because most lands have not been surveyed for historic sites, our assessments on whether or not a survey is needed is based on predictions. And these predictions are largely derived from known site distributions and particular regions and our knowledge of prehistoric and historic Hawaiian land-use patterns.

Most of the archaeological inventory surveys that are conducted are conducted by private consulting firms, so that's the first step: whether sites are present or not. If they are, if the survey is conducted or we know sites are present, the next step is identifying these sites. The identification phase occurs during the inventory survey and includes locating, describing, and documenting any historic sites found in a project area. During the survey, essentially, the entire project should be inspected. For the purposes of the federal and state laws, a historic site is one that is older than 50 years old. As you may be aware, in Hawai'i, that is really a variety of sites that can even include buildings, include ditches, trails, small rock mounds, burial sites, shrines, house sites, or agricultural field systems.

Step three is the evaluation phase, once a site has been identified, it should be evaluated. There are four criteria that we use for evaluating the significance of sites, and I won't go into these here, but I would like to make one point about the significance evaluation. Significance evaluations are essentially a planning tool that help determine the fate of a site or how it will be treated in the future. The way the criteria are applied, essentially all historic sites are significant for one reason or another. This does not mean, however, that all sites that are determined significant must be preserved, or that they're necessarily spectacular. For example, some relatively crude sites could be determined as significant. The meaning of significance evaluation is often misunderstood by the general public, and some land owners get very irate when they're told that they have significant sites, thinking that they won't be able to use their land, but often we do have ways to deal with them.

So once we have determined the significance of a site, the next step is determining the treatment of these sites, and treatment can be a range of options. A historic site can be destroyed if we've collected all the informa-

tion we need to know about it. If it's particularly important or a good representative site/type important to the Hawaiian community, we generally ask that it be preserved and protected by some sort of buffer zone or long-term management plan.

The last step is actually implementing these treatments, and we often call these treatments mitigation measures because we're mitigating the impact on them. One word of caution is that sometimes historic sites are discovered in a project area where we did not expect them, and if this happens, particularly during ground-altering activities, please call our office and we can send a staff person to inspect the site. This is particularly important in the case of burials, because the law mandates that our office be notified when burials are inadvertently discovered.

Finally, I'll mention some major points that are very important for us to see when we're reviewing applications. If you're writing a proposal or filling out an application, it's very important to describe the past land use history of a project area, particularly if the ground surface has been mechanically altered in the past, such as if it's been heavily cultivated with sugarcane or papaya orchards or it's been cleared by bulldozing. Because if the areas have been heavily altered in modern times, the likelihood of historic sites is extremely low. Also, you can have good descriptions of the location, topography, and elevation of the project area, because these are the factors that help us the most in trying to predict what sites we expect in an area, and the density of the sites.