

IEM Committee

From: Mahie Reimann <Mahie.Reimann@co.maui.hi.us>
Sent: Tuesday, August 29, 2017 10:31 AM
To: IEM Committee
Cc: Avis Teshima-Wong; Lisa Tajiri; Michele McLean; Pili Nahooikaika; William Spence
Subject: Mayor's Transmittal #5995
Attachments: Mayor's Transmittal #5995.pdf

Sand Mining (IEM-33)

Attached copy of Mayor's Transmittal dated 8/29/2017

Mahie Reimann
County of Maui
Office of the Mayor
270-7855

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

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August 29, 2017

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Elle Cochran, Chair
Infrastructure and Environmental Management Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Cochran:

APPROVED FOR TRANSMITTAL

Mayor 8/29/17
Date

SUBJECT: SAND MINING (IEM-33)

Thank you for your letter dated August 15, 2017, in reference to the Committee's August 14, 2017 meeting on this matter.

You first asked about the status of a "historic and cultural overlay ordinance" referenced in the Wailuku-Kahului Community Plan. The objectives that would be fulfilled by such an ordinance are effectively satisfied through the work of the Cultural Resources Commission (CRC), in exercising its authority under Chapters 2.88 and 19.48 of the Maui County Code. It is important to note that the CRC's authority provided by both of these chapters has been revised and clarified in the past several years. Also, an overlay ordinance is difficult to adopt and administer and, in any case, would not achieve the goal of identifying and preserving significant sites. Therefore, a new ordinance does not appear necessary at this time. But if additional tools are deemed warranted, we suggest the grading ordinance be amended to clarify when an archaeological inventory survey is required.

You next asked about assessing and preserving significant cultural resources. The referenced implementing action in the Wailuku-Kahului Community Plan mischaracterizes the nature of cultural resources management plans (also known as historic preservation plans). The existing Maui County Cultural Resources Management

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Plan does not identify any previously unknown sites. It simply lists some of the sites on the Hawaii Register of Historic Places and the National Register of Historic Places as of 1984. The implementing action confuses the purpose of the plan with an archaeological inventory survey. Inventory surveys are the most precise regulatory instruments we have available to identify and document previously undocumented sites and determine their suitability for preservation. The Maui County Cultural Resources Management Plan will be updated, but by its nature will not identify new sites.

Finally, you asked about the cultural resources maps referenced in the Wailuku-Kahului Community Plan. The Department does not use maps of cultural resources. Instead, development applications are forwarded to the State Historic Preservation Division, among other agencies, to determine whether a project could impact historic properties. That is the legal process set forth in Chapter 6E, Hawaii Revised Statutes. It would not be sufficient for the Department to use a map to determine whether a development could impact resources; SHPD must be afforded the opportunity to do that.

I also note SHPD will be a critical resource in helping the Council determine the appropriate boundaries of a cultural or archaeological district in Central Maui. The boundaries should be based on sites previously identified through archaeological surveys and studies. The Council, in conjunction with SHPD, may also find that additional research or surveying is needed to determine definitive boundaries of the proposed district. In that case, the Council could contract for those archaeological services and work with SHPD on determining the scope of those services.

Moreover, SHPD does not recommend we map cultural resources in community plans for the following reasons:

1. Sites listed in the State Inventory of Historic Places or identified in a community plan as significant may no longer exist. Also, we do not know the condition of existing sites and whether they retain their historic integrity.
2. People with historic or cultural sites on their property may not be comfortable with having this information publicized. Publicized sites can also be in danger of vandalism.
3. Some descendants may not want their ancestors' burial sites placed on public maps that are easily accessible online.

I recognize our answers to your questions reflect a view that various components of the Wailuku-Kahului Community Plan are inaccurate or inapt. However, the responses and information provided above demonstrate that the objective of these implementing actions can be achieved through alternative and more appropriate means.

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If you have further questions or need additional information, please let me know.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: John Rapacz, Planning Program Administrator (PDF)
David Raatz, Administrative Planning Officer (PDF)
Project File
17/General File

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