

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E., ACTING
Highways Division

RECEIVED
2017 JUL 17 PM 2:50
OFFICE OF THE MAYOR

COUNTY OF MAUI

DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

July 14, 2017

RECEIVED
OFFICE OF THE
COUNTY COUNCIL

2017 JUL 18 PM 3:27

RECEIVED

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

For Transmittal to:

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

APPROVED FOR TRANSMITTAL

Mayor Date

Dear Chair Cochran:

**SUBJECT: CHAPTER 6E-42 HISTORIC PRESERVATION REVIEW -
ARCHAEOLOGICAL MONITORING PLAN FOR MAUI LANI PHASE 9
PROJECT (ROTUNNO-HAZUKA AND PANTALEO DECEMBER 2013;
LOG NO 2014.04884, DOC NO 1411MD27); MORATORIUM ON
EXPORTING SAND, THE MAUI INLAND SAND RESOURCE
QUANTIFICATION STUDY AND SAND MINING REGULATION (IEM-33)**

Pursuant to your letter dated July 12, 2017 regarding Moratorium on Exporting Sand, the Maui Inland Sand Resource Quantification Study and Sand Mining Regulation (IEM-33), attached please find a copy of my letter dated July 14, 2017 to Alan S. Downer, Ph.D., Administrator, State Historic Preservation Division, regarding the above-referenced subject matter.

Should you have any questions, please feel free to contact me at Ext. 7845.

Sincerely,

DAVID C. GOODE
Director of Public Works

DCG:jso
Attachments

s:\david2\transmittals\ecochran_copy 7.14.17 letter to alan downer shpd maui lani ph 9

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E., ACTING
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

July 14, 2017

Alan S. Downer, Ph.D., Administrator
State Historic Preservation Division
601 Kamokila Boulevard, Room 555
Kapolei, Hawaii 96707

Dear Dr. Downer:

**SUBJECT: CHAPTER 6E-42 HISTORIC PRESERVATION REVIEW –
ARCHAEOLOGICAL MONITORING PLAN FOR MAUI LANI
PHASE 9 PROJECT (ROTUNNO-HAZUKA AND PANTALEO
DECEMBER 2013; LOG NO 2014.04884, DOC NO 1411MD27)**

Thank you for your participation in the Maui County Council's Infrastructure and Environmental Management (IEM) Committee meeting on July 3, 2017 regarding the Maui County Council's proposed moratorium on sand and sand mining regulation. The meeting also included a discussion on the Maui County Grading and Grubbing Permit for Maui Lani – Phase 9 (GT2014/0090). See Exhibit "A".

According to a letter dated November 26, 2014 from Morgan E. Davis, Lead Archaeologist, Maui Section, State Historic Preservation Division (SHPD), the SHPD approved an archaeological assessment survey for the Phase 9 area, concurred with a recommendation for archaeological monitoring in the area, and accepted an archaeological monitoring plan for the overall Phase 9 project. See Exhibit "B".

At the IEM Committee meeting on July 3, 2017, concerns against the permitted grading activity were raised by members of the public during public testimony. Individuals who expressed concern over the ground altering activities in the project area testified saying that applicant did not adhere to the guidelines and procedures of the approved archaeological monitoring plan for the eight (8) acre portion subject to the aforementioned permit. Testifiers specifically alleged that no archaeological monitor was present during the excavation activities at the project site. They also noted concerns relative to potential disturbance of burial remains from Na Iwi O Kupuna. It was also noted during the meeting, that a video was taken showing work on the site without an

Alan S. Downer, Ph.D., Administrator
July 14, 2017
Page 2

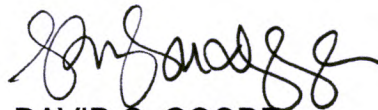
archaeological monitor. We are enclosing a CD copy of this video for your review. See Exhibit "C".

The information presented by the testifiers appear to be new information that would warrant a review of the subject archaeological monitoring plan. As such, the County of Maui Development Services Administration (DSA) requests a reconsideration of the approved Archaeological Monitoring Plan for Phase 9, pursuant to Hawaii Administrative Rules (HAR), Section 13-284-11 Relating to the Review of Findings Based on Agency Requests.

Additionally, State Historic Preservation Division representatives advised the IEM Committee that their enforcement efforts are limited as they are unable to conduct inspections on the project site unless provided with a right of entry or are escorted by Maui County officials who are authorized to enter the property. We encourage you to contact Leiane Paci or Daren Suzuki at Maui Lani Partners at (808) 244-8730 to obtain permission to enter the Maui Lani Phase 9 site to conduct your own inspections. Should you need any assistance in scheduling an inspection or need to be accompanied by DSA staff during an inspection, you may contact the DSA office by calling (808) 270-7242.

Should you have any questions, please do not hesitate in contacting my office by calling (808) 270-7845.

Sincerely,



✓ DAVID C. GOODE
Director of Public Works

DCG:RMDA:jso

Enclosures

xc: Alan M. Arakawa, Mayor
William R. Spence, Planning Director
✓ Elle Cochran, Chair, Infrastructure and Environmental Management Committee
Matthew Barker Fariss, SHPD (via E-mail)
Hinano Rodrigues, SHPD (via E-mail)
Glen A. Ueno, Development Services Administrator

s:\pwwadmin\jso\rowena\alan downer_maui lani ph 9 project 07.14.17



COUNTY OF MAUI
 DEPARTMENT OF PUBLIC WORKS
 DEVELOPMENT SERVICES ADMINISTRATION
 250 SOUTH HIGH STREET
 WAILUKU, HAWAII 96793
 Ph: (808) 270-7242 Fax: (808) 270-7972 Inspector: (808) 270-7366

GRADING AND GRUBBING PERMIT APPLICATION

PROJECT/PROPERTY INFORMATION	
PROJECT NAME	Maui Lani - Phase 9 Site Grading
TAX MAP KEY	(2) 3-8-07:153 (Por.)
ADDRESS	Maui Lani Parkway
OWNER / PERMITTEE INFORMATION	DECLARATION: The undersigned accepts the permit subject to conditions described in the General Provisions, construction plans, County Code Section 20.08, and any other document associated with the permit.
OWNER NAME	Maui Lani Partners
ADDRESS	1100 Alakea Street, Suite 2200, Honolulu, HI 96813
PHONE	808 244-8730
EMAIL	dsuzuki@mauilani.com
SIGNATURE	<i>[Signature]</i>
PRINT NAME	Daren Suzuki
If Permittee different from owner:	
PERMITTEE NAME	
ADDRESS	
PHONE	
EMAIL	
SIGNATURE	
PRINT NAME	
PERMIT INFORMATION	
<input checked="" type="checkbox"/> GRADING PERMIT	Fill: 0 (cubic yards)
	Excavate: 213,920 212,280 15 (cubic yards)
	Graded Area: 8.9 8.8 (<input checked="" type="checkbox"/> acres <input type="checkbox"/> sq. ft.)
	Maximum height/depth of excavation or fill: 45 (feet)
<input type="checkbox"/> GRUBBING PERMIT	Grubbed Area: (<input type="checkbox"/> acres <input type="checkbox"/> sq. ft.)
IDENTIFY CRITICAL AREAS LOCATED ON OR AFFECTING THE PROPERTY	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is any portion of the property located in the Special Management Area?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are there Special Flood Hazard Areas or drainageways on the property?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the property located along the shoreline?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are there wetlands located on the property?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are there known burials, cemeteries, or other historic sites on the property?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will grading affect an existing slope with a height greater than 15 feet and with a grade steeper than 35% (10H:3.5V)?	
Estimated Dates:	Start: Completion:
PERMIT APPROVAL (For county use only)	
Fee \$ 4,242.00	Bond \$ 403,920 Mkt. St. Indemnity, LLC
APPLICATION NUMBER: GT20140090	
SPECIAL CONDITIONS MSI 1013	
APPROVED BY:	PERMIT NUMBER: 920140191
<i>Catherine Hasfuth</i> 12/5/14	DATE OF ISSUANCE: 12/8/14
For: Department of Public Works	
GENERAL PROVISIONS are considered a part of this permit and are included herein by reference. Hard copy is available at Development Services Administration or can be viewed/downloaded online at County website: www.co.maui.hi.us	

(Rev. 1/12)

EXHIBIT "A"

INSPECTOR'S COPY

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 26, 2014

Cathy Hasfurther, Civil Engineer
County of Maui, Department of Public Works - DSA
Via email to: Cathy.Hasfurther@co.maui.hi.us

LOG NO: 2014.05255
DOC NO: 1411MD28
Archaeology

Aloha Ms. Hasfurther:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Grubbing and Grading Permit Application, Maui Lani Phase 9 (G T2014/0090)
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-007:153 (por.)**

Thank you for the opportunity to comment on the aforementioned application, which we originally received on September 17, 2014. The applicant is proposing to grub/grade an eight-acre portion of the approximately 30 acres comprising Maui Lani Residential Subdivision's Phase 9 project. We previously reviewed this permit and requested additional information for our review (*Log No. 2014.04265, Doc No. 1410JP04*).

We have since approved an archaeological assessment survey for the Phase 9 area, which encountered no historic properties within any of 22 mechanically-excavated trenches (Rotunno-Hazuka, *et al.* 2014; *Log No. 2014.04884, Doc No. 1411MD26*). SHPD concurred with the recommendation for archaeological monitoring based on the large number of human skeletal remains/burials encountered elsewhere in surrounding Maui Lani lands, and accepted an archaeological monitoring plan for the overall Phase 9 project (Rotunno-Hazuka and Pantaleo December 2013; *Log No. 2014.04884, Doc No. 1411MD27*). That monitoring plan applies to the eight-acre portion subject to this permit application.

Therefore, we determine that **no historic properties will be affected by the proposed project so long as monitoring occurs pursuant to the approved plan.** Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
via email to: Planning@co.maui.hi.us

County of Maui
Department of Public Works - DSW
via email to: Renee.Segundo@co.maui.hi.us

Ms. Annalise Kehler, County of Maui
Cultural Resources Commission
via email to: Annalise.Kehler@co.maui.hi.us

EXHIBIT " B "