

Council Chair  
Mike White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

RECEIVED

2017 NOV 22 PM 12:30

OFFICE OF THE  
COUNTY CLERK

November 22, 2017

The Honorable Mike White  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: RESOLUTION TO URGE PROACTIVE  
ADMINISTRATION AND ENFORCEMENT OF  
CHAPTER 6E, HAWAII REVISED STATUTES,  
RELATING TO PRESERVATION OF HISTORIC  
PROPERTIES AND NATIVE HAWAIIAN BURIALS**  
(PAF 17-271)

May I request the attached proposed resolution, entitled "URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Yuki Lei K. Sugimura".

YUKI LEI K. SUGIMURA  
Councilmember

paf:mcc:17-271b

Enclosure

COUNTY COMMUNICATION NO. 17-480

# Resolution

No. \_\_\_\_\_

URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS

WHEREAS, the State Department of Land and Natural Resources (“DLNR”) manages, administers, and exercises control over particular lands and historical properties; and

WHEREAS, DLNR, through its State Historic Preservation Division, strives to preserve and protect Hawaii’s historic identity through protecting historic properties and burial sites that may be affected during the course of land development or land alteration activities; and

WHEREAS, the Island Burial Councils make recommendations to DLNR regarding appropriate management, treatment, and protection of prehistoric and historic native Hawaiian burial sites; and

WHEREAS, pursuant to Section 6E-43, Hawaii Revised Statutes (“HRS”), at any site other than a known, maintained, actively used cemetery, where human skeletal remains are discovered or are known to be buried and appear to be over fifty years old, the remains and their associated burial goods shall not be moved without recommendation from the respective Burial Council and approval of the DLNR; and

WHEREAS, DLNR’s Division of Conservation and Resources Enforcement is responsible for the enforcement of the state law under the jurisdiction of the State Department of Land and Natural Resources, including Chapter 6E, HRS, relating to historic preservation; now, therefore,

## **Resolution No. \_\_\_\_\_**

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby urge the Governor of the State of Hawaii and the Hawaii State Legislature to take action to have the Department of Land and Natural Resources proactively implement Chapter 6E, HRS, and DLNR's own administrative rules relating to historic preservation, including:
  - a. Timely review and ongoing oversight of archaeological inventory surveys, archaeological monitoring plans, and archaeological preservation plans, including requiring that the State Historic Preservation Division conduct site inspections during the course of land alteration activities to ensure compliance with approved plans, pursuant to Chapter 13-284, Hawaii Administrative Rules ("HAR"); and
  - b. That in conjunction with the appropriate Burial Council, timely conduct obligations related to the management, treatment, and protection of native Hawaiian burial sites and human remains, pursuant to Section 6E-43, HRS, et seq., and Chapter 13-300, HAR; and
  - c. Through DLNR's Division of Conservation and Resources Enforcement, proactively enforce against violations of Chapter 6E, HRS, including violations related to failing to adhere to conditions set forth in an approved mitigation plan that includes monitoring and preservations plans; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii; the President of the State Senate; the Speaker of the State House of Representatives; the County's delegation to the State Legislature; the State of Hawaii, Department of Land and Natural Resources; DLNR's State Historic Preservation Division; DLNR's Division of Conservation and Resource Enforcement; the Mayor of the County of Maui; and the Corporation Counsel.

**Resolution No. \_\_\_\_\_**

APPROVED AS TO FORM AND LEGALITY



---

Deputy Corporation Counsel  
County of Maui

paf:mcc:17-271a  
LF2017-1443