

## LU Committee

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**From:** Anita Manzano <anitam@oha.org>  
**Sent:** Friday, October 20, 2017 11:16 AM  
**To:** planning@mauicounty.gov; LU Committee  
**Subject:** OHA Response Letter  
**Attachments:** 17-8305B OHA Response.pdf

Aloha,

Please find attached copy of an OHA Response Letter re: SHPD's Acceptance of Archaeological Inventory Survey Report and Significance Evaluations in Hana, Maui, for your records.

Mahalo,

**Anita C. Manzano**

Ka Pou Alo to the Ka Pou Kako'o

Kia'i Kanawai | Compliance Enforcement

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HRD17-8305B

October 17, 2017

Susan Lebo, Ph.D.  
Archaeology Branch Chief  
State Historic Preservation Division  
601 Kamokila Blvd., Room 555  
Kapolei, HI 96707

Re: Comments on State Historic Preservation Division's Acceptance of Archaeological Inventory Survey Report and Significance Evaluations  
Kawaipapa Ahupua'a, Hāna Moku, Maui Moku  
Tax Map Key: (2) 1-3-004:001

Aloha e Dr. Lebo:

I am writing in regards to a State Historic Preservation Division (SHPD) letter dated March 31, 2014 (Log No. 2014.00059, Doc No. 1403MD55), wherein which SHPD accepted an archaeological inventory survey (AIS) report titled, *Draft Archaeological Inventory Survey, TMK (2) 1-3-04:001, Kawaipapa Ahupua'a; Hana District; Island of Maui* (Haun and Henry 2014).

The report documents an AIS conducted of the subject parcel in 2008. During the survey, twenty-six sites, comprised of 169 features, were identified. The identified features include traditional Hawaiian stone-lined pits, walls, terraces, modified outcrops, mounds, enclosures, artifact scatters, platforms, and pavements dated pre-contact. Of the twenty-six sites, only one site, Site 4964, a historic railway grade, was recommended for preservation. Site 4964 was determined significant under Criterion A and Criterion D. No further work was recommended for twenty-two sites. Data recovery was recommended for Sites 6528, 6545, and 6550. The report also states that as an alternative to data recovery, Sites 6528, 6545, and 6550 could be preserved in accordance with a preservation plan. Twenty-one of the twenty-six sites are traditional Hawaiian habitation or agricultural sites, all of which were determined significant under only Criterion D.

OHA is concerned that SHPD accepted the AIS report and the significance evaluations in error. The traditional Hawaiian sites are significant under Criterion E and OHA and Native

Hawaiian organizations should have been consulted with regarding the significance evaluations and mitigation measures for these sites.

Pursuant to Hawai'i Administrative Rules (HAR) § 13-284-6(b)(5), sites that "have an important value to the native Hawaiian people . . . due to associations with cultural practices once carried out . . . or due to associations with traditional beliefs, events or oral accounts -- these associations being important to the group's history and cultural identity" are significant under Criterion E.

HAR § 13-284-6(c) states,

Prior to the submission of significance evaluations for properties other than architectural properties, the agency shall consult with ethnic organizations or members of the ethnic group for who some of the historic properties *may* have significance under criterion 'e', to seek their views on the significance evaluations. For native Hawaiian properties which *may* have significance under criterion "e", the Office of Hawaiian Affairs also shall be consulted (emphasis added).

Native Hawaiian organizations and OHA should have been consulted to seek our views on the significance evaluations prior to SHPD accepting the report. Although OHA argues that these sites are significant under Criterion E, OHA emphasizes that a site does not have to be determined significant under Criterion E before an agency is required to consult with OHA and other Native Hawaiian organizations on the significance evaluations. The regulations state that an agency shall consult with Native Hawaiian organizations and OHA if a property may have significance under Criterion E.

In addition to consulting with OHA and Native Hawaiian organizations about the significance evaluations, we should have been consulted with regarding proposed forms of mitigation. According to HAR § 13-284-8(a)(2),

If properties with significance, so evaluated under criterion "e" . . . are involved, the agency shall initiate a consultation process with ethnic organization or members of the ethnic group for whom the historic properties have significance under criterion "e" to see their views on the proposed forms of mitigation. For native Hawaiian properties which may be significant under criterion "e", the Office of Hawaiian Affairs also shall be consulted.

OHA is requesting that SHPD rescind their March 31, 2014 letter approving the AIS report, assess these twenty-one sites as significant under Criterion E, and provide OHA and Native Hawaiian organizations their rightful opportunity to consult about mitigation measures for these sites.

Dr. Susan Lebo, SHPD Archaeology Branch Chief

October 17, 2017

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Thank you for your attention to this matter. We look forward to your response. Should you have any questions, please contact Teresa Kaneakua, OHA Lead Compliance Specialist, at (808) 594-0231 or [teresak@oha.org](mailto:teresak@oha.org).

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KC:tk

Cc: Dr. Susan Lebo, SHPD Archaeology Branch Chief (*via email*)  
Dr. Barker Fariss, SHPD Maui Archaeologist (*via email*)  
County of Maui, Department of Planning (*via email*)  
Maui County Council, Land Use Committee (*via email*)