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July 12, 2017

Mr. William Spence, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Spence:

**SUBJECT: MORATORIUM ON EXPORTING SAND, THE MAUI
INLAND SAND RESOURCE QUANTIFICATION STUDY
AND SAND MINING REGULATION (IEM-33)**

At its meeting of July 3, 2017, the Council's Infrastructure and Environmental Management Committee received a report from the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) representatives relative to the operation, jurisdiction and enforcement authority of the division.

The SHPD representatives advised the Committee that their enforcement efforts are somewhat limited because they are unable to enter private property unless they have permission from the property owner, are accompanied by someone with authority to enter the property, or authorized by court order.

Additionally, the SHPD representatives noted that Chapter 13-284-11, Hawaii Administrative Rules, states, in part, that "Upon the request of an agency the SHPD shall reconsider the findings under sections 13-284-5 (adequate identification and inventory procedures), 13-284-6 (significance evaluations), 13-284-7 (determination of effects), and 13-284-8 (mitigation), should an agency believe new information has come forth regarding historic properties...."

Accordingly, during the Committee meetings of June 5, June 22, and July 3, 2017, testifiers noted concerns relative to potential disturbance of burial remains from Na Iwi O Kupuna. Therefore, this appears to be new information that would warrant a reconvening of review of the Final Archaeological

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Monitoring Plan for the Maui Lani Residential Phase IX Wailuku, Ahupua`a:
Wailuku District (monitoring plan).


I have submitted a similar request to the Director of Public Works, therefore, may I respectfully request your consideration of coordinating with the Department of Public Works to request SHPD to reconsider the findings of the archaeological assessment report, preservation plan, or monitoring plan based on testimony received by the Committee.

Thank you for your consideration of this request. May I also respectfully request that you provide your written response by **July 27, 2017**.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Gary Saldana at ext. 7137, or Stacey Vinoray at ext. 8006).

Sincerely,



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:ltr:033apl02:grs

cc: Mayor Alan M. Arakawa
Director of Public Works