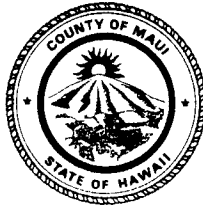


ALAN M. ARAKAWA  
MAYOR



KEITH A. REGAN  
MANAGING DIRECTOR

## OFFICE OF THE MAYOR

Ke'ena O Ka Meia  
COUNTY OF MAUI – Kalana O Maui

November 25, 2015

RECEIVED

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OFFICE OF THE  
COUNTY COUNCIL

Honorable Don S. Guzman, Chair  
and Members of the Economic Development, Energy  
Agriculture, and Recreation Committee  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Guzman and Members:

**SUBJECT: MOKU'ULA ISLAND AND MOKUHINGIA POND  
(LAHAINA) (EAR-43)**

This is in response to your letter transmitted to Mr. Kaala Buenconsejo on October 26, 2015. Please be advised that the Department of Management is overseeing the fencing project. Please find the status of the project provided by the Department of Management below:

A Fiscal Year 2015 budget amendment was requested by the Office of the Mayor on February 24, 2015 for a \$50,000 appropriation to install fencing for the Mokuhinia Ecosystem Restoration Project to minimize disturbances to significant archaeological findings previously discovered and any future findings that may be discovered during the archaeological inventory survey work. This appropriation request was approved and became effective on May 6, 2015.

Upon approval of the funding, the Department of Management staff prepared fencing specifications and advertised for construction bids twice. The first advertisement was on August 10, 2015 with a bid opening date of September 2, 2015. Unfortunately, the lowest bid submitted was \$113,697, which was over the amount of funding appropriated for the project. The second advertisement was on October 5, 2015 with a bid opening date of October 21, 2015. This second time, the lowest bid submitted was \$47,000, which was within the funding appropriated for the project. Therefore, the department initiated processing of a construction contract.

The Department of Management staff also prepared, submitted, and obtained Historic District Permit Approval, Environmental Assessment Exemption, and Special

Don S. Guzman  
November 25, 2015  
Page Two

Management Area Minor Permit Approval from the Department of Planning. Attached for your reference is the June 15, 2015 approval letter from the Department of Planning.

With approval of these permits, the contractor will be able to start construction. At this time, it is estimated that construction will begin sometime in January or February, depending on the contractor's availability.

Thank you for your attention in this matter. Should you have questions, please feel free to contact Wendy Taomoto, County Capital Improvement Program Coordinator at Ext. 6258.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Arakawa', with a long horizontal flourish extending to the right.

ALAN M. ARAKAWA  
Mayor  
County of Maui

Enclosure

cc: Keith Regan, Managing Director  
Kaala Buenconsejo, Park Director  
Wendy Taomoto, County CIP Coordinator

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 15, 2015

Ms. Wendy Taomoto, County CIP Coordinator  
Department of Management, County of Maui  
200 South High Street, 9<sup>th</sup> Floor  
Wailuku, Hawaii 96793

Dear Ms. Taomoto:

**RE: HISTORIC DISTRICT APPLICATION AND SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT FOR THE INSTALLATION OF A SIX FOOT (6') TALL CHAIN-LINK FENCE TO SURROUND THE PERIMETER OF MALU ULU O LELE PARK (ALSO KNOWN AS MOKU'ULA), LOCATED IN COUNTY HISTORIC DISTRICT 1 ON FRONT STREET, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-6-007:001 AND 002 (HDX 2015/0012) (HDA 2015/0013) (SMX 2015/0195) (SM2 2015/0047) (EAE 2015/0044)**

The Department of Planning (Department) received the application for Historic District review and SMA Assessment on April 27, 2015, along with accompanying documentation regarding the exemption from Chapter 343, Hawaii Revised Statutes (HRS), relative to Environmental Impact Statements. The application was filed by the County of Maui, Department of Management (Applicant), for Malu Ulu O Lele Park, also known as Moku'ula. The property currently has several types of fencing in and around the park facility, and the goal of this application is to provide consistent fencing that will limit access to the property and protect the archeological resources of the site during the period of archeological study and perhaps into excavation and wetland reconstruction.

At its regular meeting on June 4, 2015, the Maui County Cultural Resources Commission (CRC) reviewed the above request and, after due deliberation, voted to recommend approval of the project and revised site plan as presented to the CRC with the stipulation that the fencing adjoining the Waive'e Cemetery utilize foot stands instead of digging post holes.

**HISTORIC DISTRICT ADMINISTRATIVE APPROVAL**

The proposed event will take place in Historic District No. 1, and within the Lahaina National Historic Landmark District and therefore, is subject to the Historic District Ordinance. We have determined that an administrative review for the Historic District permit under

Section 12-531-19 of the "Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission" is appropriate – having received review and comment from the CRC. These rules delegate review to the Planning Director when the value of a project is minimal. We note that these exemptions and your HDA are based on the representations made in the application and presented to the CRC on June 4, 2015.

**In consideration of the above determination, you are hereby granted Historic District Commission Approval (HDA 2015/0013) subject to the following conditions:**

1. The project archeologist shall have sole discretion regarding the placement and type of post or footing to be used in the location of the fencing, with the understanding that where archeological resources are expected (*i.e.*, bordering the Wainē Cemetery and into the property several feet) or referred to in written or oral accounts of the area that foot stands are preferred.
2. As represented, the Applicant shall utilize green, PVC-coated galvanized fence. The fencing shall be a minimum of six feet (6') high with gates that shall remain locked unless being accessed for activities approved by the Friends of Moku'ula, the project archeologist and her team, or the County of Maui.

#### **ENVIRONMENTAL ASSESSMENT EXEMPTION**

In addition, the Department notes that the proposed action occurs within the Lahaina National Historic Landmark District and, therefore, triggers compliance with HRS, Chapter 343. However, the proposed action does not require an Environmental Assessment since it meets one (1) of the exemption categories provided in the law. For the proposed activity (installation of temporary structures), HRS, Chapter 343, provides certain exempt categories including:

*Construction and location of single, new, small facilities or structures and the alteration and modification of the same,*

*Construction or placement of minor structures accessory to existing facilities.*

**Therefore, the proposed activities are exempt from the provisions of HRS, Chapter 343, and the activity is granted an Environmental Assessment Exemption (EAE 2015/0044).**

#### **SPECIAL MANAGEMENT AREA MINOR PERMIT APPROVAL**

In accordance with the SMA Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development; site improvements are anticipated;

Ms. Wendy Taomoto, County CIP Coordinator  
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2. The project has a valuation not in excess of \$500,000.00;  
(Valuation: \$50,000.00)
3. The project has no significant adverse environmental or ecological effects, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies, and Special Management guidelines set forth in the HRS, Chapter 205-A, and is consistent with the County General Plan, the Maui Island Plan, and the West Maui Community Plan and Zoning.

In consideration of the above determination, the SMA minor permit (SM2 2015/0047) is hereby granted, subject to the following conditions, including:

1. That construction of the proposed project on the property under review shall be in accordance with the description and plans submitted to the Department and presented to the CRC on June 4, 2015.
2. That Best Management Practices (BMPs) be used in the implementation of the proposed work. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
3. It is understood that ground-altering activities will take place as part of this permit and in accordance with the Archeological Inventory Survey Plan on file with the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD). All work shall immediately cease and the DLNR-SHPD office on Maui be contacted at (808) 244-5169 should any historical or archaeological artifacts be discovered during ground-altering activities.
4. That full compliance with all other applicable governmental requirements and conditions of approval as written and required by other agencies regarding this proposed project and associated construction shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Erin Wade at [erin.wade@mauicounty.gov](mailto:erin.wade@mauicounty.gov) or at (808) 270-5517.

Sincerely, -



WILLIAM SPENCE  
Planning Director

Ms. Wendy Taomoto, County CIP Coordinator  
June 15, 2015  
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xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
Annalise Kehler, Cultural Resource Planner (PDF)  
Erin K. Wade, Small Town Planner (PDF)  
Project File  
General File

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