LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

January 22, 2010

Mr. George P. Young, P.E.
Chief, Regulatory Branch
U.S. Army Corp of Engineers
Building 230
Fort Shafter, Hawai‘i 96858-5440
amy.s.klein@usace.army.mil

LOG NO: 2009.3578
DOC NO: 1001PC22
Archaeology

SUBJECT: Section 106 National Historic Preservation Act Review – Comments Regarding Change in Location of Compensatory Mitigation for Proposed Maui Medical Plaza Wailuku/Waihe‘e Ahupua‘a, Wailuku District, Island of Maui
TMK: (2) 3-7-011:028; (2) 3-2-040:001; (2) 3-2-040:002

Thank you for the opportunity to review the aforementioned project, correspondence for which we received on December 18, 2009. Please accept our apologies for the delay in commenting.

Just over one year ago we commented on the compensatory mitigation for the filling of approximately 0.95 acre of wetland adjacent to Kanaha Pond, which at that time was proposed within/near the area of impact for construction of a medical office facility (SHPD LOG NO: 2008.5284; DOC NO: 0901PC06). Since then, the location of mitigation has been changed to a four acre portion of the Maui Coastal Land Trust’s Waihe‘e Coastal Dunes and Wetlands Refuge at TMK (2) 3-2-040:001 and (2) 3-2-040:002.

Mitigation will involve the removal of invasive species along a one acre portion of wetland behind an existing sand dune and within a four acre portion of the wetland itself in front of the sand dune. Upon removal of the invasive species, the area will be replanted with *ahuawa* (*Cyperus javanicus*), *makaloa* (*Cyperus laevigatus)* and *kalua* (*Bolboschoenus maritimu*). Work will be completed using a forestry mulcher in order to limit impacts to the surface and avoid ground altering disturbance.

Numerous archaeological sites, including at least 20 locations comprising 167 human burials, have been identified within the refuge area thus far. All of the sites are subject to long-term preservation commitments and a general monitoring plan for the overall refuge area prepared by Akahele Archaeology was reviewed and accepted by this office in 2007 (SHPD LOG NO: 2007.3717; DOC NO: 0803JP01).

The Army Corps of Engineers has proposed that the following conditions be attached to the project:

1. A professional archaeologist must be on-site to monitor for the presence of archaeological resources during all mitigation activities within the mitigation area at Waihe‘e Coastal Dunes and Wetlands Refuge. As per the approved monitoring plan, the archaeologist must have the

authority to halt excavation in the event that cultural materials are identified. **Consultation with the State Historic Preservation Division will occur in this event, to determine an acceptable course of action**. The U.S. Army Corps of Engineers (Corps), Honolulu District Regulatory Branch must also be immediately notified.

2. If human burials or remains, historic or archaeological resources are encountered during mitigation work, all activities in the immediate area shall cease and the permittee must notify the U.S. Army Corps of Engineers (Corps), Honolulu District, Regulatory Branch within one business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations.

Because compensatory mitigation will be limited to the surface removal of invasive vegetation, replanting of indigenous vegetation and a qualified archaeologist will be on site to monitor the work, we concur that it should have *no effect on historic resources*.

If you have any questions or comments regarding this letter, please contact the SHPD's Lead Maui Archaeologist, Ms. Patty Conte (Patty.J.Conte@hawaii.gov).

Aloha,

Nancy A. McMahon

Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: Jeff Hunt, Director, Dept. of Planning, FAX (808) 270-7634
Maui CRC, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793