



**MUNEKIYO HIRAGA**

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VICE PRESIDENT

Tessa Munekiyo Ng  
VICE PRESIDENT

October 12, 2015

Russell Y. Tsuji, Land Administrator  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Kapolei, Hawai'i 96813

SUBJECT: Wai'ale Project District South CPA 2015/0001, CIZ 2015/0001, PH1 2015/0001; Wailuku/Waikapu Ahupuaa, Wailuku District, Island of Maui; TMK: (2) 3-8-005:037 and 040 (por.)

Dear Mr. Tsuji:

This letter is provided in response to a memorandum from Ms. Morgan E. Davis at the State Historic Preservation Division (SHPD) dated October 2, 2015, (LOG NO: 2015.01240/DOC NO: 1509JP14). See **Exhibit "A"**. As the memorandum is addressed to you, it appears it may be in response to your request for comments from DLNR divisions on the subject Wai'ale Project District South Community Plan Amendment, Change in Zoning, and Project District Phase I applications that you received from the County of Maui Department of Planning in March 2015. The Applicant, A&B Properties, Inc., was copied on the memorandum and requested that we respond on their behalf.

Prior to receiving a copy of the October 2, 2015 SHPD memorandum, we received a similar comment letter from the SHPD dated September 28, 2015 (LOG NO: 2015.01192/DOC NO: 1509JP11) on the subject applications. See **Exhibit "B"**. Upon receiving the September 28, 2015 comment letter from the SHPD on October 1, 2015 we contacted Ms. Jenny Pickett at SHPD to request a meeting to clarify the Project scope as well as previous archaeological plans and reports that were submitted and approved by the SHPD. In lieu of meeting, Ms. Pickett requested an area of potential effect map and additional information on the archaeological plans. Our response dated October 6, 2015 clarified that there is no documented evidence of any burials within the Wai'ale South Project area covered by the subject application. See **Exhibit "C"**. Our response letter included a copy of SHPD's letter accepting the Archaeological Inventory

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Russell Y. Tsuji, Land Administrator  
October 12, 2015  
Page 2

Survey that Scientific Consultant Services, Inc. prepared for the Wai'ale Environmental Impact Statement. Refer to **Exhibit "C" – Attachment 2**. As we did not have the opportunity to meet with Ms. Pickett to clarify these facts before either of her memos were issued, we respectfully offer the enclosed information in response to her comments.

Should you have any questions, please contact me at (808) 244-2015.

Very truly yours,



Marisa Fujimoto  
Senior Associate

MF:tn

Attachments

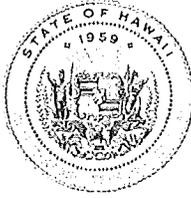
cc: Daniel Yasui, A&B Properties, Inc.  
Grant Chun, A&B Properties, Inc.  
Danny Dias, Department of Planning  
Clayton Yoshida, Department of Planning  
Annalise Kehler, Department of Planning  
Renee Segundo, Department of Public Works, Development Services Administration  
Daniel E. Orodenker, State Land Use Commission  
Vincent Shigekuni, PBR Hawaii & Associates, Inc.  
MLIBC, Maui Island

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***EXHIBIT "A"***

***SHPD Memorandum Dated  
October 2, 2015***

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
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  
ENFORCEMENT  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

October 2, 2015

MEMORANDUM

TO: Russell Y. Tsuji, Land Administrator  
DLNR Land Division  
Via email to: [Russell.Y.Tsuji@hawaii.gov](mailto:Russell.Y.Tsuji@hawaii.gov)

Log No: 2015.01240  
Doc No: 1509JP14  
Archaeology

A handwritten signature in black ink, appearing to read "Morgan E. Davis".

FROM: Morgan E. Davis, Lead Archaeologist Maui Section

SUBJECT: Chapter 6E-42 Historic Preservation Review –  
Wai'ale Project District South CPA 2015/0001, CIZ 2015/0001, and PH1 2015/0001  
Wailuku/Waikapū Ahupua'a, Wailuku District, Island of Maui  
TMK (2) 3-8-005:037 and 040 por.

Thank you for the opportunity to review the submittal received by our office on March 31, 2015. We apologize for the delay in our reply. Proposed plans include a master planned residential community with single and multi-family homes, village mixed use area, parks and open space, landscaped entries and collector roads, and related improvements. The proposed work involves 50 acres provided to the County of Maui; 40 acres for affordable housing; seven acres for a Community Center; and three acres for a neighborhood park. The subject land area consists of approximately 545 acres on the following TMK parcels: (2) 3-8-005: 023 and 037; 3-8-007: 071, 101, and 104.

The subject area is located in Aeolian and alluvial sand and clay deposits, which are known to contain human burial features. Reconnaissance level archaeological research and archaeological inventory survey level documentation has occurred throughout portions of the subject area. Additional archaeological inventory survey level documentation is crucial to identify culturally sensitive locations within the subject area. At this time, archaeological inventory, data recovery, preservation, and mitigation commitments have not been agreed upon for the burial preservation sites, the plantation ditch features, potential World War II features, as well as the historic orchid and POG juice farms. We do not have enough information to determine any potential effects the proposed project may have on historic properties.

The submittal indicates an archaeological inventory survey report was completed by Scientific Consultant Services, Inc. (SCS). The SCS report states necessary mitigation measures need to be determined for human burial features as well as historic ditch features. Traditional Hawaiian archaeological sites comprised of human burials and a surface structure were listed as State Inventory of Historic Places (SIHP) 50-50-04-4200 containing at least four human burials and associated artifacts; SIHP 4201 (at least one human burial); and SIHP 4202 (a tiered terrace constructed of water worn basalt rocks). Permanent preservation was recommended for the three sites (Moore and Kennedy 1998). In addition, we have not received the required archaeological documentation within the proposed project area from archaeological monitoring, data recovery, and preservation work conducted by Archaeological Services Hawai'i (ASH). SCS did not address any of the numerous human burial sites identified in a large portion of the subject area where ASH conducted former archaeological projects, consequently critical data is not contained within the archaeological inventory survey.

We do not concur with the *Archaeological and Historic Resources* summaries in the *Environmental Impact Statement* indicating compliance with the Hawai'i Revised Statutes (HRS) and Hawai'i Administrative Rules (HAR). HRS 6E-

EXHIBIT A

Russell Y. Tsuji, Land Administrator  
DLNR Land Division  
October 2, 2015  
Page 2

43.6 (1) states: *In discoveries related to development where land alteration project activities exist, the landowner, permittee, or developer shall be responsible for the execution of the mitigation plan including relocation of remains...* It appears as if issues regarding many significant findings in the subject area have not been adequately addressed or resolved. Archaeological compliance needs to be completed, in order to address mitigation measures to avoid or minimize impacts to significant cultural sites, including burials.

In summary, we strongly **request additional information** with respect to the partially documented and potentially undocumented historic properties located within the subject area. A comprehensive area-specific updated **archaeological inventory survey addendum** must be completed in order to assess the potential effect the proposed project may have on historic properties. Mitigation commitments must be discussed and determined. In addition, we continue to await the **submittal of the severely past-due archaeological plans and reports** with respect to the former Moore/Kennedy and ASH archaeological projects. Please contact Jenny Pickett at (808) 243-5169 or [Jenny.L.Pickett@hawaii.gov](mailto:Jenny.L.Pickett@hawaii.gov) if you have any questions or concerns about this memorandum.

cc: MLIBC      County of Maui  
Maui Island    Department of Planning  
                  [Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

Mr. Grant Chun, Vice President  
A&B Properties, Inc.  
P.O. Box 156  
Kahului, Hawaii 96732

County of Maui  
Department of Public Works – DSA  
[Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us)

Mr. Vincent Shigekuni, Vice President  
PBR Hawaii & Associates, Inc.  
1001 Bishop Street  
ASB Tower, Suite 650  
Honolulu, Hawaii 96813

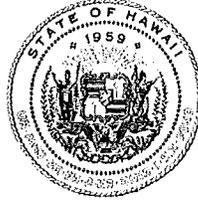
County of Maui  
Cultural Resources Commission  
[Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)

Mr. Dan Davidson, Executive Officer  
State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

***EXHIBIT "B"***

***SHPD Comment Letter Dated  
September 28, 2015***

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
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SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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AQUATIC RESOURCES  
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ENGINEERING  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

September 28, 2015

Danny Dias, Staff Planner  
County of Maui Department of Planning  
Via email to: [danny.dias@mauicounty.gov](mailto:danny.dias@mauicounty.gov)

LOG NO: 2015.01192  
DOC NO: 1509JP11  
Archaeology

Aloha Mr. Dias,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –  
Wai‘ale Project District South CPA 2015/0001, CIZ 2015/0001, and PH1 2015/0001  
Wailuku/Waikapū Ahupua‘a, Wailuku District, Island of Maui  
TMK (2) 3-8-005:037 and 040 por.**

Thank you for the opportunity to review the submittal received by our office on March 27, 2015. Proposed plans include a master planned residential community with single and multi-family homes, village mixed use area, parks and open space, landscaped entries and collector roads, and related improvements. We understand the proposed work involves 50 acres provided to the County of Maui; 40 acres for affordable housing; seven acres for a Community Center; and three acres for a neighborhood park.

The subject area is located in Aeolian and alluvial sand deposits, which are known to contain human burial features. Reconnaissance level archaeological research has occurred for portions of the subject area and an archaeological inventory survey report occurred for some portions. We believe additional archaeological inventory survey work is necessary in order to determine any potential effects the proposed project will have on historic properties. At this time, archaeological mitigation has not been presented and agreed upon for the burial preservation sites, the plantation ditch features, potential World War II features, as well as the historic orchid and POG juice farms. At this time, we do not have enough information to determine any potential effects the proposed project may have on historic properties.

The submittal indicates an archaeological inventory survey was conducted by Scientific Consultant Services (SCS) for the proposed project. We note the TMK numbers and parcels do not correlate. In addition, the submitted archaeological inventory report states:

...several actions should be taken to mitigate the current status of the section of the Spreckels Ditch (Site -1508) located in the project area and *in situ* human burial (Site -5504) located near Kuihelani Highway. The Spreckels Ditch is listed on the State of Hawai‘i’s preservation list and it is currently in use. A Preservation Plan for this portion of the ditch will be submitted to the SHPD for review. Per Site -5504, two steps are proposed. First, a predetermined area of the sand berm in which exposed, displaced human remains alerted the presence of a traditional human burial site (Site -5504), should be screened for recovery of any other displaced [osseous] remains. Second, a Burial Treatment Plan will be prepared for Site -5504 and submitted to the SHPD for review.

The SCS report further states several archaeological studies were conducted within portions of the project area such as Moore and Kennedy (1998). Traditional Hawaiian archaeological sites comprised of human burials and a surface structure were listed as State Inventory of Historic Places (SIHP) 50-50-04-4200 containing at least four human burials and associated artifacts; SIHP 4201 (at least one human burial), and SIHP 4202 (a tiered terrace constructed of water worn basalt rocks). Permanent preservation was recommended for the sites located within the proposed project area. Preservation and mitigation plans still need to be completed for the findings listed in the 1998 archaeological report. In addition, separate archaeological projects occurred within TMK: (2) 3-8-07: 101 (por.) conducted by Archaeological Services Hawaii (ASH). We have not received the required reports and plans from the archaeological monitoring, data recovery, and work conducted by ASH within the proposed project area.

**EXHIBIT B**

Archaeological and cultural issues regarding significant findings in the subject area have not been adequately addressed or resolved. Archaeological compliance needs to be completed, in order to address mitigation measures to avoid or minimize impacts to significant cultural sites, including burials. Unfortunately, we have not received archaeological reports for the previously grubbed, mined, and graded portions of the subject area. In order to determine any potential effects to significant sites, we need updated documentation for the subject area, and immediately adjacent areas.

Please note the information contained within the submitted SCS report states *as the sites occur within another archaeological contractor's project area, it was determined by SCS that the responsibility...fell under the jurisdiction of ASH*. Therefore, documentation and proposed mitigation measures have not been addressed for significant human burial features. We strongly request the completion and submittal of an archaeological report documenting all of the prior findings within the ASH subject area, to date. Please provide this necessary documentation as soon as possible.

In summary, we **request additional information** regarding potential historic properties within the subject area, and strongly recommend an updated, project-specific, and comprehensive **archaeological inventory survey** in order to assess the potential effect the proposed project may have on historic properties. Please contact Jenny Pickett at (808) 243-5169 or [Jenny.L.Pickett@Hawaii.gov](mailto:Jenny.L.Pickett@Hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

cc:	County of Maui Department of Planning <a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a>	County of Maui Department of Public Works – DSA <a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a>	County of Maui Cultural Resources Commission <a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a>
	Mr. Grant Chun, Vice President A&B Properties, Inc. P.O. Box 156 Kahului, Hawaii 96732	Mr. Vincent Shigekuni, Vice President PBR Hawaii & Associates, Inc. 1001 Bishop Street ASB Tower, Suite 650 Honolulu, Hawaii 96813	Mr. Dan Davidson, Executive Officer State Land Use Commission P.O. Box 2359 Honolulu, Hawaii 96804

***EXHIBIT “C”***

***Response to SHPD Comment Letter  
Dated September 28, 2015***



## MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo  
PRESIDENT

Karlynn K. Fukuda  
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy  
VICE PRESIDENT

Tessa Munekiyo Ng  
VICE PRESIDENT

October 6, 2015

Morgan Davis  
Lead Archaeologist, Maui Section  
Department of Land and Natural Resources  
State Historic Preservation Division  
Kakuhihewa Building  
601 Kamokila Blvd., Suite 555  
Kapolei, Hawai'i 96707

SUBJECT: Wai'ale Project District South (CPA 2015/0001, CIZ 2015/0001,  
PH1 2015/0001)  
TMK: (2) 3-8-005:037 and 040 (por.)

Dear Ms. Davis:

Thank you for your letter dated September 28, 2015, (LOG NO: 2015.01192/DOC NO: 1509JP11) in response to the Planning Department's request for comments on the Wai'ale Project District South Community Plan Amendment, Change in Zoning, and Project District Phase I applications. On behalf of the Applicant, A&B Properties, Inc., we offer the following responses to your comments in the order of your comments:

1. This Wai'ale South Project comprises approximately 123 acres and is situated south of East Waiko Road. See **Attachment 1** for Area of Potential Effect (APE) map. Please note that the subject County land use applications that were routed to you for your review are for the Wai'ale South Project only and do not include lands north of East Waiko Road (Wai'ale North). The 50 acres planned to be provided to the County of Maui for affordable housing, community center, and park use referenced in your letter are in the Wai'ale North area and are not included in the Wai'ale South Project area.
2. In February 2010, Scientific Consultant Services, Inc. completed an archaeological inventory survey (AIS) for an Environmental Impact

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**EXHIBIT C**

Statement for Wai'ale. The AIS covered the Wai'ale South and Wai'ale North project areas. By letter dated February 28, 2010 (LOG NO.: 2010.1166/DOC NO. 1002PC41), the State Historic Preservation Division (SHPD) accepted the AIS. See **Attachment 2**. The AIS reported that the majority of the Wai'ale South survey area consisted of remnant/fallowed sugar cane and subsurface testing found no evidence of historic resources. Additionally, archaeological monitoring will occur for ground disturbing work for the Project in accordance with AIS recommendations. Both the AIS and the SHPD acceptance letter were included as appendices to the 2011 Wai'ale Final Environmental Impact Statement, which was submitted with the Wai'ale South Project applications.

3. At the time of the 2010 AIS, the Wai'ale South area was identified as TMK (2) 3-8-005:037 and (2) 3-8-005:023 (por.), however since then, TMK (2) 3-8-005:023 was re-designated as TMK (2) 3-8-005:040.
4. The burial sites you refer to in your letter are situated in Wai'ale North which is not included in the Project area for these applications. There is no documented evidence of any burials within the Wai'ale South Project area.
5. Although Sites 50-50-05-5504 and 6679 are not located in the Wai'ale South Project area, please note that a burial preservation plan was completed for these sites in September, 2010, by Archaeological Services Hawai'i, LLC. This plan was accepted by the SHPD via letter dated September 13, 2010 (LOG NO.: 2010.0116/DOC NO. 1009.HR02). Both the burial preservation plan and the SHPD acceptance letter were included as appendices to the 2011 Wai'ale Final Environmental Impact Statement, which was also submitted with the Wai'ale South Project applications.

Morgan Davis  
October 6, 2015  
Page 3

We appreciate your comments on the proposed Project. Should you have any questions, please contact me at (808) 244-2015.

Sincerely,



Marisa Fujimoto  
Senior Associate

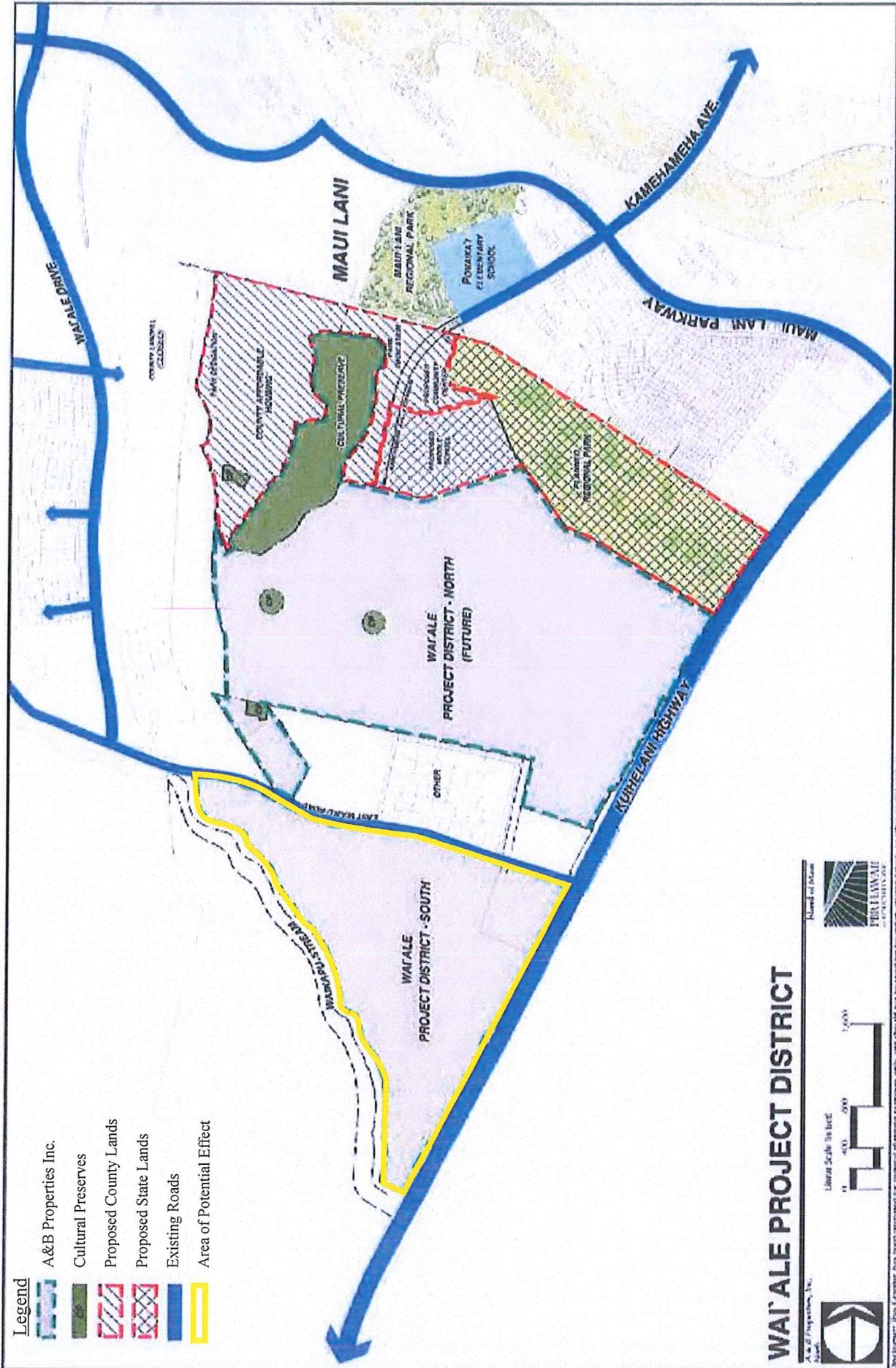
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Attachments

cc: Daniel Yasui, A&B Properties, Inc.  
Danny Dias, Department of Planning  
Clayton Yoshida, Department of Planning

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# Attachment 1 - Area of Potential Effect Map



ATTACHMENT 1

PDF - Q:\Main\Wai'ale (Maui)\Photoshop\2014 Concept Plans\Plan\2014-0123 Wai'ale Project Area.pdf  
 Date: 11/14/2014 10:53 AM  
 Author: A&B Properties, Inc.

LINDA LINOLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE HISTORIC PRESERVATION DIVISION  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

February 28, 2010

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
711 Kapiolani Boulevard, Suite 975  
Honolulu, Hawai'i 96813  
[shpdreply@scshawaii.com](mailto:shpdreply@scshawaii.com)

LOG NO: 2010.1166  
DOC NO: 1002PC41  
Archaeology

**SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED  
Archaeological Inventory Survey of Six Separate Parcels Comprising 607 Acres  
Wailuku/Waikapu Ahupua'a, Wailuku District, Island of Maui, Hawai'i  
TMKs: (2) 3-8-005:023 por.; (2) 3-8-005:037; (2) 3-8-007:071; (2) 3-8-007:101;  
(2) 3-8-007:102; (2) 3-8-007:104**

Thank you for the opportunity to again review this revised report, which our staff received in PDF format on February 23 (Tome and Dega 2010): *An Archaeological Inventory Survey of Approximately 607 Acres of Land...* Scientific Consultant Services, Inc.

The report was reviewed by SHPD staff on July 30 of 2009 (SHPD LOG NO: 2009.2922; DOC NO: 0907PC38), December 23 of 2009 (SHPD LOG NO: 2009.4702; DOC NO: 0912PC82) and again on February 12 of 2010 (SHPD LOG NO: 2010.1137; DOC NO: 1002PC06), resulting in several requested revisions.

The survey area as described in the report has been revised from the original 616.74 to 607 acres comprising a portion of TMK (2) 3-8-005:023 and the entirety of TMKs (2) 3-8-005:037 and (2) 3-8-007:071, 101, 102 and 104. Fieldwork, carried out between June 23 and September 4, 2008 and again during September of 2009, was comprised of a 100% pedestrian survey, identification and recording of sites and included the mechanical excavation of 282 trenches and five manually excavated test units. One new site, now on record as SIHP #50-50-04-6578 [subsurface fire pit/*imu*], was identified in ST 90, with two previously identified sites, SIHP #50-50-04-1508 [portion of the Spreckels Ditch] and #50-50-04-5504 [traditional period *in situ* human burial] also found to be within the bounds of the current survey area.

The report now contains the required information as specified in HAR §13-276-5 regarding report documentation of inventory level field work completed in general and is acceptable.

We agree that SIHP #50-60-04-1508 (Spreckels Ditch), -5504 and -6578 are significant under Criterion D of the National and Hawai'i Registers of Historic Places for their ability to yield information important to history or prehistory and that -1508 is further significant under Criterion A for its association with events that have made an important contribution to the broad patterns of Hawai'i State history (*i.e.*, Maui's sugar

industry). As a traditional period burial site, SIHP #50-50-04-5504 is also significant under Criterion E of the Hawai'i Register of Historic Places for its importance to the native Hawaiian people.

We are also in agreement that full-time archaeological monitoring should occur during all future ground altering disturbance in the project area where sand stratigraphy is known to be present as well as areas which were not subject to subsurface testing during the inventory survey. As such, a project wide monitoring plan will also need to be submitted for review and approval to the SHPD prior to any ground altering disturbance getting underway.

Lastly, while identified in 2003 by an Archaeological Services Hawai'i, LLC employee, it appears that no formal mitigation or preservation of SIHP #50-50-04-5504 has yet occurred. We agree that with respect to the displaced human remains first observed in the sand berm that parallels Kuihelani Highway, the berm should be closely monitored by at least two individuals for the purposes of recovering any additional displaced human remains. A Burial Treatment Plan should also be written for this site and submitted to the SHPD Culture & History section and the MLIBC for consultation and approval.

Now that the archaeological inventory report has been accepted pursuant to HAR §13-276, please send one hardcopy and a text searchable PDF copy on CD, clearly marked **FINAL** to the attention of "**SHPD Library**" at the Kapolei SHPD office. However, before doing so, please correct the typo on page 62 which refers the SIHP #50-50-04-6578 as SIHP #50-50-04-5504.

Aloha,



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