

Kedy King 2/8/2023  
Testifier # 2

**Maui Tomorrow Foundation**

**Comments on Section 2.5 of Draft South Maui Community Plan February 8, 2023**

Important elements of the current Kihei-Makena Community Plan were left out of Section 2.5 of the 2022 Draft of the South Maui Community Plan. We recommend that those key elements be reinstated in the current draft.

Daniel Kanehele's recommendations are sound and well thought out. We recommend further strengthening the language of the policies (as noted below), providing more specific actions to ensure implementation, and revisiting the existing Kihei-Makena Community Plan for reference. In addition, the Action Items section could reference the upcoming Department of 'Oiwi Resources for implementation and pathways to enforcement.

Furthermore, Maui Tomorrow recommends that the following be implemented for the entire plan:

1. Include a column in the ACTION documents that indicates which policy is being implemented by the ACTION. This column could be included after the TYPE column.
2. Make sure that every policy is addressed by one or more implementing actions.
3. Refer to state and county laws and ordinances by number or reference within the community plan policy when that policy confirms or strengthens an existing law or ordinance.
4. Develop and adopt an ordinance that empowers the community advisory committees to act as a quarterly monitoring body to review and make recommendations for compliance and enforcement of the Community Plans.

**PROPOSED AMENDMENTS TO SECTION 2.5 OF THE DRAFT PLAN:**

**2.5.1**

~~Ensure new development~~ **REQUIRE** projects seeking county permits to provide continued access to kuleana lands **protected under Section 7-1, Hawai'i Revised Statutes, and preserve and protect access for any lands where native Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes may be permitted in accordance with Article XII, Section 7, of the Hawaii State Constitution, and the Hawaii Supreme Court's PASH opinion, 79 Haw. 425 (1995).**

**Action Item:**

**Require review for all permits at the county for adherence to this policy. Continued monitoring and enforcement of this policy will be required through the Department of 'Oiwi Resources. (Policy 2.5.1)**

Recommend:  
Enforcement in accountability to do quarterly reviews beyond when the plans get accepted to ensure the approved plans are being implemented - need action to enforce the policies & actions.

### 2.5.2

New development projects shall engage in consultation with native Hawaiian Organizations, and those who have genealogical or generational ties, as well as other knowledgeable individuals connected or associated with the project area, as provided by HAR13-276, and provide evidence of this engagement to the Planning Department.

### 2.5.3

Identify, preserve, protect, and restore significant wahi kūpuna and historic properties in South Maui. Implement mitigation requirements to protect wahi kūpuna, historic properties and cultural resources from the negative impacts of over-tourism.

*Action Item:*

Develop and adopt a map by ordinance and through a commissioned study that identifies all historic or cultural sites, historic or traditional roads and trails, historic districts, and indigenous architecture. These sites will be preserved. (Policies 2.5.1, 2.5.3, 2.5.6)

(This action is revived from the existing "old" CP, as seen on page 49 of the [Kihei-Makena Community Plan 1998](#) KMC-P)

*Action Item:*

Establish a Cultural Center and Museum in the South Maui region to promote stewardship of its rich history and perpetuate what exists in its mo'olelo. One potential site could be the 4.4 acres at Ka'ono'ulu that have been dedicated for such a purpose (as specified in 2020 Land Use Commission Stipulated Amended Findings of Fact) by the landowners of Pi'ilani Promenade. A community-based museum will be the caretaker of artifacts, photos and other documents pertaining to the region. A **community** cultural center will provide a gathering place for the public and tourists to help preserve, portray and share the arts, crafts, language, **knowledge** and traditions of the living 'ōiwi culture.

### 2.5.6

Preserve and restore historical roads, government roads and trails and traditional pathways as cultural resources, and require such resources to be available to the public.

*Action Item:*

Support funding for a Comprehensive study of South Maui's historic and traditional roads and trails that will be made available via the County website to land use consultants, county departments, state agencies, and the county archaeologist.

### 2.5.8

Use traditional ecological knowledge, in coordination with cultural practitioners and in consultation with those who have generational knowledge ('ike kūpuna) in the design of new development, redevelopment projects, and environmental restoration efforts.

**Action Item:**

Establish mauka migration zones for wetlands (loko 'ia) and other culturally and environmentally important lands that may cease to exist as sea level rise progresses, taking into account that landward migration of coastal wetlands will not fully compensate for seaward losses (Policies 2.5.8, 2.5.1, 2.5.6)

**2.5.9**

Encourage community stewardship of historic sites, as well as voluntourism and ecotourism that increases awareness of wahi kūpuna and South Maui's history

**2.5.10**

When wahi kūpuna or other historic properties are located within or adjacent to a project area, require restoration or preservation of the site(s) and require mitigation of potential adverse impacts on cultural resources during construction, as directed by State Historic Preservation Division, Maui County Archaeologist, or other applicable laws and regulations, including site avoidance, adequate buffer areas and interpretation. Particular attention should be directed toward the southern areas, natural gulches, wetlands, and shoreline of the planning region.

**Action Item:**

Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process. Further require that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources, including site avoidance, adequate buffer areas and interpretation. Particular attention should be directed toward the southern areas of the planning region (From Existing K-MCP, page 24) (2.5.10)

**Action Item:**

Upon final approvals of Honua'ula (formerly "Wailea 670"), the developer shall implement a minimum 170 acre preserve of the Honua'ula Cultural Landscape, as proposed in its Phase II Project District permit, for historic sites and native flora and fauna and the historic Kanaio-Kalama road/trail. The preserve boundaries shall be recorded with the Bureau of Conveyances, protected by a Conservation easement held by a reputable and experienced Hawaii land trust and shall have an adequate management fund in perpetuity to meet the conservation and preservation goals set out in the project's accepted Conservation Plan. Cultural, educational and recreational access shall be permitted in the preserve. and parking access provided. (2.5.10)

**Action Item:**

Upon final approvals of ATC Makena's ("Makena Beach and Golf Club") Makena Ka'eo North (Phase I and II) and Makena Ka'eo South development projects, (TMK (2) 1-1-008:080, 098,099,100 (por) and 106 (por)) the developer shall implement a cultural preserve, as proposed in its final archaeological preservation plan, for historic sites and and historic roads and trails. This will include protection for a 13 ft wide public access corridor for the Old Makena-Ulupalakua Rd (1850's) , and the historic mauka-makai 'Aupuni road (ca 1830's- as shown on state Reg Map 170.) The cultural preserve boundaries shall be recorded with the

State Bureau of Conveyances with the deed of the land, shall be protected by a Conservation easement held by a reputable and experienced Hawaii land trust, and shall have an adequate management fund in perpetuity to meet the conservation and preservation goals set out in the project's accepted 6-E Historic Preservation Plans. As pledged, a Cultural Manager shall be engaged for the preserves and cultural, educational and recreational access shall be permitted in the preserves, and parking access provided. (2.5.10)

**Action Item:**

Upon final approvals of ATC Makena's ("Makena Beach and Golf Club") "Ulupalakua-Seibu" subdivision ("Makena Ranch Estates") TMK: (2) 2-1-008:108 (por) development project, the developer shall implement a minimum 100-acre cultural landscape preserve for native plants and archaeological sites. The cultural preserve boundaries shall be recorded with the State Bureau of Conveyances with the deed of the land, shall be protected by a Conservation easement held by a reputable and experienced Hawaii land trust, and shall have an adequate management fund to provide for the protection and upkeep of the native dryland forest and archaeological sites, including cooperation with the state of Hawaii in the management of the historic mauka-makai 'Aupuni trail which is located in the preserve and deeded to the state of Hawaii. In addition, the developer shall also protect State Historic Site 50-50-14-8902, a 475 acre cultural landscape as a cultural preserve, and shall record the preserve boundaries with the State Bureau of Conveyances with the deed of the land. Site 50-50-14-8902 shall be protected by a Conservation easement held by a reputable and experienced Hawaii land trust, and shall have an adequate management fund to provide for the protection and upkeep of the native dryland forest and archaeological sites found in the cultural preserve. Cultural, educational, and recreational access shall be permitted in both preserves and parking access provided. (2.5.10)

**Action Item:**

Upon final development approvals of the Ka'ono'ulu Industrial Park (TMK: (2) 2-002: por 15 and (2) 3-9-001:16- formerly known as "Pi'ilani Promenade"), the developer shall implement a minimum 4.4 acre cultural preserve as proposed its in its June 26, 2020 state Land Use Commission Exhibit 36 and 37 and accepted by the State Land Use Commission as part of the project's updated land use plans. The preserve shall include a 125,800 sq ft portion of the natural kahawai (gulch) that runs through the site which also contains state site 3740 (stacked walls and shelter) and several other cultural features which were evaluated as a "valued, cultural, historical or natural resource" by the project archaeologist. The preserve has a second section of 67,650 sq ft, that includes state site 8266, a pre contact habitation, and state sites 3732, 3733 (mounds). As publicly acknowledged, utilities hook-up shall be provided for future construction, through community efforts, of a cultural center on the second portion of the preserve. The preserve boundaries shall be recorded with the Bureau of Conveyances and protected by a Conservation easement held by a reputable and experienced Hawaii land trust. An adequate management fund shall be sought to care for and manage the cultural preserve areas. Cultural, educational, and recreational access shall be permitted in the preserve, and parking access will be provided. (2.5.10)

**Action Item:**

Consideration should be given to creation of additional cultural preserves in the South Maui Community Plan area in several culturally rich locales: (2.5.10)

- a. The Paeahu ("Wailea") area of south Maui has more opportunities to reverse the large-scale past destruction of historic sites as the master-planned Wailea Resort development owners consider plans for the final build out of their remaining undeveloped lands. Community support has been noted for cultural landscape preservation on parcels (2) 2-2-008:145 ("SF-S") and (2) 2-2-008:130 ("SF-7a/ MF12 and 13") . Future preserves could be managed in conjunction with a three-acre archaeological preserve already established on Wailea parcel (2) 2-2-008:116 and 134 por ("La'i Loa Residential project") Support has also been strong for expanding burial preserve areas at the Grand Wailea Resort (TMK: (2) 2-1-008: 109 (por) due to the high likelihood that additional iwi kupuna remain in many undeveloped areas.
  
- b. Ka'ono'ulu mauka lands (TMK (2) 2-2-002:015 por) proposed for future development within the Maui Island Plan UGB have a rich collection of historic sites that should be evaluated as a cultural landscape. The 516-acres provides an opportunity for a cultural preserve that could tie into Kulanihako'i gulch and showcase Kula Kai history from ancient times to modern ranching days. If any development of the area is proposed, a significant cultural preserve and trail system should be part of the design.
  
- c. Kamaole Kahawai (Gulch) and the native dryland forest and cultural sites associated with the undeveloped 140 acres of the Maui County's Kihei Police station parcel (TMK (2) 2-200-207) should be considered for a future cultural preserve. This location could provide attractive recreational trails and showcase the history of the Kamaole ahupua'a of Kula Kai. The lava flow terrain along Kamaole gulch is home to a remnant native wiliwili forest and provides habitat for other native flora and fauna. This area should be considered for cultural preservation status to expand Kula Kai's sense of place and connection to past kanaka communities in the area.