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Agenda Item: B.1 Goal 2.5 | Responsible Stewardship of Wahi Kupuna and Historic Properties

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South Maui Community Plan Advisory Committee Feb 8, 2023

Comments submitted by Lucienne de Naie

Mahalo for the opportunity to offer these comments on this very important section of the Community Plan update. As an amateur historian of the area, I am excited to see the direction the plan is heading and suggest some additional thoughts.

A. General Comments

- First- many of the policies and Actions in the current K-M CP are very sound, just as they are stated and should not be overlooked. Some suggestions are made below.
- some of the polices have no implementing action that relates to them, or the action listed is not a very good fit. Some additional suggestions are offered
- One of the goals of the Wahi Kupuna section of the SMCP is to protect and restore the places and sites that are an important part of cultural and historic legacy of the region. It should be made clear that the remains of ranching and even military training activities in the south Maui area are an important part of our history. Such remains should not be casually dismissed in “no longer significant” as so often happens in historic review.
- Along this same line, one way to guide the actualization of the many fine Wahi Kupuna resources policies found in the this draft SMCP is to ensure that past promises of cultural preserve areas for historic sites and native plant habitats are fulfilled.
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- As the 1990’s plan had a section specifying the preserve that was promised at Palau’ea, this updated plan should describe the pledges that have been made for other cultural preserve areas in the urban zoned South Maui planning area, that have been part of past County and state land use review approvals since the last CP update. These include preserves at: Ka’ono’ulu Industrial Park (3.5 acres); Honua’ula Development (2 preserves, totaling 170 acres); ATC Makena makai developments (2 preserves of ten or more acres) and mauka developments: one 100-acre preserve and a cultural landscape preserve area or around 475-acres surrounded by large ag lots.
- In addition, the CP update should also recognize what is perhaps the most significant cultural complex in the urbanized section of south Maui- the hundreds of iwi kupuna disturbed, re-interred, and removed from the Grand Wailea Resort. Lineal descendants have called for:
 - 1) expansion of burial preserve areas at the resort
 - 2) firm county policies prohibiting any additional ground disturbing activities to take place on the resort grounds.
 - 3) an accounting of the likely hundreds of burials that were removed from the site before the state had any protocols for monitoring and pro-active mitigations to help make the situation right.

B. Suggested language clarifications for proposed policies and actions :

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).**

Reason: the language from the current K-M CP is clear and should be used

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.**

Reason: Some development projects are not “new” and often if they were originally reviewed/approved over a decade ago there was no consultation process that occurred. State historic law provides for consultation with “knowledgeable individuals, as well as cultural groups, etc. There are often knowledgeable individuals who may not have generational ties, but have useful information on natural or cultural resources through their own observations. The addition of language about “reporting back” is very useful.

2.5.3

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

Reason: support this needed inclusion.

This policy needs an action item and there is good language in our existing K-M CP on p. 49 that can be adapted for that purpose.:

“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. “ This action could support several Policies, such as 2.5.1, 2.5.3, 2.5.6.

2.5.4 | Protect public view corridors and scenic vistas, including traditionally significant views and views to and from the shoreline **as defined by a scenic view planes ordinance.**

Reason: citizens have been told for years that the County Planning Department has no specific rules to define viewplanes and therefore can only make “suggestions” to landowners about changes in project design to ensure these public view remain for future generations. Its time to define what we want.

2.5.6 Ensure existing government trails **and traditional trails** are preserved during the discretionary review and entitlement process, including changes in zoning, community plan amendments, state land use district boundary amendments, the review of environmental assessments and impact statements, development in the Special Management Area and Shoreline Area, and the review of subdivisions, by consulting with the Department of Land and Natural Resources Na Ala Hele program.

Comment: I would suggest that the proposed language could benefit from being edited and merged with the current K-M CP language and its intent strengthened as below: .

2.5.6 Preserve and restore historical roads, government roads and trails and traditional pathways as cultural resources during the development review and entitlement process, by consulting with the Department of Land and Natural Resources Na Ala Hele program and knowledgeable community members and groups. Require such resources to be available to the public.

An Action is also needed for this policy. I would suggest:

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.

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

Reason: This is another useful policy from the current K-M CP that needs to be included.

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 kahawai (gulches,) wetlands**, and shoreline of the planning region.

Reason: Good to keep our county archaeologist in the loop and recognize that kahawai and wetlands need special care during development activities.

C. Additional Policies and Actions from our current K-M community Plan that we need to keep:

Policies:

- Recognize and respect family ancestral ties to certain sites.
- Establish “cultural parks,” **cultural centers** and heritage corridors for visitation and education.

An implementing Action for this policy could be:

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 1.5 acres at Ka’ono’ulu that has been offered for such a purpose, as specified in 2020 Land Use Commission submissions by the land owners. A community-based museum will be the caretaker of artifacts, photos and other documents pertaining to the region. A 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.

Very clear Action from existing K-M CP. we need this kind of clear statement.

“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.”

D. Action statements about promised preserves that should be added to the Community Plan update. The actions below support Policies 2.5.3; 2.5.6; 2.5.9 and 2.5.10

1. 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.

(supports Policies 2.5.3; 2.5.6; 2.5.9 and 2.5.10)

2. 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 and 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.

3. 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 and 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)

4. 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 3.5 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 125,8000 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). tAs 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 provided. (2.5.10)

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

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 for 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.