PSLU Committee

From: Lucienne de naie <laluzmaui@gmail.com>
Sent: Tuesday, September 08, 2020 11:30 PM
To: PSLU Committee
Cc: Rowena Dagdag-Andaya; Michele.McLean@co.maui.hi.us
Subject: Testimony from Sierra Club Maui on PSLU-65
Attachments: Honua'ula compliance test slides.pdf; SCMG test PSLU-65.doc

Aloha

please find Sierra Club Maui testimony on PSLU-65 2020 Honua'ula Compliance report and some slides illustration the project's history of archaeological and botanical review.

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From Sierra Club Maui Group September 9, 2020

To : Planning and Sustainable Land Use Committee

Re: PSLU-65 Honua'ula/ W670 Compliance Review

Aloha Committee Chair Paltin and Committee members

Sierra Club Maui has been involved with the Honua'ula/Wailea 670 project since the 1990's. We have been tracking the project's compliance review since 2008. We are very grateful that the PSLU committee has placed this item on their agenda. We ask that the committee follow up this meeting with one where citizens with deep knowledge of this area, can have an equal opportunity to update the PSLU committee and County staff on specific state of HP's compliance with 2008 rezoning conditions.
we wish to comment on the following conditions:

Compliance with Condition 2- Piilani Hwy expansion. Environmental studies were completed 8 years ago. Are they still valid?

- What does the description that the "project is 35%" complete mean? Makena Resort does not seem to be moving forward to pay for their share.
- Can the Council be given more specific information, such as the latest communications on the Draft Development agreement with HDOT?
- The PER (engineering report) referred to in the Applicant Response was also issued 8 years ago.
- Would it need to be updated to reflect 6 new projects in Wailea (including a new Hotel and commercial center) built or proposed in the immediate area of the Piilani expansion? Is there a timeline for an updated PER?

Compliance with Condition 7: Animal Management Plan

- Applicant response is that a Animal Management Plan was submitted with the EIS/Phase II Application and sent to the agencies requested. There is no indication WHEN this happened. The EIS was complete in 2016. In 2019 and 2020 there were calls about feral pigs from W670 lands invading the neighborhood yards of Maui Meadows. One resident wrote:

"No one from Wailea 670 responded to my urgent calls, emails last year! The pigs from wailea 670 came into many of the border properties and brazenly walked up the street too. They tore up my gardens, a rock wall, dug deep enough to create real hazards. They ran freely through my property even right by my car, coming within a few feet of me at times.

After months of trying to find someone to help and calls to DLNR, letters to our neighborhood association after a woman walking up the street was attacked, I found trappers who came into my place and finally after a few weeks resolved the problem.

Friends who were in my back gardens say they saw more pigs out there and I am just hoping I won' t have to bring in even more soil to replace the diggings again!"
A pig proof fence along HP north boundary was promised to Maui Meadows residents in late 2019/early 2020, but does not appear to have been installed. It would appear that the intent of this condition, to manage wild animal life on HP land is not being implemented, although it is needed.

Compliance with Condition 20 -Water quality report - Condition reads:

"Water Quality Monitoring shall provide water quality data adequate to assess compliance with applicable State water quality standards at Hawaii Administrative Rules Chapter11-54. Assessment procedures shall be in accordance with the current Hawaii Department of Health ("HIDOH") methodology for Clean Water Act Section 305(b) water quality assessment, including use of approved analytical methods and quality control/quality assurance measures."

• The purpose of these reports is to establish a baseline of conditions along the Coastal area of Paeahu/Wailea , BEFORE any construction on the HP project. That way, if there are HP impacts, it can be more clearly seen and mitigated. This is why the quality of the reports is important.

• Can the council request copies of these reports and post them? How can the county determine if condition was met, if water quality reports are not provided annually with the compliance report? The report included in the EIS referred to was issued in 2011-2012. What has happened since?

Condition 20 requires: "The water quality data shall be submitted annually to HIDOH for use in the State's Integrated Report of Assessed Waters prepared under Clean Water Act Sections 303(d)and305(b). "

- Can the council find out if there is proof that reports went to HIDOH and were actually used to update the DOH 303(d) and 305(b) water quality reports?

- Past reports were done by Steve Dollar's firm. The firm has issued reports claiming no impacts at other areas of Maui, where substantial impacts were later found. Are they still the the consultants?

• These reports could be valuable for SMA review of other Wailea projects proposed down slope. They should be done by top quality consultants and publicly available.

Compliance with Condition 26: Historic Site Preservation Plan approved by SHPD and OHA

• Cultural users and others are very concerned that the Preservation Plan that is supposed to satisfy Condition 26 is missing up to 50 recorded sites and does not have accurate maps.

When this project was approved by the Council, it had 40 recorded arch sites with 60 features. Citizens told the Council there was much much more. They were proven correct. Over 200 Historic sites having over 1,000 features have now been recorded on the 670 acres.

• Cultural users and interested citizens have seen at least 50 additional unrecorded sites and features across the land, many of them quite significant. This is in addition to sites/features that were recorded, and later left off maps.

The majority of all these sites were built by Hawaiians hundreds of years ago. If the project goes forward with its current inadequate Preservation Plan, many sites will be destroyed. That is why OHA has not approved the Wailea 670 Preservation Plan.

• Many other very worthwhile Hawaiian historic sites on the parcel have not even been recorded, especially in the northern 480 acres. Cultural users have seen these sites.

- No real consultation has been done on the site significance as is required in the state Historic preservation process. The archaeologists made up their own stories about what sites were, and how valued they should be.

- The W670 needs an updated AIS if it follows our Community Plan and the state historic laws. Instead the project promises that new arch studies will be done for specific lots when they are going to be developed. This piecemeal method does not comply with our Kihei-Makena community plan which says:

"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." p. 24

• Other historic sites included in the Preservation Plan report are mislocated on the Maps. This is affecting other projects, such as the Paeahu Solar farm access road thru W670.

- The Solar Farm road (which travels through Wailea 670)could damage sites, because they are not accurately located in any Preservation Plan maps or AIS maps.

- The HP project should locate and record all historic sites and update its AIS and preservation plan. This would meet the intent of Condition 26, which was placed because the project got rezoning approved in 2008 without a complete AIS.

Compliance with Condition 27: Native Plant and Cultural Site Preserve

- This condition was also adopted because citizens documented rare and endangered flora and fauna on the site that the landowners consultants did not accurately document or plan to preserve.

- We have concerns that the intent of this Condition which is to have a large contiguous preserve area that is well managed, protected in perpetuity by a conservation easement, and open to cultural and educational use, may not be fulfilled.

- HP has been working with USFWS to develop a Habitat Conservation Plan (HCP) for the preserve and protect the endangered species found there, but we have been informed that a HP has had a new plant study done, during a very dry period, that concludes that no endangered species are left on the land to protect.

- This reminds us of the approach taken during the rezoning process. The HP lands provide good habitat for several rare or endangered creatures or plants, all of which have been observed by cultural users. The implications of withdrawing the Preservation area required by Condition 27 from any USFWS oversight could be significant. A complete range of data should be made available to the Council and county staff, including information from independent citizen research.

Mahalo for your consideration of these comments

Lucienne de Naie

SC Maui Group Conservation Chair

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HP Condition 26: Requires a 6E Preservation/Mitigation Plan

The Honua'ula/ Wailea 670 lands hold one of South Maui's most significant cultural landscapes. It was almost replaced by a golf course. Some sites are still at risk because the HP Preservation Plan is incomplete.

Unrecorded Site: Paeahu ahupua'a boundary marker. HP project site house lot.

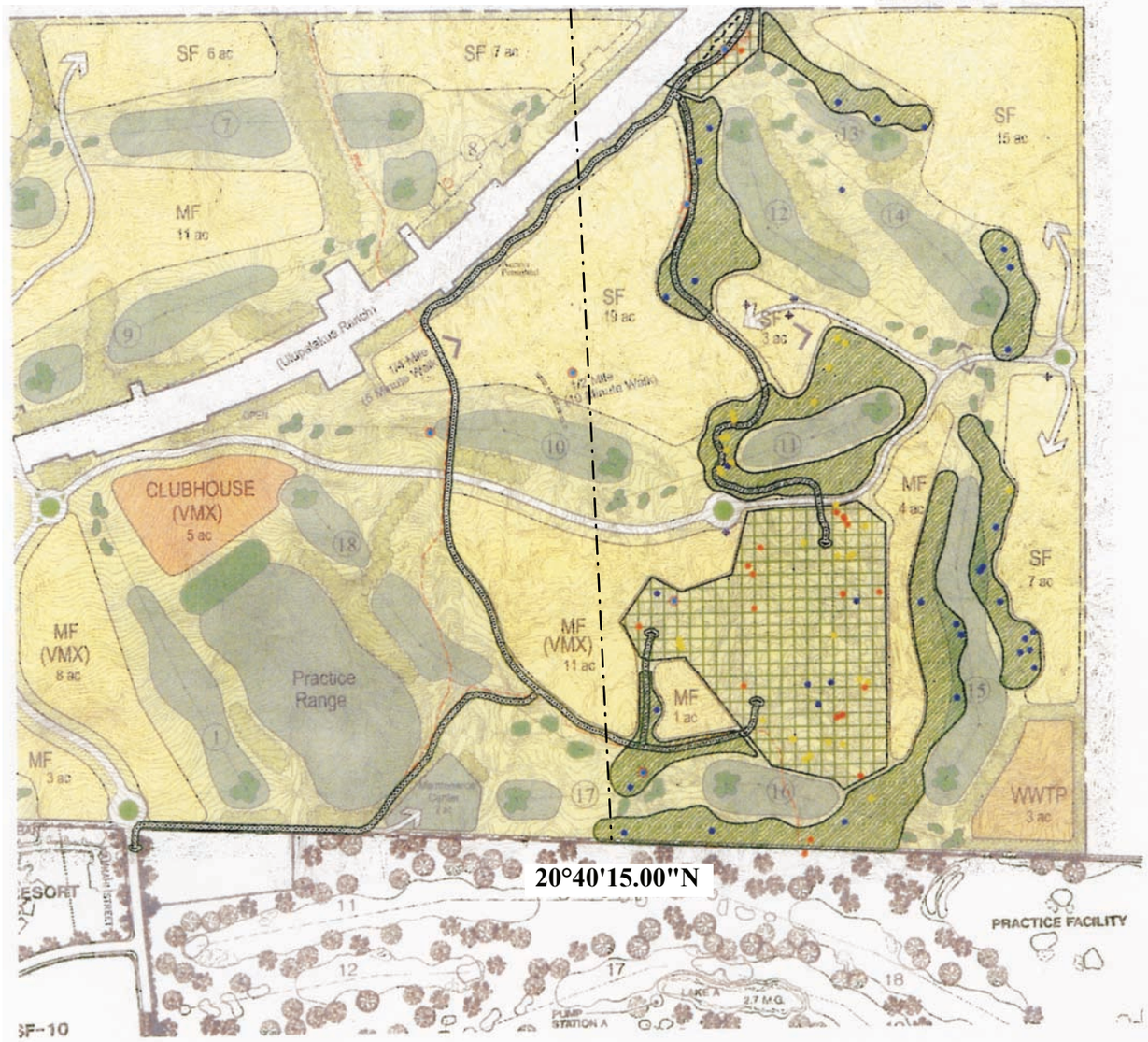
Wailea 670/Honua'ula was granted rezoning in 2008.

On left is 2008 AIS map the Council was given- only 28 arch sites.

On right is the 2008 plant/cultural preservation area that was proposed: 18-22 acres

Figure 5. Location of the Archaeological Sites on Topographic Map (Map by PBR Hawaii).

= PROPOSED TO BE PRESERVED AS OF 2007



Legend

Existing Native Plants (Field Surveyed)
- Canavalia Pubescens ('awikiwiki)
- Erythrina Sandwicensis (wiliwili)
- Lipochaeta Rockii (nehe)

Archaeological Sites (To Be Preserved)

BOTANICAL HABITAT PRESERVES	Approx. Area (Acres)
Native Plant Preservation Area	+/- 18 ac
Native Plant Management / Enhancement Area	+/- 23 ac
Interpretive Trail (min. 4-foot wide cinder trail with interpretive signs)	+/- 2 ac
TOTAL :	+/- 43 ac

NOTE: All areas need to be field located and surveyed to establish appropriate boundaries that relate to the existing topographic and geological features with native plants located. Field adjustments for golf course, roadways and infrastructure will be necessary.

⊕ Only 5 out of 96 native plants may not be preserved.

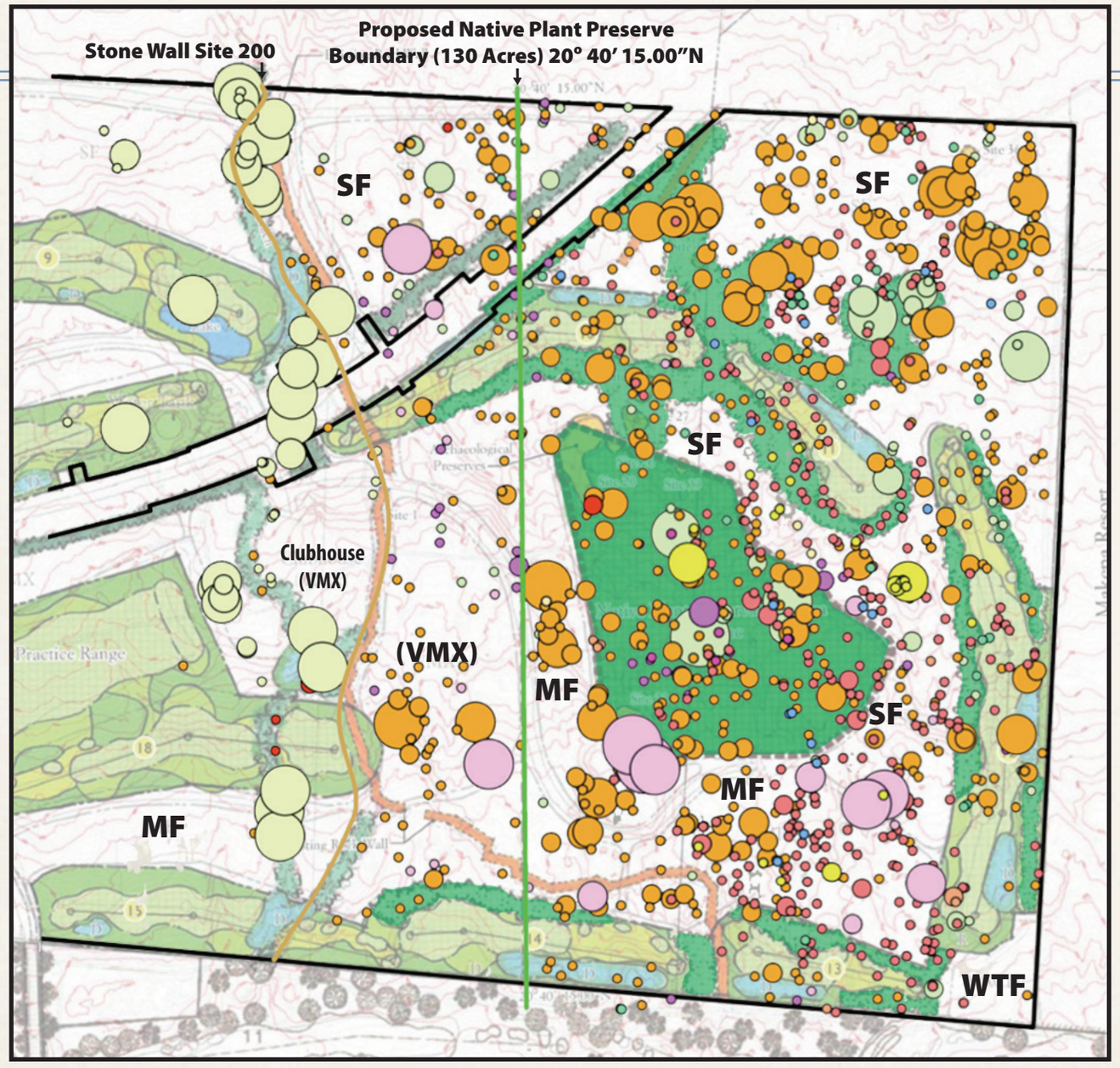
BOTANICAL HABITAT PRESERVATION PLAN

WAILEA 670 — ISLAND OF MAUI

NORTH — LINEAL SCALE (FEET) 400 200 0 200 600

PBR HAWAII

The HP 2006 plant survey said nothing of much interest was found on the site.
Citizens said many rare and endangered native species lived there & would be destroyed, and documented them
An updated flora-fauna survey found thousands of native plants AFTER rezoning was granted, including endangered awikiwiki vine. Map below shows native plants in relationship to 40 ac. preserve proposed in 2012. (dark green shapes). 40 acre preserve would have left over 1,000 native wiliwili trees at risk.



Wailea 670/Honua'ula
Southern 200 Acres
Comparison of Proposed Native Plant Protection Areas with Existing Native Plant Habitat

Native Plant Preserve Areas as Proposed by Developer
(22 Acre Preserve + Golf Course Buffers)

Native Plants by Species

- *Argemone glauca*
- **Canavalia pubescens*
- **Capparis sandwichiana*
- *Doryopteris decipiens*
- *Dodonea viscosa*
- *Erythrina sandwicensis*
- *Heteropogon contortus*
- *Ipomoea tuboides*
- **Lipochaeta rockii*
- *Myoporum sandwicense*
- *Senna gaudichaudii*
- *Sicyos hispidus*
- *Sicyos pachycarpus*

*Rare, native species with limited populations

Native Plants by Count Classes

- 1 - 5
- 6 - 10
- 11 - 15
- 16 - 25
- 26 - 60
- 61 - 110

Plant Source: Native Plants were mapped with GPS
Boundary Source: PBR Hawaii
Aerial Source: Microsoft 2009

Map Sources Honua'ula DEIS 2010

Citizens told the Council that scores of cultural sites were not being documented in Wailea 670/Honua'ula, and the project was granted rezoning in 2008 WITHOUT a complete & approved AIS. **That is why condition 26 was adopted.**

On left is AIS map for site 4957. Citizens said the site had over 100 features. HP report given the Council said it had 7 features.

On right is a portion of the same site area after a new 2013 arch survey, with over 100 features.

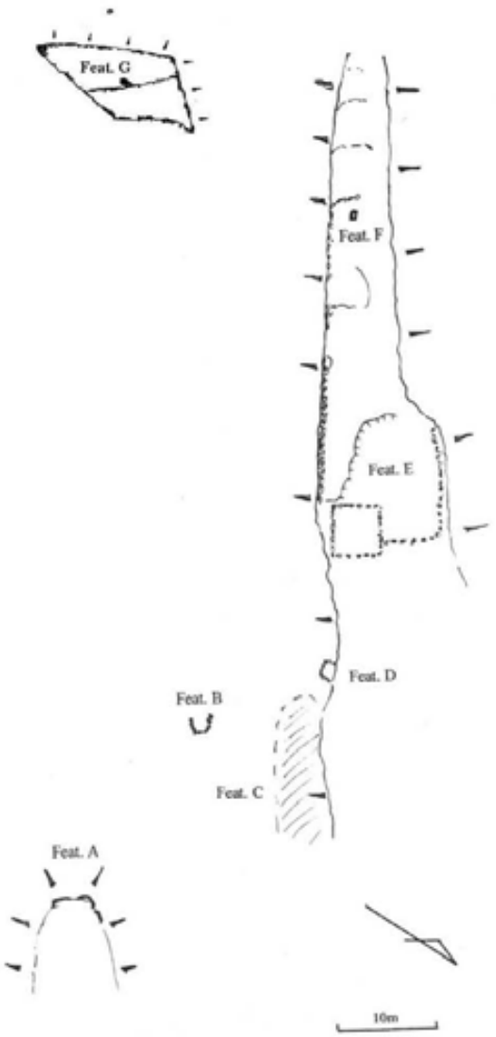
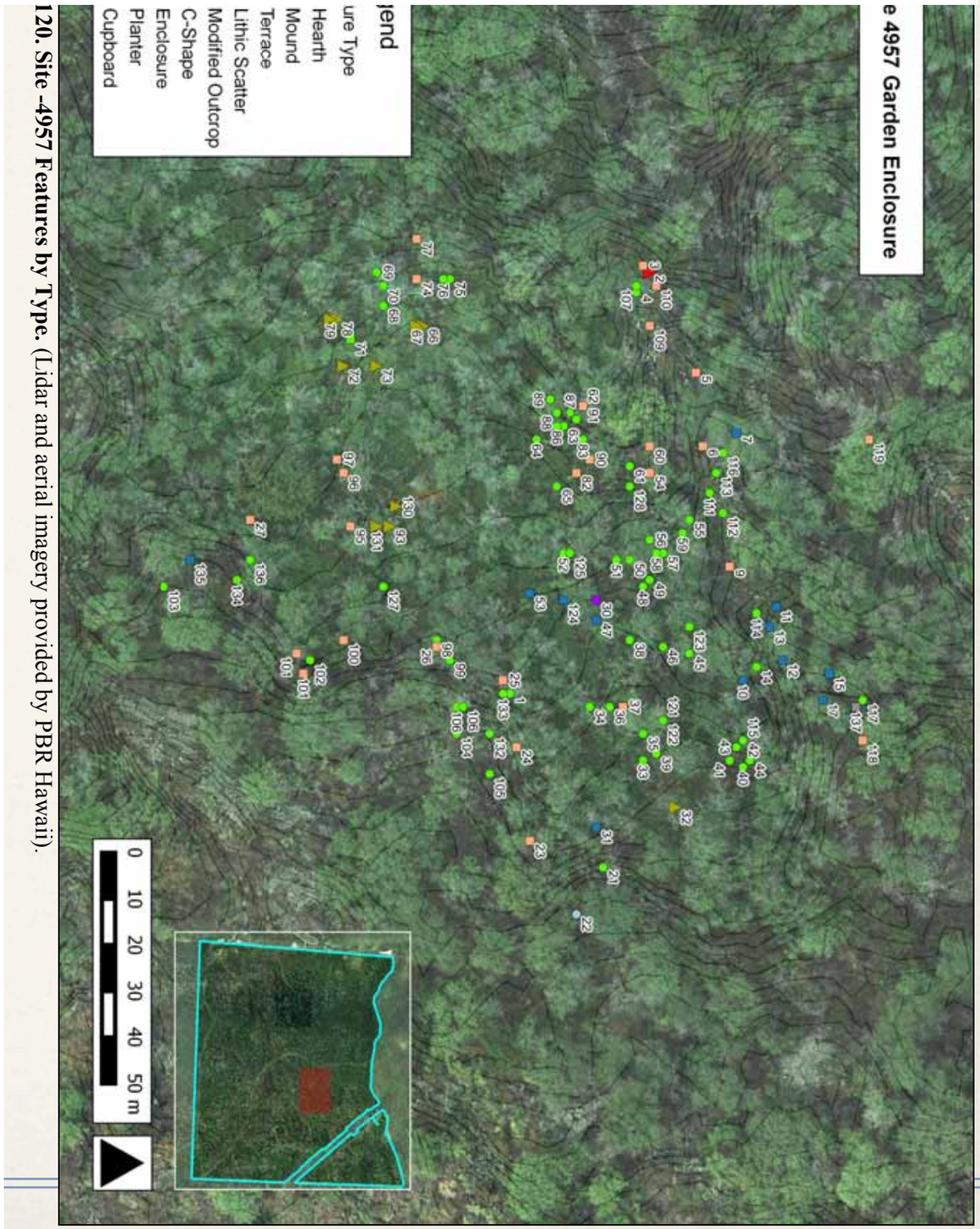


Figure 28. Plan View of Site 4957, Ridge-top Complex

SITE 4957

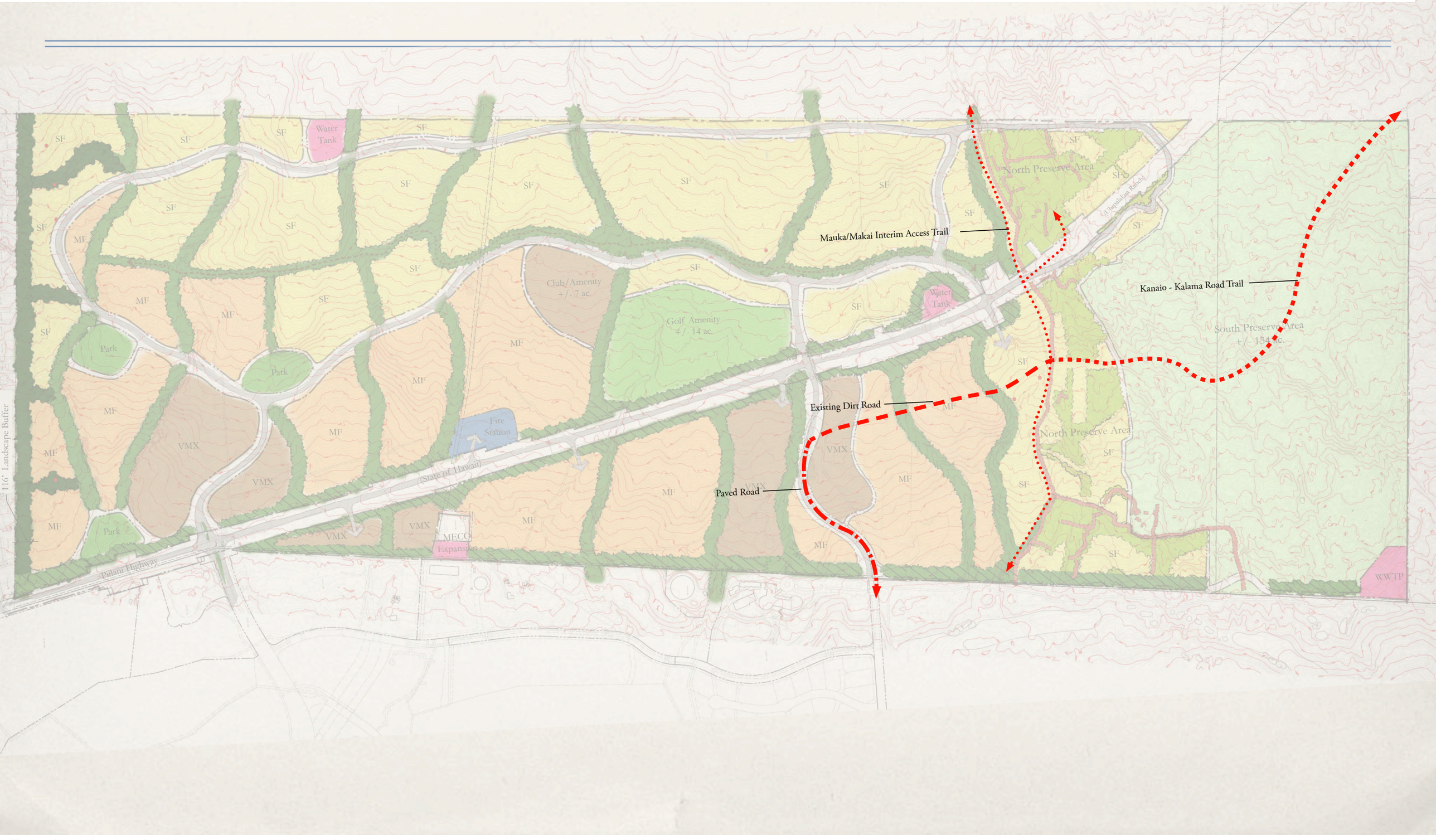
This complex of 6 features is located along a ridge crest on the southern edge of a gulch east of the jeep road in the eastern half of the southern section near the Site 200 wall (Fig. 28). It encompasses ca 3000 square meters and measures 100m (ne/sw) by 20-50m (nw/se). Portions of this complex are visible from the main access road.



120. Site -4957 Features by Type. (Lidar and aerial imagery provided by PBR Hawaii).

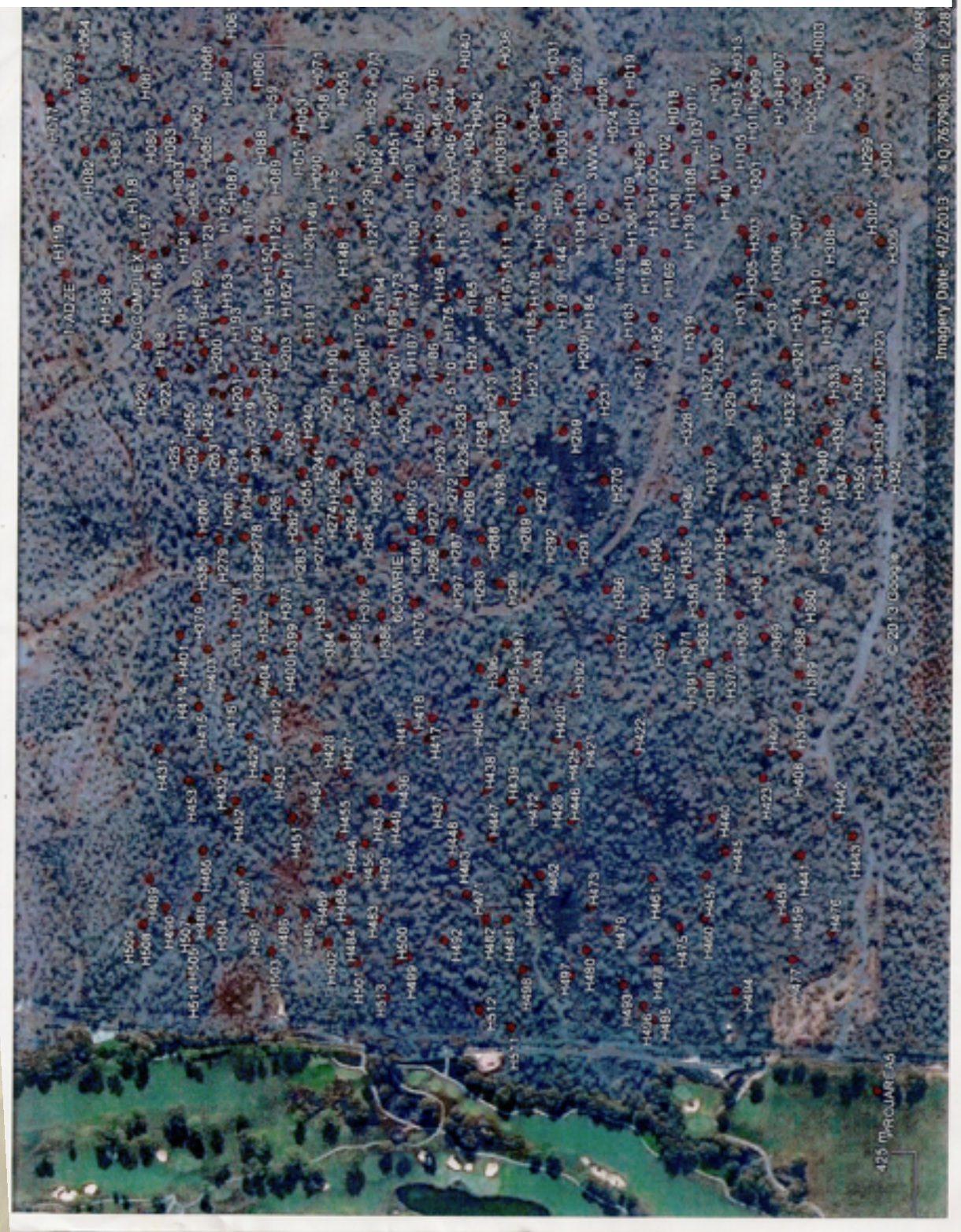
After citizen legal challenges were filed, HP hired new consultants and did a new AIS (arch survey) in 2013. Citizens showed maps and pictures of many unrecorded site locations to the new archaeologists. Over 200 historic sites with over 1,000 features were found. All but a few were traditional Hawaiian, dated 1400-1800 AD. Citizen research continued, many more important sites were found, but HP made no effort to document most of them. Even worse, some sites documented in 2013 disappeared from AIS maps. **The HP 2017 Preservation Plan that was done to satisfy Condition 26 is "missing" around 50 documented sites**.

Legal challenges were settled in 2016, and a new HP project plan map (below) was part of settlement. It had two preserve areas (around 161 acres total) for native plants and cultural sites in the south 200 acres. Only the boundaries of the larger preserve area are shown in the HP Preservation Plan. This creates confusion for agencies who need to use the Preservation Plan and don't have a clear idea of what is house lots, and what is plant/cultural preserve??



Citizens were correct about this W670 2012 AIS Map (left) with 40 sites /60 features missing scores of sites.
Citizens are also correct about this 2015 accepted AIS map (right) with 200 sites/1000 features still leaving important historic sites at risk of destruction. Even more significant undocumented sites are at risk in the northern (Paeahu Ahupua'a) part of HP project.

Figure 6. Locations of 39 Sites in the Southern Section
(See large folded map insert at back of this report)



Mahalo
PSLU Committee.

Lineal descendants, cultural users and citizens look forward to sharing more information with you to guide wise decision making for the lands of Palau'ea, Paeahu & Keauhou

Native Wiliwili and Maiopilo, on HP project lands