

Comments on South Maui Community Plan Policy language

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To: **wearesouthmaui** | wearesouthmaui@mauicounty.gov

Greeting CPAC members and County Planning staff

Thanks for all the diligent work on this plan. I understand that you are receiving many requests for various policy changes. I would like to address a few policy change suggestions that have been made and reflect a different viewpoint.

These suggestions refer to Mr Chipchase's letter of Sept 13, 2023:

suggestion 1: Mr Chipchase suggests that the new policy language suggested by CPAC be modified:

“During the subdivision or development process, Open Space designations may be realigned to better protect cultural resources but may not be removed.”

he asks that it be modified to say:

“During the subdivision or development process, Open Space designations may be modified to reflect the buffers for cultural resources but may not be removed.” The proposed revision takes into account the mitigation and preservation requirements for areas and historic properties set forth in state and federal law. The proposed revision is also consistent with the project's history, which includes a settlement agreement with specific requirements for preservation of the historic sites and features.

Comment Please stick with your original language. It is simple and covers the need.

Rationale: some of the preservation areas in the Wailea 670/Honua'ula settlement and in Makena Resort proposed preservation plans will NEVER have any preservation status under state and federal laws because they are "natural features" with cultural importance, and do not fit under the strict definition of an "historic property" that has been modified for use by humans.

These culturally significant natural features of the HP project are being preserved, thanks to citizen legal efforts and

citizen comments. Makena Resort archaeologists recommended that many of these natural features be protected as part of a “cultural landscape.”

State Historic division DOES NOT KNOW that these features exist- and has no definition for their protection. It is the Open Space designation that will protect them, not state or federal laws.

Suggestion 2. Section 2.4 policy regarding protection of natural gulches. The existing language reads:

For new developments and subdivisions, gulches and drainageways, as identified in the map in Figure 3.17 (pg. 106) of this Plan, must remain in open space, and no new permanent structures may be developed in or within 100 feet of the top of the bank of identified gulches and drainageways (with the exception of public bridge crossings and public utilities), including but not limited to Mā‘alaea, Kanaio, Pōhākea, Waikapū, Waiakoa, Kūlanihāko‘i, Waipu‘ilani, Waimāha‘iha‘i, Liilioholo, Keawakapu, Wailea, Kama‘ole, and Kapunakea gulches.”

I would suggest adding Palau‘ea Gulch, which is identified in some documents and is also mentioned in Mahele era land boundary descriptions (LCA 5369, Ainua- Section 3 - Pasture ‘ili of Punakeakea, Palauea ahupua‘a. Description of land boundaries; [Section 3](#)

Mauka Maaweiki

Kula **Palauea stream**

Kahikinui Anahe, Maaweiki

As for the definitions for “drainageways” and “gulches” and the specific locations of these drainage ways. I urge the CPAC to ask Planning staff to include a clear definition of drainageways in the SMCP as a matter of “housekeeping”. More detailed maps of the proposed drainage/gulches to be protected as Open space can also be created with additional time. It is better to define protected areas more clearly than to simply abandon the concept as being too “overbroad and illegal.” Especially, it is prudent not to take just one attorney’s opinion for that conclusion.

Suggestion 3. Section 2.5 Use of the term “Wahi Kupuna” .

If CPAC determines that this term is “overly broad” and will not be well understood, it could simply substitute the term “Wahi Pana” which is widely used; found in Hawaiian dictionaries and also already used on the legally adopted Kahului-Wailuku Community Plan on p. 17

1. Significant Wailuku-Kahului region sites and areas include the following: Wahi Pana (Significant Traditional Places)
 - a. Na Wai Eha (Waihe‘e, Waiehu, Wailuku, Waikapu).

2. Waihe'e Dunes Archaeological Complex.
3. Waihe'e Church.....

and many more places are listed on p. 18

Mahalo for your consideration

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