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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of:

WAIKAPŪ PROPERTIES, LLC; MTP LAND PARTNERS, LLC; WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated APRIL 3, 2000; and
WAIALE 905 PARTNERS, LLC

To Amend the Agricultural Land Use District Boundaries into the Rural Land Use District for certain lands situate at Waikapū, District of Wailuku, Island and County of Maui, State of Hawaii, consisting of 92.394 acres and 57.454 acres, bearing Tax Map Key No. (2) 3-6-004:003 (por) and to Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situate at Waikapū, District of Wailuku, Island and County of Maui, State of Hawaii, consisting of 236.326 acres, 53.775 acres, and 45.054 acres, bearing Tax Map Key No. (2) 3-6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-005:007 (por).
DIRECT TESTIMONY OF HÖKÜAO PELLEGRINO

Aloha, 'o Hōkūao Pellegrino koʻu inoa. Ua hānau 'ia a hānai au ma ka mokupuni 'o Maui i ka moku 'o Nā Wai 'Ehā i ka makahiki 'umi kumamāiwa kanahiku kumamāiwa. He kupa a mahi'ai kalo nō hoʻi au ma 'ili 'o Nohoʻana ma ka 'āina o ka makani kokololio, 'o ia hoʻi o ke ahupua'a 'o Waikapū. I laila nō i noho pa'a ai māua 'o ka'u wahine 'o Alana Kaʻōpūiki a ke hānai 'ia nei ka'u mau keiki.

No ke ahupua'a 'o Wailuku lāua 'o Waikapū mai koʻu mau kūpuna Hawai'i ma ka 'ao'ao o koʻu makuahine. He konohiki ma ka 'ili 'āina 'o Pōhakuokauhi ma ke ahupua'a o Wailuku ku'u kupuna kāne kuahā kapa 'ia 'o Nā'ili'ili i ka wā o ka Māhele Nui 'o ia hoʻi 'o ka makahiki 'umi kumamāwalu kanalima. Ua hai 'ia kekahi kūpuna kāne oʻu e ke Aupuni Hawai'i i ana mai ai i nā kuleana 'āina a pau ma Nā Wai 'Ehā nei i ka wā o ka Māhele Nui. 'O Edward Bailey kona inoa.

Ma waho o kēia mau pilina nui o kuʻu moʻokū`auhau, ua noʻiʻi nui au no iwakeʻula makahiki a 'oi i kēia wahi kaulana 'o Nā Wai 'Ehā i ka holoʻokoʻa. No koʻu noʻiʻi 'ana, 'o ia hoʻi nā moʻolelo kahiko, ka hoʻohana 'āina 'ana mai ka wā o ka Māhele Nui a hiki i kēia manawa 'ānō, nā nūpepa 'Ōlelo Hawaiʻi, nā palapala Māhele a me nā palapala 'āina, ka hiʻonaina 'ōiwi, nā palapala hulikoehana, nā kiʻi kahiko, nā koehana, nā kumuwaiwai moʻomehau a kūlohehohe, ka wā o ka mahikō, ka
nīnaulele ‘ana o nā kūpa o ka ‘āina a pēlā wale aku nō. ‘O nā pepa noʻi ni nui pū aʻu i kākau aʻe ai e pili ana no Nā Wai ‘Ehā a Waikapū hoʻi.

Aloha, my name is Hōkūao Pellegrino. I was born in 1979 on the island of Maui and raised in Waikapū which is in the famous district of Nā Wai ‘Ehā. I am part Native Hawaiian and live on ancestral kuleana land named Nohoʻana, a traditional subdivision in Waikapū, a land division famous for its gusty winds. It is there that I currently reside with my wife Alana Kaʻōpūiki and raise our family as well as cultivate wetland kalo.

My Hawaiian ancestors on my mother’s side are both from Wailuku and Waikapū. My great grandfather (x4) named Nāʻiliʻili was born and raised in Wailuku and was a konohiki who managed the traditional subdivision called Pōhakuokauhi during the time of the Great Māhele which was around the year 1850. Another great grandfather (x4) of mine named Edward Bailey was hired by the Kingdom of Hawaiʻi at the time of the Great Māhele to survey all of the kuleana parcels of land in the district of Nā Wai ‘Ehā which encompassed the land divisions of Waikapū, Wailuku, Waiehu, and Waihe‘e. He also conducted surveys in other districts and land divisions throughout Maui.

Outside of my strong ancestral ties to Nā Wai ‘Ehā and the fact that I was born, raised and continue to reside in this
region, I have spent over 20 years thoroughly conducting extensive research on each of the respective four ahupua‘a in Nā Wai ‘Ehā (Waikapū, Wailuku, Waiehu, Waihe‘e). My research within Nā Wai ‘Ehā includes but is not limited to; traditional stories and legends, land use from the time of the Māhele through the current state, Hawaiian language newspapers, Māhele land records and survey maps, historical maps, artifacts, cultural landscapes, archaeological records, historical photographs, cultural and natural resources, evolution of the sugar industry and plantation era, and interviewing numerous elders and residents. I have written and published numerous articles, research papers, contributed pieces in books and articles authored by others regarding Nā Wai ‘Ehā and Waikapū in particular and conducted many presentations on my research.

I graduated from Notre Dame de Namur University in 2001 where I studied Cultural Anthropology and Sociology with an emphasis on Social Justice. I later pursued another degree and graduated from the University of Hawai‘i at Hilo in 2007 where I studied Hawaiian language with an emphasis on Hawaiian Ethnobotany. Upon graduating, I worked for the University of Hawai‘i at Hilo where I taught Hawaiian Ethnobotany and an agricultural course related kalo cultivation. I also worked at ‘Imiloa Astronomy Center as the Cultural Landscape Curator.

When I moved home in 2008, I began employment at Kamehameha
Schools. I am currently a Land Administrator in the ‘Āina Engagement Department where I manage statewide ‘Āina Ulu collaborations on Kamehameha Schools agriculture and conservation land. I am also a cultural practitioner and kalo farmer on my family kuleana land in Waikapū. Along with my ‘ohana, we established and manage Noho‘ana Farm which focuses on traditional lo‘i kalo cultivation and agriculture as well as the implementation of a bilingual cultural ag education program. Throughout my entire life and especially over the last 20 years, I have had the ability to study, train, learn and apprentice under different cultural experts, cultural practitioners, plant and cultural landscape experts and kūpuna. Although many have passed on, I consider myself a perpetual learner and continue to engage with practitioners and leaders in our culture and community who provide guidance over my knowledge and training.

In 2013, I was asked to prepare a Cultural Impact Assessment (CIA) for the proposed development project titled Waikapū Country Town. The CIA was a key component of an Environmental Impact Assessment being conducted for this project. I commenced my work in May of 2013 and completed a draft CIA in January 2014. The work included gathering information relating to the historical uses of the lands involved, to whether the lands were used in connection with
traditions, resources and cultural practices, to whether the
lands were used in connection with traditions, resources, and
cultural practices on other nearby lands, to whether the lands
might be currently used for traditions, resources, cultural
practices and by cultural practitioners, and to whether the
lands might by a home for plants or animals that would be used
for traditions, cultural practices and by cultural
practitioners.

Gathering this information required review of
historical information on uses of the lands from the pre-contact
period to the present as well as going on the lands to make
personal observations. It also involved contacting persons
within the community who have knowledge of the area.

As I gathered the information, further work was
required which I conducted and completed in January 2016.
The research and work that I conducted renders no opinion on my
part about the Waikapū Country Town project. Rather, it allowed
me to prepare a thorough report which focused on the cultural
history, traditions, resources and cultural practices in the
entire ahupua’a of Waikapū, its relationship to the greater
district of Nā Wai ‘Ehā and the specific project area which
encompassed over 500 acres. The CIA that I completed adhered
to all guidelines and requirements by the Hawai‘i State Office
of Environmental Quality Control (OEQC) and compliant with
reports intended to accompany an Environmental Impact Survey
compliant with Chapter 343 HRS, as well as fulfilling the
requirements of the County of Maui Planning Department and the
Department of Land and Natural Resources (DLNR) with respect to
permit approvals for land-altering and development activities.

In addition, my work ensured that all potential
effects and impacts on the Hawaiian culture, cultural beliefs,
practices, cultural landscapes, resources of Native Hawaiians
and other ethnic groups, and traditional and customary rights
of Native Hawaiians were documented, assessed and the impacts on
those beliefs, practices, landscapes, resources, groups and
rights addressed.

The completed CIA for Waikapū Country Town was
divided into 3 Volumes and is attached as Appendix "F" to
Exhibit "25." Volume 1 was the overall CIA Report and was 114
pages which included numerous interviews. Volume 2 is 254
pages and includes an index of all Māhele land claims and a
detailed description of land use at the time of the Māhele, as
well as copies of original claims, awards, land surveys in the
Hawaiian language. Translations were provided for each
associated Māhele land document and parcel of land within the
Waikapū Country Town Project Area. Volume 3 was a
continuation of Volume 2 and included an additional 204
pages. The total amount of pages completed from Volumes 1-3
of the Waikapū Country Town CIA was 572 pages.

Provided below is a detailed summary of the
Conclusion and Potential Impacts and Recommendations portion
within the CIA. It was later expanded upon in the Ka Pa‘akai
Analysis I completed in December 2016. The highlighted
information is relevant to this project and the surrounding
cultural resources and landscape that may potentially be
impacted by the project. The below information clearly shows
that there are historical and current cultural traditions,
practices of Native Hawaiians in relationship to the land and
natural resources that will be impacted by the project. To my
knowledge prior and since the completion of the Ka Pa‘akai
Analysis in 2016, the developer for the proposed Waikapū
Country Town project has addressed, and continues to address, the
following impacts specified below.

A comprehensive Cultural Impact Assessment was
developed for the proposed development and clearly outlined
specific traditional Hawaiian practices and access rights
found within the project area. The CIA formalized a collective
review of prior cultural, archaeological and ethno-historical
studies related to the Waikapū ahupua‘a, along with a wide
range of interviews with living kama‘āina and lineal
descendants of Waikapū. It seems that both historical and
current traditional Hawaiian practices have not differed over
time. What has changed however, is the extent for which these Hawaiian cultural practices are occurring. What once was a vast cultural landscape within the Waikapū, has diminished drastically due to the alterations of the land and natural resources caused by plantation era activities. Despite a fragmented cultural landscape, evidence of cultural Hawaiian practices occurring within and directly adjacent to the project area continues to exist.

The following valued cultural, historical and natural resources are currently being utilized for cultural Hawaiian practices: access and utilization of Waikapū Stream; access to water via ‘auwai systems for traditional lo‘i kalo cultivation on kuleana lands; access to the interior part of the Waikapū Valley and watershed for gathering endemic and native medicinal plants as well as other Hawaiian food crops, native forest and habitat restoration, archaeological stabilization and cultural resource management of kuleana lands; and access to privately owned kuleana lands. The following paragraphs will address specific details regarding the above cultural Hawaiian practices by: 1) the extent to which those resources including traditional and customary native Hawaiian rights will be affected or impaired by the proposed development; and 2) the feasible actions, if any, to be taken by the LUC to reasonably protect native Hawaiian right if they are found to
The Waikapū Stream has and continues to be a very important cultural resource for Native Hawaiian cultural practitioners and practices such as loʻi kalo cultivation. The proposed project area includes a plantation era irrigation and traditional ‘auwai system that provides water for South Waikapū kuleana loʻi kalo farmers. An ancient ‘auwai historically provided water for South Waikapū kuleana loʻi kalo farmers which commenced on Government Grant 1844 to Joseph Sylva, now currently part of the proposed project area. The use of the poʻowai or intake portion of this ‘auwai was discontinued when Wailuku Sugar Co. built the south Waikapū dam intake within the Waikapū Valley around the turn of the 20th century. Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. which diverts Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through the South Waikapū ditch system and into Reservoir #1 which is on the developer’s proposed project. From Reservoir #1, a portion of water is released via a 6” pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient ‘auwai that delivers water to the south kuleana loʻi kalo farmers. As of December 2016, six south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana ‘auwai for kalo cultivation: (TMK 3-6-005:019,
TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo‘i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo‘i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:017, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005068, TMK 3-6-007:010).

To ensure that current and future Native Hawaiian practices associated with access to kuleana water for lo‘i kalo cultivation are protected, the following information has been provided by existing south kuleana lo‘i kalo farmers. They expressed that the irrigation system which provides water to their lands via the plantation ditch found within the proposed project area, is inefficient and causes limitations. The limitations include lack of and consistent water for lo‘i kalo cultivation as well as warm water that comes from Reservoir #1 rather than straight from the stream as it historically did via an ‘auwai system that belongs to Avery Chumbley and partners of which Mike Atherton is a partner (a.k.a Makani ‘Olu Ranch. They have shared that the water entering the ditch comes from a reservoir which causes some warming of the water rather than
fresh stream water directly from the Waikapū Stream. Although
the amount of water released via a 6" pvc pipe may be sufficient
at this current time, the estimated 1 mile long open ditch has
numerous leaks and along with absorption into the ground along
the ironwood trees. When the water finally enters the ancient
‘auwai system near the kuleana lands, it has been said that the
amount is minimal and does not provide sufficient amount of
water for the current and growing needs of existing kuleana lo‘i
kalo farmers on the south side of the Waikapū Stream.

The proposed project area has identified the
plantation era irrigation and ‘auwai system will be located
within a greenway. Although the development will not adversely
Hawaiian cultural practices related to lo‘i kalo cultivation on
neighboring properties that access water via the developer’s
land, a proposed improvement of the infrastructure and overall
system should be implemented to mitigate their concerns.

Kuleana lo‘i kalo farmers who are Native Hawaiian
and have appurtenant rights to stream water,
would like the developer to allow a direct in-flow from the
diversion ditch prior to entering Reservoir #1 or the original
‘auwai system that it once utilized prior to the construction of
the South Waikapū intake and ditch system. If the plantation
era open ditch along the ironwood tree line is to be enclosed,
it should be done so with a large pipe to minimize water loss
prior to entering the traditional ‘auwai. This they believe will ensure the protection of existing and future access rights to this important cultural and natural resource. Prior to any work, it would be advised that the developer of the proposed project consult with neighboring south kuleana lo‘i kalo farmers and Hui o Nā Wai ‘Ehā to ensure that infrastructure improvements has minimal to no adverse effects to their traditional and customary rights and practices.

Traditional and customary rights in relationship to Waikapū water and lo‘i kalo cultivation are also occurring extensively on the north side of Waikapū Stream on 15 kuleana lands directly across from the proposed project area. An intact traditional ‘auwai known as the north kuleana ‘auwai accesses Waikapū Stream water directly from the Waikapū Stream.


The State Commission on Water Resource Management set the Interim Instream Flow Standards (IIFS) for Waikapū Stream
as 2.9 mgd in 2014 through a settlement agreement between the following parties: Earthjustice; Hui o Nā Wai ‘Ehā; Wailuku Water Company; Hawaiian Commercial Sugar Company; Maui Tomorrow; County of Maui; and Office of Hawaiian Affairs. The amount of water that has been released into Waikapū Stream does not account for appurtenant rights, traditional and customary rights for kuleana lo‘i kalo farmers which is a protected right under State Law. Currently, Waikapū Properties who owns the land for the proposed project has a delivery purchase agreement from Wailuku Water Company for diverted Waikapū Stream water to be used for commercial agricultural and agro-tourism activities. The amount of water being utilized has directly impacted traditional and customary rights and practices for kuleana lo‘i kalo farmers on the north side of the Waikapū Stream. The amount of water remaining in the Waikapū Stream in insufficient and does not satisfy the current and future use of kuleana lo‘i kalo farmers on the north side of the Waikapū Stream. Waikapū Properties however, has consulted with north kuleana users as well as Hui o Nā Wai ‘Ehā and has provided a clear mitigation plan stating that they will end all surface water use from Waikapū Stream except for cattle water troughs (250 gad/acre). Waikapū Properties commercial ag activities will be transitioning throughout 2017 to relocate to lands that will be irrigated via Waihe‘e Ditch
and agricultural wells developed on the proposed
development project area. There is currently an ongoing
contested case through the State Water Commission for
issuance of Water Use Permits as well as revising the Interim
Instream Flow Standards for Waikapū Stream.

The interior valley of Waikapū watershed includes a
diverse native forest with an array of endemic plants, insects,
snails and mammals. Traditional access and trails into the
Waikapū Valley are along the Waikapū Stream which is partially
owned by the developer of the proposed project. In addition to
the river, are two plantation era access points adjacent to
Reservoir #1. There are a number of Hawaiian cultural
practices identified in relationship to accessing the Waikapū
Valley for gathering and stewarding highly sensitive cultural
and natural resources.

There are endemic medicinal plants such as koʻokoʻolau
(bidens sp.) and māmaki (pipturus albidus) that have been
identified by lineal descendants of Waikapū for gathering and
use in lāʻau lapaʻau (Hawaiian herbal medicine). These
native plants and others grow in very specific regions within
the valley and ridges. A Hawaiian family shared about a
specific koʻokoʻolau plant that they would gather fresh leaves
from which was located along a ridge and dry gulch in the
valley named Kapiliiki. The leaves were used to treat a family
member who has high blood pressure. The proposed project does not adversely impact the area in which traditional cultural practice of gathering herbs exist. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary Native Hawaiian practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Lineal descendants of Waikapū have also been identified as having scattered the ashes of their ancestors within the valley. The cultural practices conducted by lineal descendants are reliant on access through the proposed development in order to honor their kūpuna. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Hui Mālama o Waikapū, a non-profit organization affiliated with Tri-Isle RC&D, was established in 2009 and currently has a 15 year lease with the developer for a 5 acre parcel of land adjacent to the proposed project. The mission of the organization is “E mālama a ho’okā’oi i ka mo’omeheu, kaiameaola kūloheloheloe a me ka wai o kō Waikapū ahupua’a” or “To preserve and enhance the cultural, biological, and water
resources of the Waikapū ahupua'a. Hui Mālama o Waikapū is comprised of four Waikapū residents who have lineal and genealogical ties to the ahupua'a and have committed themselves to protecting the culturally and environmentally rich landscape through cultural practices. The members of Hui Mālama o Waikapū (HMOK), conduct cultural practices on the leased parcel of land in addition to lands in and around the project area. These practices include gathering of seeds and cuttings of endemic plant cultivars for propagation and restoration of the leased native dryland forest owned by the developer. They also gather native plants and material for traditional implements used during activities on the leased land such as lo‘i kalo, Hawaiian food crop cultivation and lāʻau lapaʻau. In addition, the group has sought and received funding to initiate a natural and cultural resource management and education program in the leased area. Access and protection to this highly sensitive cultural sight is critical for both cultural practices and educational program implementation. Hui Mālama o Waikapū has brought over 1,000 students since their inception and continue to grow their educational programs to include formal partnerships with educational institutions on Maui. Currently the land owner provides access via an old plantation road leading up to the reservoir and access point to HMOW leased lands. The proposed
project will continue to allow access to their lease lands for
traditional and customary Hawaiian practices through a greenway
or potential cultural reserve adjacent to the Waikapū Stream and
near the opening of the valley on a trail below Reservoir #1.

The founders and members of Hui Mālama o Waikapū
and who are from the Waikapū ahupuaʻa, have extensive knowledge
of the cultural sites and practices within and adjacent to the
proposed development project. HMOK has recommended that a
cultural preserve be established to ensure that all cultural
sites, existing and future cultural practices within the
developers’ land base be protected in perpetuity. These sites
include kuleana lands with loʻi kalo terraces, ʻauwai systems,
house sites, other cultural and archaeological features, and
native plant species. Hui Mālama o Waikapū proposes to work
alongside developer to ensure that there is a plan to mitigate
any potential adverse impacts on these highly sensitive cultural
lands.

Through the development of the CIA, two privately
owned kuleana parcels of land were identified. They are
called the “Mahi parcels”. Both parcels are located directly
in the middle of where the proposed urban lots were to be
developed in the mauka section. These parcels are currently
vacant and in the middle of a pasture used by the developer
and neighboring land owner for grazing cattle. Lineal
descendants of the Mahi family who now live on O‘ahu, were
contacted through this process and expressed a deep interest
in returning to their ancestral land someday along with a
permanent access easement to their property. The developer for
the project has been made aware of this and has since moved the
urban lots and road away from the Mahi kuleana parcels. In
addition to the Mahi family, are also the Kauihou family who
have genealogical ties to Waikapū. Their kuleana lands are
adjacent to the Waikapū Stream and along a flat joined by the
proposed project. Access to both the Kauihou and Mahi parcels
are through the proposed project area. Mitigation measures to
ensure access by the developer has been taken to minimize any
potential impacts. A permanent easement for these families is
recommended to ensure that both Native Hawaiian families are
able to exercise any traditional practices in the future.

Given the cultural-historical, archaeological and
Hawaiian land tenure background presented above, combined with
cultural/oral historical studies conducted during the CIA, it
is the finding of the current analysis that there are specific
valued cultural, historical and natural resources present and
traditional and customary Native Hawaiian rights being
exercised within the proposed Waikapū Country Town development.
The Ka Pa‘akai Cultural Analysis addresses specific mitigation
measures to ensure that there are minimal to no adverse effects
on any of the cultural practices identified within the CIA. It
is further recommended that the Land Use Commission follow up
with the applicant to ensure that Native Hawaiian rights and
practices are preserved and that mitigation measures are
formalized prior to securing their entitlements.

In addition to my work on the CIA, it was also
important that I review the Archaeological Inventory Survey
conducted for this project. Because I have a background in both
Hawaiian culture and Hawaiian archaeology, it is imperative that
the work between the culture and archaeology are intimately tied
together and essentially go hand in hand in relationship to an
overall analysis of the scope of the proposed project. I
therefore conducted a short analysis that I provided in the Ka
Pa’akai Report based on my review of the AIS completed by
Archaeological Surveys of Hawai‘i in 2013. A short summary can
be found below.

An archaeological inventory survey (AIS) was
conducted for the proposed Waikapū Country Town development by
Archaeological Services Hawai‘i LLC. Of the 1,576 acres of land
in which the developer consists of, the planned development will
have a footprint of about 500 acres of the total land base of
1,576 acres. The project area extends all the way to the
southern edge of the Waikapū Stream, however the development
will remain at least 100 ft. from the stream, such that the
former cane access road which parallels the stream, as well as
the steep to moderate slopes down to the stream’s edge will not
be encroached upon by development. This 100 ft. buffer zone
was mandated in 1992 by the State Land Use District Boundary
Review for Maui, Molokai, Lanai, Honolulu where a 100-ft
corridor on both sides of Waikapū Stream was placed into a
Conservation District (Office of State Planning: 31).

Developing a cultural reserve or corridor is one such
mitigation measure that has been proposed in the latter part of
this study as a way to ensure protection of these cultural sites
in perpetuity. The AIS scope of work consisted of dividing the
project area into five zones based primarily on the current
TMK’s (ASH 2013). From mauka to makai the zones are as
follows: Parcel 3 Mauka, constitutes the mauka section of TMK
3-6-004:003; Parcel 3 Waena is the middle and remaining section
of TMK 3-6-004:003: Parcel 5 is TMK 3-6-004:006; Parcel 7 is
the current Maui Tropical Plantation landholdings 3-6-004:007
and Parcel 3 Makai is within TMK 3-6-002:003. The
investigation was conducted to determine presence/absence,
extent, and significance of historic properties within the
proposed development area and to formulate future mitigation
measures for these remains and the project area.

Due to the extensive grading and tilling activities
associated with Waikapū and Wailuku Sugarcane Company
cultivation and the construction of the Maui Tropical Plantation commercial buildings and agro-tourism facilities, no surface structural remains associated with the pre-Contact and post Contact periods were evident; however features associated with sugarcane cultivation was frequently found. Remnant subsurface historic properties such as rock alignments, buried cultural deposits, pits and human burials were not found in the over 150 trenches that were dug. The likelihood of encountering subsurface features throughout the actual development, was dependent upon the depth of the sugarcane till zone. A majority of the project area has undergone compounded surficial disturbances from commercial and small scale agricultural and animal husbandry pursuits providing little evidence of surface historic properties. This area was however intensively settled from the pre-contact period through the historic era as evidenced by the numerous kuleana land records via Land Commission Awards (LCAs), several large Government Grant lots, coupled with archival research and prior archaeological studies around the project area. Due to these alterations across the project area, the AIS procedures consisted of a pedestrian survey and subsurface investigations through mechanical excavations.

There were numerous features and historic properties found, most of which were associated with the plantation era,
such as the Waiheʻe Ditch (circa 1907) and a plantation ditch
deriving from Reservoir #1. In addition, a traditional ‘auwai
which continues to flow and feed kuleana lands and lo‘i kalo
adjacent to the planned development exists. Lastly, there was
an L-shaped retaining wall adjacent to the ‘auwai that was
likely part of a lo‘i kalo complex.

Because of the numerous amount of former LCA’s and
Grants, as well as historic properties found within the
proposed project area, the AIS recommended there be
archaeological monitoring of Parcel 3 Mauka and Waena.

Furthermore, the conducting of spot monitoring
inspections of other localities not expressed in above analysis
was recommended. Parcels 6 and 7 contain numerous LCA’s and
Grants; thus monitoring should initially be full time until
the nature of the subsurface conditions in relationship to the
proposed ground-altering activities is determined. Similarly
for Parcel 3 Makai, monitoring should initially be full-time
with the primary focus along the eastern and western perimeters,
which are close to Waiʻale and East Waikō Roads, areas known
and documented in Government Grant 2747 to Eugene Bal which
contain sand dune burials. Prior to the commencement of
construction, an Archaeological Monitoring Plan (AMP) detailing
the localities to undergo monitoring procedures will be
prepared and submitted to SHPD for review and approval.
I have come to the conclusion that the proposed Waikapū Country Town is within an existing community rich with cultural and natural resources as well as ongoing Native Hawaiian traditional practices. An understanding of how these traditional practices, as well as access to land and resources, will to continue to thrive (as opposed to just surviving) into the future as it relates to this project is going to be essential and will require mitigation measures, strategies and engagement from both community stakeholders, kuleana land owners and developers. While many of the above issues have begun to be addressed, my recommendation to the Land Use Commission is to ensure that the developer follows through on all proposed findings, facts and recommendations.

Mahalo nui for allowing me the opportunity to address this commission through the work that I have completed for the proposed Waikapū Country Town development.


HOKAIO PELLEGRINO