




[EXTERNAL] LUC 12-3-25 meeting, agenda item #2 IN OPPOSITION

From ptanok12@gmail.com <ptanok12@gmail.com>
on behalf of
Moku Loa Hawaii Island Sierra Club <hawaiiislandsierraclub@gmail.com>
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To DBEDT LUC <dbedt.luc.web@hawaii.gov>

 1 attachment (194 KB)

LUC testimony, UoN 2nd Revised EIS testimony, 12-2-25.docx;

Aloha,
Please see attached testimony on agenda item #2 re: Docket #A02-737.
Mahalo,
Chuck Flaherty
Chair

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Moku Loa (Hawaii Island) Group, Sierra Club

We work hard to advance Sierra Club's mission to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

December 2, 2025

State of Hawai‘i
Land Use Commission
235 S Beretania Street, Room 405
Honolulu, HI 96813

Re: Agenda item 2., A02-737 University of Nations, Kona Inc. (Hawai‘i)

Aloha Mr. Chair and members of the Commission,

The Sierra Club of Hawai‘i, Hawai‘i Island Group of the Sierra Club of Hawai‘i is strongly opposed to the Commission accepting the Petitioner’s 2020 Master Plan Update Second Final Environmental Impact Statement (“FEIS”) for the following reasons:

1. It explicitly violates the prior commitment to the kanaka maoli community to create and operate a Cultural Center that honors and perpetuates kanake maoli traditional and customary practices and religious beliefs and their relationship with the Christian missionaries who colonized this area and how that relationship and religious beliefs have evolved to this day.
2. By erasing all elements of the Commission’s August 8, 2003 Findings of Fact, Conclusion of Law, and Decision and Order for a State Land Use Boundary Amendment as they relate to the preservation and/or perpetuation of kanaka maoli constitutional rights and culture, the FEIS is an effective repetition of the “Jim Crow” era of Hawai‘i’s history in which barriers were put into place to prevent kanaka maoli from engaging in traditional and customary practices,
3. It violates Article XII, Section 7 of the state constitution, Hawai‘i Revised Statutes (including Chapter 343), and Hawai‘i Administrative Rules.
4. It ignores the fact that the Kona area contained seven Royal Centers and is one of the most significant cultural landscapes in the state of Hawai‘i.

The Proposal for Reclassification section of the Commission’s August 8, 2003 Findings of Fact, Conclusions of Law, and Decision and Order for a State Land Use District Boundary Amendment (“D&O”), Docket No. AO2-737, contained the following statements:

“The Project comprises three separate developments: Hualalai Village, the Cultural Center, and the Educational Facility.”

“The Cultural Center, a first-class visitor destination, is intended to present the authentic story of the native Hawaiian culture and its historical relationship with the introduction of Christianity, its impact upon the monarchy and the people of Hawaii and the region of Kona, with references to

traditional cultures from Pacific regions that have combined to produce Hawaii's unique multicultural mosaic."

"Socially, the primary programmatic goals of the Cultural Center are to introduce and educate visitors and local families to the authentic story of the native Hawaiian culture and its historical relationship with the introduction of Christianity, its impact upon the monarchy, the people of Hawaii and the region of Kona. Inherent in this authentic telling is how Christianity changed the Hawaiian culture, which promotes respect for differences among cultures and the value of community. The Cultural Center will do this through a set of experiences that are firm, intellectually and creatively stimulating, and appealing to families and across generations, all in the context of a beautifully landscaped park that takes full advantage of the setting and view planes."

In addition, the D&O section contained the following requirements:

"7. Cultural, Historical, Customary and Traditional Rights and Resources

a. Petitioner shall initially establish and annually provide reasonable operating and capital expenditure costs or facilities through revenues from the Project, the KWC composed of: (1) a person of Native Hawaiian ancestry who is a lineal descendent and knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Executive Officer of the Commission from a list of three names based on a review of their resumes, and (2) a management member knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Petitioner. The individuals making up the KWC shall operate on an equal vote basis.

b. The KWC shall be established by Petitioner no later than six months from the issuance of this Decision and Order. Upon establishment of the KWC, Petitioner shall provide a written report to the Commission, the Office of Planning, and the County of Hawaii with details as to its composition, structure, operating costs and compensation for members and staff, procedures, and plan of action.

c. The KWC shall jointly decide, or on an equal vote basis, monitoring and dispute resolution decisions related to the protection of native Hawaiian practitioners' exercise of customary and traditional practices and rights within the Reclassified Area; the availability of natural and cultural resources for present and future generations; and appropriate access within the Reclassified Area to the extent that these rights are protected by PASH vs. Hawaii County Planning Commission, T9 Haw. 425 (1995), in perpetuity. In the event that the two person KWC cannot agree on a specific decision, they shall jointly select a third person to break the tie. A certified description of any action requiring selection of a third member of the KWC shall be filed with the Commission.

d. The KWC shall monitor the quality of the Petitioner's actions to provide access to and/or preserve and maintain traditional and customary native Hawaiian practices and cultural resources. The KWC shall provide recommendations consistent with this Decision and Order to the Commission with respect to maintenance and/or preservation of those traditional and customary native Hawaiian practices and cultural resources.

e. The KWC shall provide reports to the Commission on an annual basis describing items and issues covered in their deliberations and any other findings and recommendations.

f. Petitioner shall preserve and protect rights to gathering for cultural purposes, including religious practice, by providing appropriate access to burial sites and other archaeological sites within the Reclassified Area consistent with this Decision and Order. Petitioner shall adhere to prevailing and/or published protocols of the DLNR-SHPD where these sites are found to exist, as monitored by the KWC.”

“11. Cultural Center.

The Petitioner shall develop the Cultural Center with sensitivity to the host native Hawaiian culture, and provide for outreach and educational opportunities for the children of Hawaii. The Petitioner shall consult with the KWC and the Ka Haka 'Ula O Ke'elikolani, College of Hawaiian Language at University of Hawaii-Hilo to promote cultural sensitivity in the development of programs for the Cultural Center. Petitioner shall, prior to commencement of operations for the Cultural Center, submit a status report to the Commission for its approval on the Petitioner's traffic mitigation efforts for development of the Reclassified Area. if, for any reason, the Cultural Center does not commence operations by January 1, 2008, the Petitioner shall return to the Commission for a hearing to review compliance with the requirements of this Condition.”

“12. Ka Haka 'Ula O Ke'elikolani, College of Hawaiian Language at University of Hawaii-Hilo. Petitioner shall cooperate with the College of Hawaiian Language at University of Hawaii-Hilo in promoting the perpetuation of the Hawaiian language by providing distance learning opportunities for teaching the native Hawaiian language, as well as cooperating in activities that promote Hawaiian cultural authenticity.”

On September 9, 2022, the Petitioner submitted a Supplemental Annual Report, which stated, in part:

“However, UNK has made substantial progress in completing the technical studies necessary to amend the D&O, which substitutes dorms and student-support facilities for the previously planned condominiums, [26.5 acre] cultural center, and campus expansion elements approved under the D&O. “

The FEIS completely ignores the Commission’s prior D&O containing conditions essential to the preservation and perpetuate of kanaka maoli constitutional rights and traditional and customary

practices. To many, it appears to be a shocking repeat of the history that led to what many now describe as a genocide of kanaka maoli and their culture.

The HIG urges the Commission to reject the FEIS for reasons that it violates the Hawai'i Constitution, prior Hawai'i Supreme Court precedents, Hawai'i Revised Statutes, and Hawai'i Administrative Rules.

Mahalo for this opportunity to testify.

Additional relevant sections from the 8/8/03 D&O Proposal for Reclassification:

The Cultural Center

50. The Cultural Center, a first-class visitor destination, is intended to present the authentic story of the native Hawaiian culture and its historical relationship with the introduction of Christianity, its impact upon the monarchy and the people of Hawaii and the region-r of Kona, with references to traditional cultures from Pacific regions that have combined to produce Hawaii's unique multicultural mosaic. The present plan is that these stories will be told through on-going daytime performances in outdoor performance area(s) and enclosed performance auditorium; and other features include an outdoor water feature; an educational living museum complex, a restaurant and shops. These presentations will last approximately 20 minutes and the entire Cultural Center can be experienced in approximately two and one-half hours. A water feature will provide water-based activities and a sense of place in Hawaii.

51. The Cultural Center will provide education and entertainment related to different elements of native Hawaiian culture and history both outdoors and in an indoor main performance auditorium, all in a beautifully landscaped park setting. It is anticipated that the facilities of the Cultural Center, including the auditorium, will also be made available for community use, such as concerts.

52. The Cultural Center will benefit Kailua-Kona by providing a needed venue and visitor attraction in the Kona region, that respects, educates, and tells the story of Hawaii's cultures, thus building respect, and awareness of cultural diversity as well as similarity across cultures. The Cultural Center will appeal to families and across generations.

53. The Cultural Center will enhance the exposure of University students to native Hawaiian and Pacific cultures. Net revenues generated by both the Village project and the Cultural Center project will stay in Hawaii, as they flow through Bencorp to benefit the University of the Nations-Kona.

54. The preliminary site plan devotes approximately 26.5 acres to the Cultural Center including parking that can accommodate 15 tour buses and up to 840 cars.

55. Economically, the Cultural Center will enhance the Kailua-Kona community as a significant new visitor attraction. The Cultural Center will add measurably to the region's economic stability and economic growth by bringing a constant flow of income to the region. Because any net profit will pass through Bencorp directly to University of the Nations-Kona, this income will stay in the region (as opposed to leaving to support a mainland home office or operations elsewhere), circulate through the local economy in goods and services purchased, and have a substantial local multiplier effect. By helping to facilitate the continued growth of the University, this income will fuel the arrival of a growing student population from the U.S. mainland and elsewhere that will continue to contribute to the local and regional economy at a concomitantly

growing rate. The construction of the Cultural Center will result in local employment and the purchase of local and regional goods and services.

56. The ongoing operations of the Cultural Center will provide a continuing demand for local goods and services, and a supply of new and steady jobs, the income from which will also circulate through the region on a continuing basis. In the absence of any comparable attraction currently existing in the Kona region or on the Big Island, the Cultural Center will add a wholly new dimension to the attractiveness and economy of the region while not competing with any similar existing enterprise.

51. Based upon the feasibility assumption prepared by Steven Au and Roy Tokujo, 500 to 1,100 visitors per day are projected to experience the Cultural Center. Cruise line passengers will be shuttled via buses from the pier to the Cultural Center and will represent approximately 75% of the daily visitor count to the Cultural Center. In addition, 50 tour patrons will arrive by van transport, and 50 kama'aina and 200 independent travelers will arrive by private automobiles.

58. Socially, the primary programmatic goals of the Cultural Center are to introduce and educate visitors and local families to the authentic story of the native Hawaiian culture and its historical relationship with the introduction of Christianity, its impact upon the monarchy, the people of Hawaii and the region of Kona. Inherent in this authentic telling is how Christianity changed the Hawaiian culture, which promotes respect for differences among cultures and the value of community. The Cultural Center will do this through a set of experiences that are firm, intellectually and creatively stimulating, and appealing to families and across generations, all in the context of a beautifully landscaped park that takes full advantage of the setting and view planes.

59. It is anticipated that facilities will also be open to the community, and provide a new and high quality performance venue for Kailua-Kona. The new performance area is situated on site as far as possible from any existing or planned residential areas and will be completely enclosed to ameliorate noise concerns. Community activities and concerts may be held in this main performance space and community groups could also make use of the space, which will contribute to the community well being and integrate the Cultural Center into Kailua-Kona's community life.

60. Educationally, the Cultural Center will offer local residents and particularly local schoolchildren the opportunity to deepen their understanding of their own culture by seeing it in its traditional form and by experiencing the range of traditional cultures that produced Hawaii's present cultural program. Student educational events will be scheduled on "non-ship arrival" days and during the normal hours of opening.

61. The landscape plan for the Cultural Center will focus on education.

Remnants of the previous agricultural features that can be preserved will be preserved. Plantings related to Hawaiian agriculture will be planted, and will model the dry mesic forest of olden times. This will be a focus within the Cultural Center project area including the passive park and open space areas.