



New Public Testimony

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Agenda Item

Docket No. A02-737 University of Nations Kona Inc.

Position

Oppose

Attachment (if any)

- [Propose-the-use-of-state-or-county-lands-or-the-use-of-state-or-county-funds.docx](#)

December 1, 2025

Cindy Freitas
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Applicant: University of the Nations
David Hamilton

Consultant: G70
Jeffrey Overton
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Approving Agency:
State of Hawai'i LUC
Martina Segura
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RE: A02-737: Propose the use of state or county lands or the use of state or county funds
South Kona (3) 7-5-010:085 and (3) 7-5-017:006

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in strong OPPOSITION to acceptance of the Second Final EIS and Reliance on the 2003 Land Use Commission Findings.

University of the Nations Kona 2020 Master Plan Update and the continued reliance on the 2003 Land Use Commission Finding of Fact in Docket No. A02-737.

I. The Second Final EIS is Legally DEFICIENT

According to the Applicant's own submittal dated November 17, 2025, this Second Final EIS was prepared only because the first Final EIS was withdrawn due to an omission of required federal comments, and additional content was inserted afterward, including groundwater adaptive management information and expanded cultural resources sections. *See 2025-11-23-HA-2nd-FEIS-University of the Nations Kona Vol 1.*, this means the public never had a meaningful opportunity to review the same document now before you. Under HAR 11-200.1, the public must review the actual EIS proposed for acceptance not one that is later amended in private. **THIS ALONE BARS ACCEPTANCE.**

II. Non-Compliance with Ka Pa'akai o Ka 'Āina

The Hawai'i Supreme Court in *Ka Pa'akai o Ka 'Aina v Land Use Commission* requires:

1. Identification of Native Hawaiian traditional and customary practices
2. Determination of their scope and location
3. Feasible protective measures

Those requirements were not fully developed in prior versions of the EIS. The record shows that **new cultural resource contents was added only in November 2025**. *See 2025-11-23-HA-2nd-FEIS-University of the Nations Kona Vol 1.*, confirming the Ka Pa'akai analysis was incomplete for years. An agency cannot approve first and study impacts later. When cultural findings are supplemental instead of foundational, the record is legally insufficient.

III. The 2003 Findings Cannot Support This Project

The **2003 Land Use Commission order** contemplated a different project, a residential condominium development, a Cultural Center, and a small educational facility. *See 2025-11-17-PET-SECOND-FEIS-VOL 2*. That is not what is proposed today

In 2025, the University seeks a major campus expansion including student housing, academic buildings, athletic facilities, and roadway improvements. *See 2025-11-23-HA-2nd-FEIS-University of the Nations Kona Vol 1*. This is a fundamentally different purpose, scale, and impact.

Hawai'i case law, including *Price v. Obayashi*, makes clear that when the facts materially changes, old findings **CANNOT BE REUSED** to justify new actions. The Land Use Commission must make new, projects specific findings based on current conditions not a **22 YEAR OLD RECORD**.

IV. Conclusion

This Commission has a constitutional duty to protect cultural resources, trust lands, and our environment. Accepting an EIS that:

1. Was withdrawn and rewritten without full public review,
2. Adds critical content after the fact, and
3. Relies on outdated and incomplete 2003 findings,

would violate both **HRS Chapter 343** and your own land-use obligations.

I respectfully urge you to:

1. **Reject** the Second Final EIS, and
2. **Require a new, complete, and lawful environmental review** before any further action is taken.

Our community deserves transparency, accountability, and respect for our 'āina and our cultural practices. Anything less fails the people and spirit of Hawai'i.

Mahalo,

Cindy Freitas