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3.7 CULTURAL RESOURCES

This section provides an analysis of the Honoapiʻilani Highway Improvements Project’s (the Project’s) impact on customary and traditional Native Hawaiian practices in the project area as required by the Hawaiʻi Revised Statutes (HRS) § 343-2. This analysis is separate from, but complements, the federally mandated review under Section 106 of the Historic Preservation Act (Section 3.6, Archaeological and Architectural Historic Properties). HDOT, the State agency leading the Project’s action, bears responsibility for this obligation as well as any mitigation deriving from this analysis.

3.7.1 Regulatory Context

The obligation of the State to protect Native Hawaiian traditional and customary practices is based first upon Article XII, Section 7 of the Hawaiʻi Constitution, which requires the State of Hawaiʻi to protect all rights of Native Hawaiians to exercise customary and traditional practices for subsistence, cultural, and religious purposes.

Subsequent legislative acts, as codified in the HRS, as well as the State constitution and statutes through case law, describe how the State seeks to integrate and protect Native Hawaiian traditional and customary practices in a western system of private property ownership.

Section 7-1 of the HRS specifically protects the right to gather, although that right is limited in scope to the enumerated items that are primarily used for constructing a house or starting a fire. Section 1-1 of the HRS offers broader protection for the exercise of traditional and customary rights. By codifying “Hawaiian usage” as an exception to the common law of the State, this statutory provision provides “a vehicle for the continued existence of those customary rights which continued to be practiced” after November 25, 1892.¹

In a series of landmark cases beginning with *Kalipi*, the Hawaiʻi Supreme Court reaffirmed the customary and traditional gathering rights of ahupuaʻa² tenants, particularly under Article XII, Section 7 of the Hawaiʻi Constitution.³ Through this line of cases, the Supreme Court established the manner in which State agencies must apply constitutional protections of Native Hawaiian gathering rights in the development of private real property.

In *Kalipi*, the Hawaiʻi Supreme Court ruled that “any argument for the extinguishing of traditional rights based simply upon the possible inconsistency of purported native rights with our modern system of land tenure must fail.”⁴ In *Pele Defense Fund v. Paty*, the Court held that “Native Hawaiian rights protected by article XII, section 7 may extend beyond the ahupuaʻa in which a Native Hawaiian resides

¹ *Kalipi v. Hawaiian Trust Co.*, 66 Haw. 1, 10, 656 P.2d 745, 750–51 (1982).

² An ahupuaʻa is a traditional Hawaiian land division.

³ *Kalipi*, 66 Haw. at 10–12, 656 P.2d at 750–52; *Pele Defense Fund v. Paty*, 73 Haw. 578, 837 P.2d 1247 (1992), cert. denied, 507 U.S. 918 (1993); *Public Access Shoreline Haw. v. Haw. Cnty. Planning Comm’n*, 79 Hawaiʻi 425, 903 P.2d 1246 (1995), cert. denied, 517 U.S. 1163 (1996) (commonly known as “PASH”); *Ka Paʻakai O Ka ʻĀina v. Land Use Com’n, State of Hawaiʻi*, 94 Hawaiʻi 31, 7P.3d 1068 (2000).

⁴ *Kalipi*, 66 Haw. at 4, 656 P.2d at 748.



where such rights have been customarily and traditionally exercised in this manner.”⁵ In the *Public Access Shoreline Highway (PASH) v. Hawaiʻi County Planning Commission* case, the court stated that “legitimate customary and traditional practices must be protected to the extent feasible in accordance with article XII, section 7.”⁶

The court in *PASH* stated that the “State retains the ability to reconcile competing interests under article XII, section 7.”⁷ As part of this balance of interests, the court stated: (a) “[although access is only guaranteed in connection with undeveloped lands, and article XII, section 7 does not require the preservation of such lands, the State does not have the unfettered discretion to regulate the rights of ahupuaʻa tenants out of existence,”⁸ and (b) “the balance of interests and harms clearly favors a right of exclusion for private property owners as against persons pursuing non-traditional practices or exercising otherwise valid customary rights in an unreasonable manner,” although, “[o]n the other hand, the reasonable exercise of ancient Hawaiian usage is entitled to protection under article XII, section 7.”⁹

In *Ka Paʻakai O Ka ʻĀina*, the Supreme Court reaffirmed the constitutional and statutory responsibility of State agencies to preserve and protect the rights of Native Hawaiians to carry-out their traditional and customary practices to the extent feasible and, in so doing, “the Court introduced an analytical three part framework that governmental agencies must specifically consider when balancing their obligations to protect traditional and customary practices against private property (as well as competing public) interests.”¹⁰ These include the following:

1. Identify the scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary Native Hawaiian practices are exercised in the affected area
2. Determine the extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action
3. Identify feasible actions, if any, to be taken by the State to reasonably protect Native Hawaiian rights if they are found to exist

These court decisions overall affirm and seek “to effectuate the State’s obligation to protect Native Hawaiian customary and traditional practices while reasonably accommodating competing private [property] interests.”¹¹ The three-part framework provides specific direction to State and County agencies when considering land use and development projects on previously undeveloped land and

⁵ Pele Defense Fund v. Paty, 73 Haw. at 620, 837 P.2d 1272.

⁶ Public Access Shoreline Highway (PASH) v. Hawaiʻi County Planning Commission, 79 Hawaiʻi at 451, 903 P.2d at 1272.

⁷ Public Access Shoreline Highway (PASH) v. Hawaiʻi County Planning Commission, 79 Hawaiʻi at 447, 903 P.2d at 1268.

⁸ Id. at 451, 903 P.2d at 1272.

⁹ Id. at 442, 903 P.2d at 1272.

¹⁰ MacKenzie, 2015.

¹¹ Id. at 46-47, 7 P.3d at 1083-84.



should provide guidance to developers with respect to the record that must be prepared for a discretionary land use authorization or permit.

The contents of this chapter relies upon findings from the Cultural Impact Assessment (CIA), which includes a discussion of the above three criteria, and fulfills HDOT's obligations pursuant to *Ka Paʻakai O Ka ʻĀina*.

3.7.2 Methodology

In July 2023, ʻĀina Archaeology, Inc. completed a CIA Report for the Project that included an ethnographic study.¹²

The CIA was prepared through research of archives and legal documents, including Land Commission Awards and census counts, as well as an examination of culturally significant wahi pana (storied places) and their treatment in mele (songs and chants), moʻolelo (stories and history), kaʻao (myths), and other oral history traditions. From the information found via documentary research, ʻĀina Archaeology was able to hold focused interviews with organizations and individuals having knowledge of the Project.

To identify individuals with knowledge of the traditional cultural practices within and adjacent to the Project as it relates to this study, government agencies, advisory councils, local community organizations, traditional cultural practitioners, and kamaʻāina (residents) and kupuna (elders) with generational ties to the project area were contacted. The project team then made good-faith attempts to follow up with everyone on the initial mailing list with letters and Olowalu (including Launiupoko)/Ukumehame project area maps. Table 4-1 in the CIA presents a more detailed list of the community consultation effort conducted with kamaʻāina, Hawaiian cultural advisers, and Hawaiian organizations. And Section 3.7.4, Interviews and Consultation, summarizes the findings of the document research and interviews with individuals who expressed personal knowledge of the project area and gave their consent to share their manaʻo (thoughts).

While research revealed that the number of records that mention Olowalu versus Ukumehame are not equal, Ukumehame has traditionally been considered a part of Olowalu. Therefore, to glean information about cultural practices in Ukumehame and Launiupoko, additional information about practices in Olowalu and across the broader land division of Lāhainā is often utilized. Therefore, this chapter does not discuss impacts ahupuaʻa by ahupuaʻa separately (like other chapters in this Draft EIS). Instead, this chapter is designed to better consider the Project from a Kānaka Maoli (Native Hawaiian) viewpoint based on research and interviews that fulfill the requirements of *Ka Paʻakai O Ka ʻĀina*.

3.7.3 Cultural, Historical, and Natural Resources in the Affected Environment

The project area includes the entire ahupuaʻa of Olowalu (and the project area extends into a small portion of the ahupuaʻa of Launiupoko) and Ukumehame, land divisions which abut one another on

¹² ʻĀina Archaeology, Inc. 2023. Cultural Impact Assessment Report.



Keahi). Limited agriculture still exists to this day on certain residential parcels, as discussed in the interviews below.

The greatest treasure trove of descriptions regarding Native fishing traditions was compiled by the Hon. Daniel Kahāʻulelio, born in Lāhainā at Wailehua in 1835, for Ka Nupepa Kuokoa and ran as a series of newspaper articles for five months in 1902. As a Native son of Lāhainā, the majority of Kahāʻulelio’s traditions have an intimate relationship with that place. One such tradition describes the communal, cooperative pakū (curtain) net fishing that was practiced at Unahi in Olowalu to catch akule (*Selar crumenophthalmus*). Although they are usually known as deep sea fish, akule occasionally came close to shore in Unahi at Olowalu and could be seen from shore, making the waters red.

Kahāʻulelio attested to further fishing traditions in the Olowalu area where the ocean from Lāhainā to Maʻalaea was referred to as Kai-o-Hauī, noting the people were also known for mamali ʻōʻio (juvenile *Albula glossodonta*) fishing along the reefs and shorelines.¹⁴ They used hooks for this type of fishing, unlike other places where nets were used to catch ʻōʻio.¹⁵ Aku (*Katsuwonus pelamis*) fishing for those of Ukumehame, Olowalu, and all of Lāhainā, prior to the arrival of the missionaries, was carried out 5 to 7 miles from the coast with the pā (hook) and a malau (bait carrier) filled with ʻiao (*Pranesus insularum*).¹⁶ Koʻa (fishing grounds) and triangulation points based on landmarks that fishermen could see while on the ocean were extremely important to the success of a catch. Marine fishing practices like diving, pole fishing, spear fishing, basket trapping, laying net, hukilau (pulling nets), limu gathering, ʻopihi picking, crab hunting, and more have been occurring for generations in the coastal regions of the project areas.¹⁷ Shore fishing and deep sea fishing (to a certain extent) is still practiced today as discussed in the interviews below.

In the mountain streams, freshwater fish and shrimp species are known to inhabit both Olowalu and Ukumehame Streams. Kamakau explains that ʻōpae (shrimp) and ʻoʻopu (freshwater gobies) were sometimes found in loʻi kalo (wetland taro patches), such that they would also function as fish ponds.¹⁸

Shoreline fishponds, or loko iʻa, were also important parts of the subsistence of Olowalu. Ka Loko Iʻa o Kapāiki was an aquaculture resource that was meant for the aliʻi. The location of the fishpond is mentioned as being near the Olowalu shoreline” and “the land where Kalola’s kauhale (house compound) stood in Olowalu is on Saffery land, near the Loko o Kapāiki.”¹⁹ Fishponds and other types of fisheries, like the oʻopu fishery in the project area, provided further sustainable sources of fish protein for the aliʻi (chiefs) and people of the Olowalu area.

A network of overland trails facilitated pedestrian passage from Lāhainā to the north coast of West Maui and into the higher forests for activities such as bird-catching and gathering wild plants. According to Handy, et al., one trail extended mauka in Olowalu Valley to the highest point of the West

¹⁴ Sterling. 1998.

¹⁵ Kahāʻulelio. 2006.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Kamakau. 1976.

¹⁹ Smith. 2011.



Maui summit at Puʻu Kukui, then descended to Waiehu on the northern side and also into Wailuku.^{20,21} Bird catching is likely no longer in practice. More recently, nēnē (Hawaiian geese) have returned to nest in the mauka regions of the project area where water is prevalent and light, noise, and crowds of people are scarce. Although gathering of plant materials has not been identified as by interview participants as a continuing practice, it is a possibility.

Ukumehame was once a natural marshy area, plentiful with paʻakai (sea salt) and a regular place for visiting aliʻi to stop their large fleets, to come ashore, and be welcomed in a bountiful environment. Kealaloloa, situated within the confines of Ukumehame ahupuaʻa, constitutes a broad ridge on the southeast flank of West Maui, rising mauka from a traditional Hawaiian coastal settlement.²² Proceeding along the ridge mauka, it offers a direct and easily navigable route to the West Maui summit region, where the headwaters of Pohakea Stream on the east and Ukumehame Stream on the west converge. It was also a place for nesting koaʻe (*Phaethon lepturus dorotheae*) in the high cliffs that line the pali (cliffs). There is conjecture that from this juncture, known as Hanaʻula, the trail likely continued along the summit ridge to intersect with the inland Olowalu- Puʻu Kukui-Waiehu "overland" trail.²³ Beyond its utility in traversing the West Maui Mountain range, Folk and Hammatt propose that Kealaloloa may have granted access to more environments conducive to agriculture.²⁴ Mauka to makai trails have been observed on adjacent ridges of Kealaloloa.²⁵ However, it appears that the more accessible portions of the Kealaloloa trail itself have been obliterated by modern usage.

3.7.3.2 Moʻolelo (Stories)

There are many kaʻao (myths) about the landscape that reflect both Hawaiian familial relationships with the land around them and to their sense of how different parts of the land relate to each other. These are important because the Project could alter the relationships between the people and the landscape or between objects in the landscape.

Mythology recounts that Peleʻs initial arrival on Maui occurred at Lāhainā, where she left her footprint on the hill of Lāina.²⁶ The various mountain peaks and ridges of Lāhainā are associated with Lāinaʻs mother, Līhau (Mauna Līhau), his father (ʻEʻeke), and Līhauʻs sister (Puʻuwaiohina). Additionally, the two ridges shaping Ukumehame valley are linked with celestial bodies. Hokuʻula, the highest mountain ridge on the west side of Ukumehame, translates to "sacred star," while Hoku Waiki, a smaller ridge traversing the center of Ukumehame valley, derives its name from the smaller stars within the Taurus constellation.²⁷

The CIA identified two additional moʻolelo set specifically in Olowalu.

²⁰ Handy. 1991.

²¹ Sterling. 1998.

²² Walker. 1941.

²³ Handy, and Handy. 1972.

²⁴ Hammatt. 1991.

²⁵ Robins. 1994.

²⁶ Ashdown. 1970.

²⁷ Ibid.



Puʻulaina, ʻEʻeke, and Līhau – Mountainous Moʻolelo

The origins of the previously mentioned prominent mountain peak, Līhau, (Section 3.7.2, Methodology) located at the back of Olowalu ahupuaʻa, can be found in the story of Puʻulaina, a hill located in the ahupuaʻa of Wahikuli. The moʻolelo also connects Līhau to the formation of Puʻu ʻEʻeke and the islet of Molokini in the ʻAlalākeiki Channel.

The story involves Līhau and her adulterous husband, ʻEʻeke, who had a son they named Lāina.²⁸ Angry at her husband for cheating with her sister, Puʻuwaiohina, Līhau attempts to strangle her son and free herself to also be adulterous, but she fails to kill the child. ʻEʻeke takes the boy to live with his mother, Maunahoʻomaha, where he is well cared for and grows to be a handsome young man. Upon the delivery of the boy to his grandmother, the god of ʻEʻeke and Līhau, Hinaikauluau, forbids the couple to live together and to engage in sexual relations with any others. Unable to abide by this rule, ʻEʻeke once again lays with Puʻuwaiohina, and the punishment for this infraction was immediately meted out; ʻEʻeke was turned into a mountain and Puʻuwaiohina was transformed into a ridge at Kauaʻula.

After the punishment of her husband and sister, Līhau felt an upwelling of fondness for her son and asked her mother-in-law to once again see her child. Līhau and Lāina were reunited and soon he was married to the beautiful Molokini. At the same time, Pele was making her way through the island chain along with her sisters, one of whom saw how handsome Lāina was and asked Molokini to have him, to which the reply was no. For her refusal, Molokini was changed into the little islet that remains in the channel between Kahoʻolawe and Maui, and her beloved Lāina was made the husband of Pele's sister. Līhau greatly grieved her daughter-in-law and consulted Pele on the matter, at which point the goddess changed the woman into the hill we see at Olowalu. And even though her sister begged for Lāina to be spared, Pele angrily turned him into a hill where he, too, remains to this day.

Drought and the Lesson of Hua

Fornander offers another moʻolelo with the mountains of Olowalu as the backdrop. The uaʻu (Hawaiian Petrel, *Pterodroma sandwicensis*) that nest there are also central to the story regarding a Lāhainā aliʻi who, having forsaken his kahuna (priest), Luahoʻomoe, caused a drought that impacted the entire island chain.

There lived here in Lahaina a chief named Hua... he desired to get some uaʻu squabs to eat; he sent some men up to the mountains above Oloalu [*sic*] to get some uaʻu squabs to satisfy his desire. He did not wish for birds from the beach. When the birds were obtained, they were to be taken to the priest for him to ascertain where the birds came from; if he should give out the same information as the men had given to the chief as to the source of the birds, then he would be safe; if he should give a contrary answer, he would be killed. The name of this priest was Luahoomoe and he also had children. When the men went up, they could not find any mountain birds at all, so they decided to get some shore birds. When they caught some, they daubed the feathers red with dirt so that the chief would think the birds came from the mountain. When they returned and handed the birds to the chief, he was exceedingly glad because he thought the birds came from the mountain. The chief told the men to take them to the priest for his inspection. The priest perceived, however, that the birds came from the seashore. Then the chief said to the priest: "You shall not live, for you have guessed wrongly. I can very well see that

²⁸ Fornander, A. 1919b. *Collection of Hawaiian Antiquities*.



these are mountain birds.” Then and there an imu was prepared in which to bake the priest. Before he was placed in the imu, however he said to his children: “You two wait until the imu is lighted, and when the smoke ascends, should it break for the Oloalu mountains, that indicates the path; move along; and where the smoke becomes stationary, that indicates where you are to reside... Then the priest was cast into the oven and the opening closed up tightly. The smoke arose and darkened the sky... after the priest had been in the imu for two days, he reappeared and sat by the edge of the imu unknown to anyone; the chief thinking all the time that he was dead; but it was not so. When the smoke ascended and leaned towards the Oloalu mountains, the two sons went off in that direction; the cloud pointed towards Hanaula, and there it stood still, so the two sons ascended to the place and resided there... Then the whole of Maui became dry; no rain, not even a cloud in the sky, and people died from lack of water. The smoke that hung over Hanaula became a cloud, and rain fell there. Hua, the chief, lived on, and because of the lack of water and food he sailed for Hawaiʻi, the home of his elder brother; but because Hawaiʻi also suffered from lack of water and food he came back and lived at Wailuku. Wailuku also did not have any water, and that caused the chief to be crazed, so he leaned against the edge of the precipice and died, and that was the origin of the saying “The bones of Hua rattle in the sun.”²⁹

Fornander additionally observes that the phrase, "The bones of Hua rattle in the sun," symbolizes the fate of a chief whose malevolent actions provoked the ire of his community. As a final act of disdain, they left his remains exposed to the elements, allowing his bones to bleach under the sun and rustle in the wind. This proverb serves as a cautionary tale, urging others not to emulate Hua's destructive deeds, which led to the suffering of Luaho'omoe and inflicted great harm upon the people of Hawaiʻi, culminating in the ultimate disrespect of his remains by his own people.

Historic Accounts

The lands of Lāhainā, including the project area, stretching from Ukumehame to Māla became the backdrop of a pivotal war in the early 18th century. After the death of the chief of Maui, Kekaulike, one of his sons (Kauhiʻaimokuakama) attempted to usurp the island from his brother (Kamehamehanui) who was the rightful heir. Later, Kahekili, another son of Kekaulike, once again took up the bloody mantle of war. Two battles connected with the project area are noteworthy for their significance to the entirety of Maui, as well as the unification of all the Hawaiian Islands. The first great battle was “Ahulau ka piipii I Kanikanilua,” in which the defeated chief, Kalaniopuʻu, sent his great warrior, Kamehameha, who would later unite the Hawaiian Islands under a single ruler, to the puʻuhonua (sanctuary) of Olowalu where the sister of Kahekili and the wife of Kalaniopuʻu, high chiefess Kalola Pupukahonokawailani, resided.^{30, 31}

The second battle occurred many years later, after the ascension of Kamehameha to ruler of Hawaiʻi Island, the ambitious chief returned to Wailuku with thousands of warriors to further the conquest of the islands and avenge Kalaniopuʻu's previous defeat.³² This battle is known as Kepaniwai (the dammed waters) because the many bodies of the slain Maui warriors and commoners dammed the

²⁹ Fornander. 1919a.

³⁰ Kamakau. 1961.

³¹ Smith. 2011.

³² Nakuina. 1904.



river of ʻĪao Valley.^{33, 34} The high chiefess, Kalola watched the battle from an area in the back of ʻĪao Valley called Manienie. When the sacred valley was penetrated by Kamehameha’s forces, Kalola, her family and seven high chiefs of Maui escaped through the pass to Olowalu, where they boarded canoes for Molokaʻi and Oʻahu.³⁵ Some versions of the story related that among those that escaped from the battle through the overland pass to Olowalu was the young granddaughter of Kalola, Keōpūolani, who would later become the most sacred wife of Kamehameha.

In February 1790, the ship Eleanora with her captain, Simon Metcalfe, arrived from Liverpool, England, and found anchorage off the shore of Honuaʻula.³⁶ While docked there, the Eleanora’s skiff was stolen and watchmen killed. Subsequently, Captain Metcalfe sailed to Olowalu Bay, just offshore of the project area; and as the people of Olowalu came to trade with the Eleanora, Metcalfe opened fire on these innocent people. This notorious event is known as the “Olowalu Massacre.”

Historic Resources

Olowalu was considered a puʻuhonua for all of Maui and, in the case of Kamehameha after the battle of Kakanilua, for visiting chiefs, as well. As defined by Pukui and others, a puʻuhonua is a “place of refuge, sanctuary, asylum, place of peace and safety.”³⁷ The puʻuhonua of Olowalu is mentioned, along with many others including Lahaina, as a place where people could escape (pakele) and enter freely (ke komo).³⁸

Olowalu and Ukumehame are also home to several different types of religious sites, including heiau, burial grounds, and petroglyphs. These Historic Resources are discussed in further detail in Section 3.6, Archaeological and Architectural Historic Properties.

3.7.4 Interviews and Consultation

In order to identify individuals with knowledge of the traditional cultural practices within and adjacent to the project area as it relates to this study, contact with 24 individuals was initiated. These individuals have ties to government agencies, advisory councils, local community organizations, as well as traditional cultural practitioners, kamaʻāina (residents), and kupuna (elders) with generational ties to the project area. The project team then made good-faith attempts to follow up with everyone on the initial mailing list. Of the 24 individuals contacted, 13 did not respond. The remaining 11 individuals provided input via conversation (interview) or via email about the cultural practices that they are aware of that occur in the project area. Conversations and interviews in their entirety were recorded as a part of the CIA (Appendix 3.7). TABLE 3.7-1 summarizes the number of participants that mentioned specific cultural practices.

³³ Ibid.

³⁴ Kamakau. 1961.

³⁵ Smith. 2011.

³⁶ Kamakau. 1961.

³⁷ AUTHOR. 1986.

³⁸ Pogue. 1858.



TABLE 3.7-1. **Cultural Practices Mentioned by Interview Participants**

PRACTICE	NUMBER OF PARTICIPANTS THAT MENTIONED PRACTICE
Agricultural Practices	6
Fishing/Limu Gathering	6
Physical Access/Trails	4
Forest Resources	3
Fauna	4
Historic/Cultural Sites	6
View Planes for navigation	3
Streams/Surface Waters	6

3.7.5 Effects on Cultural, Historic, and Natural Resources

Traditional cultural practices and resources in the ahupuaʻa of Launiupoko, Olowalu, and Ukumehame were numerous, ranging from mauka to makai. We see traditional cultural practices in the form of farming, gathering, ceremonial, and spiritual activity, as well as the resources needed to support these practices within the project area. Some of these past practices and resources continue to this day and are discussed below.

3.7.5.1 *Agricultural Practices*

Agricultural practices, in particular growing lāʻī and kalo, are no longer practiced to the scale of pre-western contact. The sugar plantation also destroyed or significantly modified the ʻauwai (irrigation) system when building its own irrigation system, so the vast network of loʻi are no longer able to be supported. Section 3.2, Agriculture and Farming, examines agricultural practices but focuses on commercial practices (as opposed to cultural practices).

Any cultural agricultural practices that still exist are mostly small and on kuleana parcels or on Kipuka Olowalu property. Most of these areas, including Kipuka Olowalu, would be avoided by the alignment of the highway (all alternatives); however, the makai side of one Land Commission Award parcel where agricultural practices still exist would be directly affected by the highway realignment (Build Alternatives 1 and 2/3; Section 3.4, Land Acquisition, Displacement, and Relocation). While the road itself would not displace any traditional cultural agricultural practices, required changes to property access and the proximity of the new roadway alignment may have a perceived adverse effect on these practitioners.

3.7.5.2 *Fishing/Limu Gathering*

Historic accounts of shoreline and deep-ocean fishing traditions in the project area are prevalent and continue today, as mentioned in many of the informant interviews. Fishing grounds and triangulation points based on landmarks that fishermen could see while on the ocean were extremely important to the success of a catch. Should the highway realignment alter viewplanes from the ocean to the land, this could have adversely effect deep sea fishing practices. However, the visual analysis in Section 3.8, Visual and Scenic Character, did not identify any impacts on views from the ocean and identified environmental standards (that is, down shielded lighting) that would minimize adverse changes.



The Project could impair both freshwater and ocean fishing practices and gathering of other marine resources, such as limu or wana and other shell fish in the area, if runoff during construction were to enter the streams and ocean. In one of the informant interviews, it was noted that previous construction in the area caused sediment runoff that smothered the reef and damaged the fragile marine ecosystem. These concerns have also been shared with HDOT and the FHWA throughout the scoping process and in consultation with State and federal resource agencies in preparation of this Draft EIS.

As described in Section 3.9, Water Resources, Wetlands, and Floodplains, permanent and construction best management practices (BMPs) would lessen the effects to water quality caused by stormwater discharged from roadway operations. In particular, the preservation of the existing HDOT Pāpalaua sediment retention basin is one of the key methods to hold back sediment in the near term, as outlined in the *West Maui Community Plan (2022)*. In addition, HDOT Standard Specifications for Road and Bridge Construction (Section 209) Temporary Water Pollution, Dust, and Erosion Control would be adhered to regarding management of storage, stockpiling of materials, and equipment staging. With the design standards described above, no additional mitigation would be required.

3.7.5.3 Physical Access and Trails

Traditionally, access to the Olowalu area along was along the Ke Alaloa O Maui (Piʻilani trail), which was the only ancient pathway to encircle any Hawaiian island and existed along the makai coast, where the current Honoapiʻilani Highway is located as well as a mauka route through the ʻĪao Valley bypass starting near Mānienie and ending in the Olowalu Valley where Kīpuka Olowalu exists today. The presence of large and eclectic petroglyphs near Puʻu Kīlea mark those interactions over time. Trails and traditional pathways for night marchers and other spiritual entities are also located in the area.

In Build Alternatives 2, 3, and 4, an additional bridge structure would be constructed to allow an existing road (a historic trail) to pass under the highway to allow continued access to kuleana land parcels and cultural sites mauka of the Build Alternatives. With this structure, there should be no effect to this trail. Because the Build Alternatives would largely leave the existing Honoapiʻilani Highway in place, no new impacts are anticipated to the Piʻilani trail.

Specific to coastal access, the community raised concerns about the current alignment and transferring right-of-way to the County. They expressed a desire to improve safety and mitigate environmental concerns. Instances of encroachment, such as junk cars, debris, and increased encampments of the unhoused, have been noted since the opening of the Lāhainā Bypass at Launiupoko, particularly in areas between the current bypass alignment and the shoreline and under culvert crossings. Independent of the proposed project, the State and County collaborate to monitor and maintain land near the right-of-way..

3.7.5.4 Forest Resources

Traditionally, ferns, fruits, seeds, and leaves were gathered for traditional medicine making and for use as dye plants: wauke was harvested for kapa; pūhala was harvested for making mats and lei; and olonā was used for kaula (rope making). The overharvesting of sandalwood, mehame wood, and ʻōhiʻa



in these valley areas has caused an environmental shift, which raised temperature levels and dropped rainfall statistics over time. While gathering practices of mauka resources may still occur today, no continuing practice was identified during the preparation of the CIA and no impacts to cultural practices are anticipated.

3.7.5.5 Fauna

In the mauka region, there are historic tales of birds being trapped and released for feather harvesting for the creation of lei hulu (feather) work. Other birds, such as koa'e (Tropicbird, *Phaethon lepturus*), were seen nesting in zones along the rocky Pali coastline and throughout the Pali caves as well as along the marshy areas in Ukumehame. The 'ua'u (Hawaiian Petrel, *Pterodroma sandwicensis*) are also known to have inhabited the area, as told in the mo'olelo (story) of Hua. Historical research documented above also found the project area was inhabited by the koa'e and the 'iwa (Great Frigatebird, *Fregata minor*).

Interviewees for this study have noted that more recently, nēnē (Hawaiian goose, *Branta sandwicensis*) have returned to nest in the mauka regions outside of the project area, where water is prevalent and light, noise, and crowds of people are scarce. While the alternatives do not reach mauka enough to affect the birds nesting in the cliffs behind the project area, the alignments of Build Alternatives 1 and 4 do go near sites where nēnē have been observed loafing (a scientific term for a bird displaying relaxed behaviors) at Ukumehame Firing Range. Section 3.10, Flora and Fauna, Endangered Species, includes avoidance and minimization measures that are incorporated into the design and construction commitments. These commitments have developed in consultation with United States Fish and Wildlife Service and State of Hawai'i Department of Land and Natural Resources.

3.7.5.6 Historic/Cultural Sites

Based on the long history of settlement and cultural practices in the project area, there are a number of historic sites include heiau, burial grounds and cemeteries, petroglyphs, irrigation ditches and kalo (taro) fishponds. As summarized in Section 3.6, Archaeological and Architectural Historic Properties, all the Build Alternatives have some potential to result in adverse effects for some of these archaeological historic properties. Construction of the Build Alternatives includes several pinch points or merges where the alternatives overlap and intersect. These areas may require partial demolitions of some archaeological historic properties. If archaeological historic properties are impacted, mitigation will be addressed in accordance with Section 3.6.7.1 (Mitigation, Archaeology) and 3.6.8 (Build Alternatives Comparative Assessment). As shown in Chapter 5, the Preferred Alternative has been refined to largely avoid the most important resources identified the impact assessment. As a part of the Final EIS, when a more refined Preferred Alternative is analyzed, the cultural and ceremonial sites will be evaluated for potential effects to the setting and feeling.

To address the traditional Hawaiian archaeology in the current project area, the community would like to see the mo'olelo of the land preserved and shared, either through the physical preservation of identified historic properties or interpretation and education to maintain a sense of place. These concerns will be further discussed to the extent feasible and/or practicable, as a part of the Section 106 consultation process.



3.7.5.7 Views for Navigation

Additionally, navigation and wayfinding is a traditional practice that harkens back to the time of Native Hawaiian rule—when they traveled from other islands to Maui frequently, where valley topography that can be seen out at sea allowed for a pathway and navigational view that could be followed. In Section 3.8, Visual and Scenic Character, visual analysis examines the impact of the Project from an ocean-to-mountain view (Key Viewpoint 13). The simulation shows that there would be no impacts on views from the ocean to the mountains as a result of the highway realignment.

3.7.5.8 Streams

One family’s cultural practice is the clearing of streams in the area to ensure the health of the riparian habitat and gathering of freshwater fish (o’opu and hihiwai, two native freshwater stream species). This is a common practice among Native Hawaiian families. As summarized in Section 3.10, Flora and Fauna, Endangered Species, the Build Alternatives would not create any permanent effects to the stream. The Project could impair stream clearing practices during construction, but these effects would be temporary. BMPs would be used to manage discharge into the streams and all abutments would be built above the high-water mark.

Stream crossings would be designed to preserve the life cycle of the flora and fauna living in and around the stream crossings by remaining outside the typical high-water level (Chapter 2, Alternatives, and Section 3.9, Water Resources, Wetlands, and Floodplains). Hardening the stream crossings would be avoided, and bridge design would consider keeping the stream cool and oxygenated. The crossings at Olowalu, Ukumehame, and intermittent Pāpalaua streams would be designed for water flow to preserve and maintain biological processes, as juvenile fish and other invertebrates must migrate upstream for population success. Continuous access along Olowalu and Ukumehame Streams will also be maintained within the HDOT ROW..

With the design standards described above, no additional mitigation would be required.

3.7.6 Mitigation

One of the most beloved ‘ōlelo no‘eau is:

‘A’ohe pau ka ‘ike i ka hālau ho‘okahi.

All knowledge is not taught in the same school.

We acknowledge this wisdom remembering that during data collection, this community faced multiple challenges, and therefore not all cultural practitioners in the area may have provided input. Additionally, transmission of cultural knowledge is often private and not willingly shared to outsiders, especially government representatives. We make our findings proceeding with the understanding that we may hold only a narrow snapshot of cultural practices in the area. Therefore, it is not the intent of the CIA or this Draft EIS to judge the validity of the concerns or rank their importance and priority. Instead, the CIA tried to comprehensively capture the concerns of the cultural practitioners in the area and the surrounding community, in particular the native Hawaiian community. This section of the Draft EIS attempts to categorize the concerns identified in the CIA via an “impact assessment” lens. Where



a particular category of cultural impact overlaps another Draft EIS impact topic and its mitigation (for example, archaeological resource, water resources, flora and fauna) we reference that section of the Draft EIS to prevent redundancy. In the case of the sections below, the cultural impacts and potential mitigation either do not directly overlap because the scale of impacts do not match (for example, agricultural) or there is no other place within the Draft EIS where the topic is addressed (for example, continued community dialogue).

3.7.6.1 Agricultural Practices

Unlike Section 3.7.2, Methodology, which discusses larger-scale commercial agricultural practices, this section focuses on subsistence agricultural practices by a Native Hawaiian family on TMK 48002068, a kuleana parcel to Kaleiki. While the parcel fee belongs to the County, the residents claim that they own the Kuleana and have resided and continued Native Hawaiian practices there for many years. The Build Alternatives would take a portion of the parcel and a larger four-lane bridge will be built where there is now a two-lane bridge. Access to the parcel may also be compromised.

Native Hawaiian cultural practices happen on this property on a regular basis as the people who live their practice their kuleana as a way of life. They have a large mala, or garden with dry-land taro, sweet potato, native trees and introduced fruit trees. In discussion with this family, they requested that HDOT go as far makai as possible (Build Alternatives 1 and 2/3) rather than moving the road mauka (Build Alternative 4) of their property. Build Alternatives 1 and 2/3 would likely impact their agricultural practices, as the road would go very close to their mala and may have to take a portion.

Another important consideration is that the main access to their property is currently via the existing Honoapiʻilani Highway and this could be eliminated for Build Alternatives 1 and 2/3. Options for continued ability to access the parcel would be essential to ensure continued use of the property as a residence and a cultural practice site. These access options—or mitigation measures, if not achievable—are discussed in Chapter 5, Preferred Alternative, of this Draft EIS and will be explored specific to the Preferred Alternative as in the Final EIS.

3.7.6.2 Continued Community Dialogue

As part of the assessment, a good-faith effort was made to contact as many people as possible with knowledge of the project area. But given the constraints of the project schedule and other challenging circumstances, including COVID and the Lāhainā wildfire, there could be cultural practices within the area that have yet to be identified. Therefore, it is highly recommended to continue to listen to those who are kamaʻāina (familiar) with the place, to highlight the stories of the lineal descendants, to champion and teach about the area's history, and to remember the deep importance of the pu'uhonua and the burgeoning ahupua'a that this place used to be. To see that it was a rest stop on the path from Wailuku to Lahaina for many reasons, and the access to land and ocean spaces in this area is paramount to allowing the descendants of this place to always feel connected.

HDOT and FHWA will commit to continued dialogue with the community throughout the design process and up through completion of construction for the purposes of 1) obtaining more information about the cultural practices and history of the area and 2) mitigating any impacts the design and/or construction project may have on those practices. This effort will be memorialized as a Continued Community Dialogue Plan in a Programmatic Agreement prepared pursuant to the NHPA



Section 106 process. The Continued Community Dialogue Plan will describe details and manage logistics of the continued community engagement.

3.7.6.3 Cultural Training and Construction Monitoring

The community recommends that educational initiatives that perpetuate a sense of place are critical for fostering the continuous and vibrant presence of Native Hawaiians across the lands of their kūpuna. Equally important is ensuring that individuals involved in project construction receive culturally appropriate training on the history of the lands and the traditional cultural significance of the spaces the Project will traverse. To this end, the State will include language requiring the selected contractor to provide a culturally focused training program prior to fieldwork. This would be in addition to any standard safety or project-related training in the procurement notice.

Further, the community recommends that cultural monitoring occur during construction, as archaeological monitoring typically focuses on a single discipline. As demonstrated in this report, traditional Hawaiian cultural resources extend beyond archaeology to include natural resources and their surrounding environments. Therefore, the State will include language requiring that the selected contractor provide a cultural monitoring program in the procurement notice.