



2022 Annual Progress Report



Mauka AND Makai

Aloha!

Once again, with the help of our supporters, Maui Tomorrow has been very active this year. This annual report highlights a few of the efforts that we have been engaged in as we work to Protect Maui's Future. It has become more apparent than ever that Maui's people need an organization like Maui Tomorrow to shine a light on the internal workings of the land use planning and permitting process. This was brought into sharp focus during the contested case for the Honua'ula luxury development (formerly known as Wailea 670), when it was revealed that the developer had been allowed to prepare the Planning Department's staff report – thus evaluating their own project's compliance with the law. Even worse, this conflict of interest was defended as "common practice."

Maui Tomorrow was also heavily involved once again as the Maui County Council continued to make needed reforms that reduce reliance on the visitor industry, support sustainable agriculture, and make affordable housing truly affordable. Public support plays a significant role in encouraging Council members to continue these efforts, which are essential to protecting and enhancing Maui's quality of life. We help to rally that support.

The West Maui Community Plan was finalized this year, and work on the South Maui Community Plan update got underway. The State Department of Transportation is finally moving ahead with mauka realignment of the Honoapi'ilani Highway near Olowalu, and the County has commenced action to acquire open space at Mā'alaea. Maui Tomorrow and our supporters have continued to weigh in on these important issues. Together we are making a difference.

Maui Tomorrow will continue to champion the community plans that Maui's people have worked so hard on. We help the public to make their voices heard as these plans are updated. After they are finalized, we defend these plans and encourage ongoing citizen involvement in their implementation. This follow-up will be critically important as developer attempts to circumvent them continue.

For over 30 years, Maui Tomorrow has been taking action to protect open space, asking that development be ecologically sound, and helping to preserve Maui's rural lifestyle. We continue to push for compliance with Hawaii's environmental and land use laws, and we take legal action when necessary to enforce them. With your support we will continue to help keep Maui nō ka 'oi.

Limiting Visitor Industry Expansion

Overtourism came roaring back on Maui this year. Continued overdependence on the visitor industry keeps our economy vulnerable to downturns. Fortunately, efforts to reign in visitor industry expansion also continued, and Maui Tomorrow was very active in rallying support for

solutions.

Last year's moratorium on visitor accommodations was intended to be temporary, and a cap on visitor accommodations was supposed to be adopted in its place. However, support from some members of the County Council was uncertain. This raised the possibility that the entire bill could have failed to pass, in which case the moratorium would have expired. In response, amendments were adopted that helped most of the bill



Overwhelmed beach at Wailea. Photo Credit: Larry Stevens

Cover Photo: The condition of our mauka lands has a direct influence on what happens in coastal areas and offshore. Photo credit: John Bryant



Last year's visitor moratorium temporarily halted proposals like the Grand Wailea expansion, which would add 224 rooms to the already massive 830-unit resort. The moratorium has now been repealed.

across the finish line. The resulting ordinance ended the moratorium, but unfortunately allowed the resumption of hotel and timeshare construction. Maui Tomorrow estimates that the new law eliminated about 70 percent of previously developable new visitor accommodations. Contrary to misinformation that was being put out, it had no effect on existing accommodations. Maui Tomorrow considers this to be a partial victory in the battle to limit further tourism expansion. More work remains to be done.

Self-fulfilling Projections

Maui Tomorrow is raising questions about economic projections that assume tourism will continue to grow as it has in the past. When these forecasts are used to justify the building of infrastructure to support that growth, they become self-fulfilling. Examples of the resulting proposals include an additional runway at Kahului Airport, a new oil-fired power plant at Waena, and new wells in Ha'ikū to support more development in South Maui. If we are to avoid the overbuilt fate of Oahu, we need to actually implement the better, quality vision that is already expressed in the Maui Island Plan.

Housing for Whom?

This year Maui Tomorrow strongly supported a charter amendment that created a separate Housing Department; this will allow the County to better focus on creating truly affordable housing for local residents. As one of our basic needs, shelter is essential to quality of life, and members of a functioning society need places to live. Maui Tomorrow supports the creation of truly affordable housing for Maui residents in areas that are supported by our community plans. Since home ownership is not possible for everyone, emphasis must also be placed on constructing affordable rental housing.

Unfortunately, since land in hazard zones is typically cheaper to acquire, we have been seeing quite a few proposals for affordable housing in these areas. We strongly oppose projects that put future residents at risk from fire or flood.

The County's workforce housing policy definitely needs improvement. It only requires that 1 out of every 5 of the total ownership units in a private housing development meet affordability guidelines; the others can be market priced. Increasingly market priced units are second homes that are either vacant much of the year, or serve as visitor

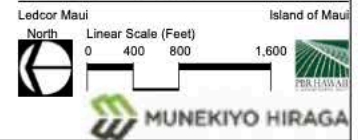


LEGEND

Leased Residential Communities	Remnant Parcels
Owned Residential Communities	Highway Improvements
Potential Acquisition Residential Communities	TMK Parcels
Private Roadway Parcels	Ahupua'a Boundaries

Source: County of Maui, 2021; OHA & SHPD, 2021; ESRI Basemap.
 Disclaimer: This Graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

Figure 2
 Location Map
Ledcor South Maui



As a result of our successful lawsuit, Ledcor will now be evaluating these eight development projects in a comprehensive Environmental Impact Statement. The original SF-S project is left of center.

accommodations for non-residents and their guests. This adds to Maui’s already excessive capacity to house visitors.

Maui County’s low property tax rates attract investors from all over the world. They have been buying most of the real estate here – outcompeting local residents. Luxury homes consume more than the usual amount of our limited infrastructure capacity, which should instead be prioritized for Maui’s people.

The negative impact of this type of development on housing affordability is increasingly evident. As it turns out, the three projects that we are currently challenging for environmental and cultural reasons happen to be luxury housing.

Ledcor and the Wailea Hills Collection

Maui Tomorrow and our allies Ho’oponopono o Mākena and Sierra Club prevailed in a lawsuit contesting the Maui Planning Commission’s approval of a Finding of No Significant Impact for the Wailea SF-S project, which

would consist of 57 luxury homes, each with its own private pool and guest unit. This project was one of several which parent company Ledcor had been marketing as the “Wailea Hills Collection.” Although the developer contended that the other projects were unrelated, the court found that a proper environmental review must consider the cumulative effects of all of the projects together. As a result of our lawsuit, the developer has announced that they will comply with the law and prepare an Environmental Impact Statement for eight parcels totaling almost 1,000 units. Maui Tomorrow will continue to be engaged on this issue.

Makena H2

This project would consist of another 53 luxury homes. Once again, the Maui Planning Commission approved a Finding of No Significant Impact despite the planned obliteration of many cultural sites and excessive water use. Maui Tomorrow, along with our allies Ho’oponopono o Mākena and Mālama Kakanilua, has asked the Circuit Court to find that there are indeed significant and cumulative impacts that will stem from this and related developments associated with the Mākena Resort.



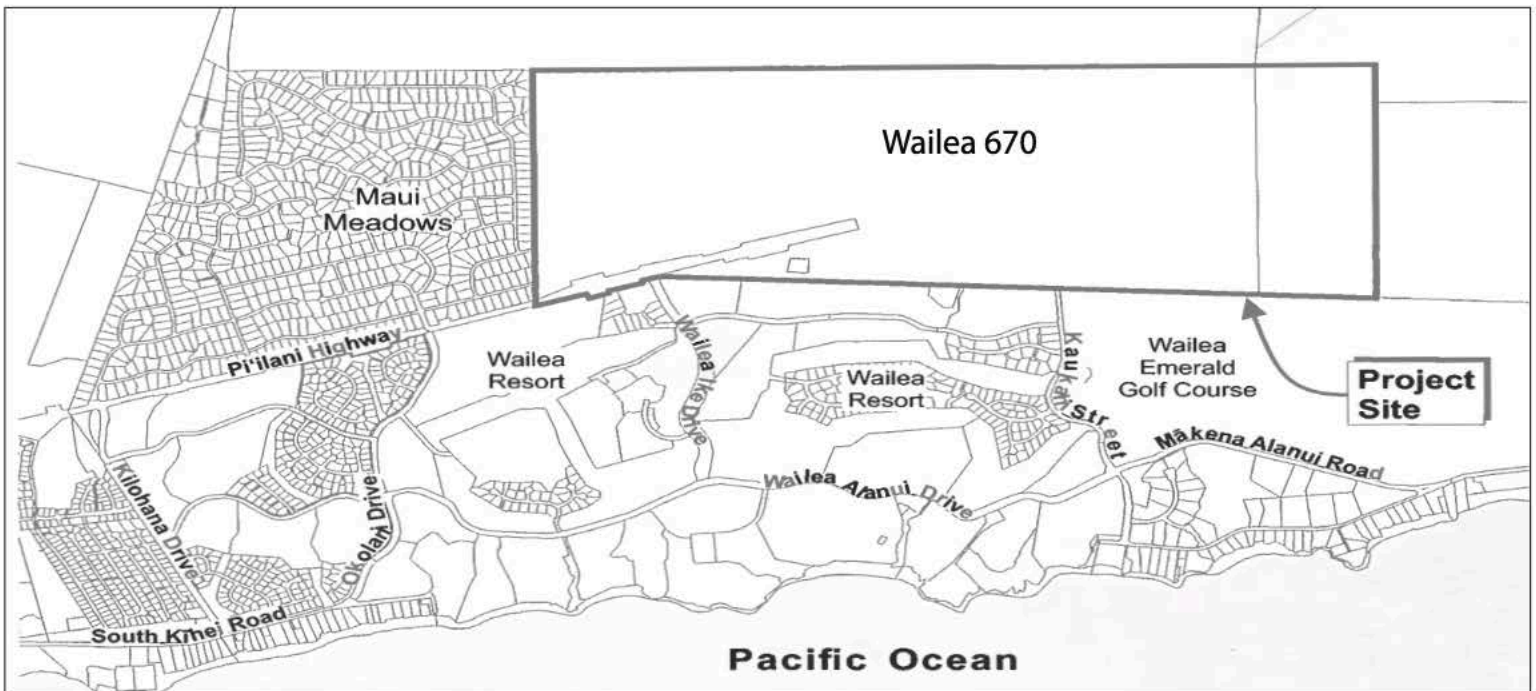
Luxury projects like Makena H2 would destroy cultural sites and use up limited infrastructure that should be prioritized for truly affordable housing.

Wailea 670

Located at the end of Pi'ilani Highway above Wailea, this 1,150-unit project would add to the traffic problems in South Maui. As recently approved by the Maui Planning Commission, it would provide only 288 affordable homes, even though the County Council had approved the zoning for this project contingent on 450 affordable units being built on site. Although some of the rare native plants will be protected, many will not. Hawaiian cultural practitioners have also identified more cultural sites than the developer

staff report - upon which the Maui Planning Commission would base its decision.

The Planning Department's role in preparing a staff report is to present facts relating to the project, and to evaluate the project's compliance with the law. The goal of the developer, of course, is to get the project approved. The Planning Department created a clear conflict of interest by letting the developer prepare the staff report. Unsurprisingly, the developer's analysis highlighted the parts of the project that complied with the law, and ignored the parts that didn't.



The 1,150 home Honua'ula project (formerly known as Wailea 670) would add to traffic and flooding problems in South Maui, and would destroy rare native plants and cultural sites.

has acknowledged. Plans to handle stormwater runoff were not properly analyzed; this may worsen flooding in South Maui.

Concerned with these issues, Maui Tomorrow and Ho'oponopono O Mākena intervened in the project's Phase II approval. Through this process, we requested copies of documents, including emails that were sent between the developer, their consultant and the Maui County Planning Department. What we found was shocking.

The emails showed that the Planning Department had allowed the developer to prepare the department's

Even worse, when we asked about the propriety of letting developers evaluate their own projects, we were told that it was “common practice.” However, even if it were, that would not make it acceptable. This arrangement violates principles of ethics, fairness and transparency that are fundamental to our trust in government.

Unfortunately, the Maui Planning Commission accepted the staff report anyway.

Maui Tomorrow has long stood for enforcement of Hawaii’s environmental and land use laws, and we have successfully pushed back against many bad projects. However, we are alarmed by this arrangement between the planning department and developers – a process that the public has been excluded from.

In summary, the project was approved with fewer affordable homes than required, too little protection for cultural sites and native plants, and an inadequate drainage plan. Although this case had already been costly, we decided that the issues involved were important enough to file an appeal with the Circuit Court.

We do not like to file lawsuits. They are costly, time consuming, and don’t always lead to optimal results. Instead, we try to be proactive, and work to make sure that proposed developments are ecologically sound and respectful of Maui’s community plans. Sometimes, though, when developers refuse to comply with the law, and public agencies fail to uphold it, we do need to go to court. Your contributions enable us to do this. The fact that we are willing to litigate when necessary makes it less likely that these types of abuses will continue.

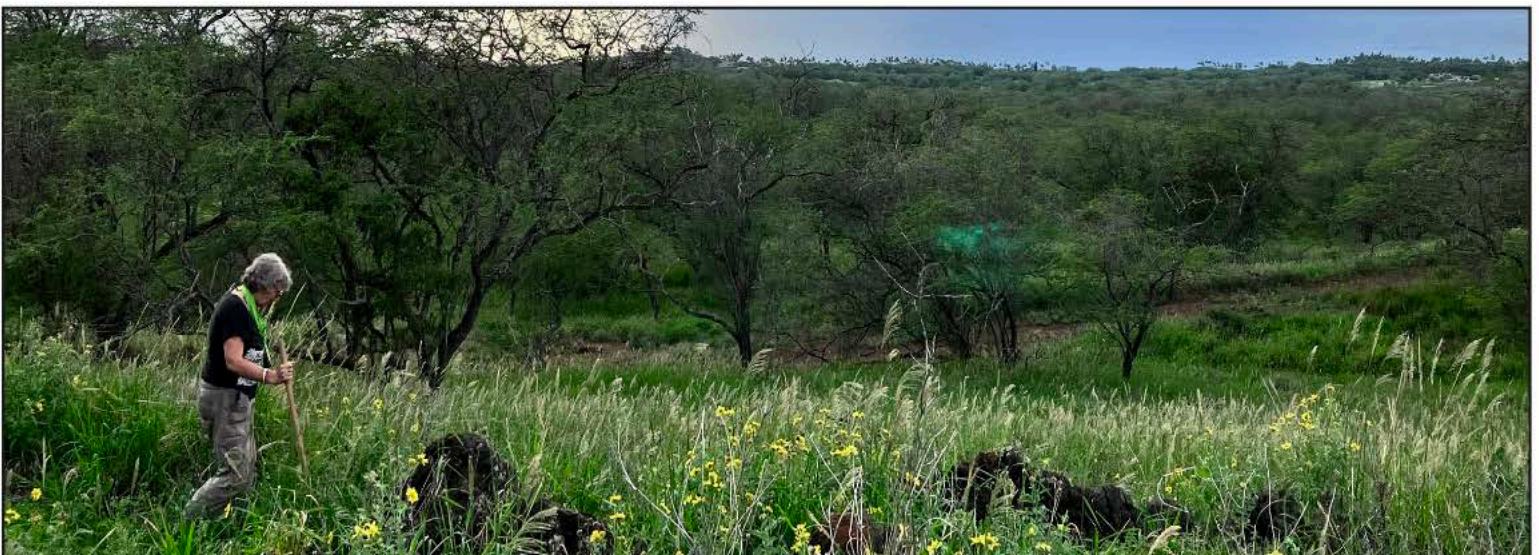
Maui Tomorrow needs your help to follow through and bring this case before the court, and to expose the unfair process that has been going on behind closed doors. Please go to maui-tomorrow.org/donate to make a contribution. Our goal is \$50,000, which will partially offset what we have already spent on this case.

Implementing Our Settlement at Mākena

In 2016, Makena Resort proposed to build 158 luxury homes on 47 acres above Mākena Landing – land that was known to contain many cultural sites. After the Maui Planning Commission found that the project would have no significant impact, Maui Tomorrow and our allies sued, and the developer asked us to negotiate. The settlement that we reached reduced the project to 134 luxury units, provided for 60 units of housing that would remain affordable in perpetuity, and required the developer to hire an archaeologist of our choosing to examine the site again. They also agreed to provide additional public parking and a shuttle bus that will run from Mākena State Park to Mākena Landing, they agreed to donate more shoreline property to the Hawaii Land Trust, and the list goes on.

The additional archaeology is ongoing, and continues to reveal more cultural sites that would have been obliterated. As a result, fewer units can be built. In addition, we have now had the opportunity to compare the previous archaeology with the new work. In the area of comparison, the previous archaeologist had identified only 14 cultural sites, and had recommended preservation of just 4. In contrast, the archaeologist that we chose identified 20 sites, and recommended preservation of 14. This difference illustrates the importance of allowing unbiased third parties to conduct technical studies, instead of letting developers control the process. This direct comparison of the work of different archaeologists would not have been possible without our settlement.

Work has also begun on another part of the settlement that requires Makena Resort to minimize the runoff from the mauka portion of the 1800-acre resort by using regenerative agricultural techniques. The goal is to reduce soil erosion and runoff that are causing flooding in South Maui and sedimentation of offshore reefs. We are hopeful that this project will provide an example for other developments to follow.



Maui Tomorrow Vice President Lucienne de Naie examines an archaeological complex that was revealed on the mauka lands above Mākena. While these lands may look desolate when viewed from the coast, they were clearly home to many people who left evidence of their presence.

Sustainable Agriculture

Maui Tomorrow has continued to champion regenerative agriculture, which consists of sustainable practices such as minimizing tillage, installing windbreaks, and cover-cropping. The goal is to restore and maintain natural systems and produce food in a manner that is healthier for people and the long-term health of the planet. These practices rebuild soil organic matter and biodiversity – storing carbon in the land and helping to reverse climate change. They also build soil that absorbs and holds water, thus reducing sediment-laden runoff that damages coastal ecosystems.

Unfortunately, this is not what we are seeing in Central Maui quite yet. Repeated tilling by farming company Mahi Pono continues to generate huge dust clouds that settle on people’s homes and on offshore reefs. Although their initial plantings incorporated some windbreaks, their latest ones have none. The company continues to expand its crop acreage, but for the most part has continued to use conventional farming methods. Although their many fruit trees will help to sequester carbon, these thousands of acres of monocrops are more susceptible to insects and diseases, thus increasing the need for pesticides. This year Maui Tomorrow continued our efforts to meet with Mahi Pono to encourage them to adopt regenerative agricultural practices, but their interest waned significantly. Regenerative agriculture takes several years to rebuild soil, and this does not appear to fit their timeline. They are planting as much acreage as possible, as quickly as possible. Unfortunately the conventional approach of farming commodity crops for export to foreign markets has already been proven to fail in Hawaii due to the relatively high costs of labor, shipping, fertilizer and pesticides. Regenerative agriculture would eliminate the cost for the last two items, and if they can focus on value-added, Maui branded products, they will have a better chance of remaining viable. We will continue to try to interest Mahi Pono in the financial and environmental benefits of regenerative agriculture. In the meantime, we



Greenleaf Farm is a organic permaculture food forest that uses regenerative practices. This shows what can be done on a relatively small 2-acre parcel.

are hopeful that impacts from their operations can be reduced in the coming year and over the long term. Maui Tomorrow will also be spreading the word about other successful regenerative agricultural operations on Maui and elsewhere. We continue to pursue these efforts in the hope that jobs can be created in farming and its many supportive industries. Regenerative agriculture can reduce Maui’s vulnerability to future economic downturns, increase local food self-sufficiency, and help to preserve Maui’s environment, open space, and rural lifestyle.



Mahi Pono has planted thousands of fruit trees in Central Maui. Unfortunately, these plantings lack windbreaks, which leaves the young trees and their protective “grow tubes” vulnerable to being blown over by strong winds such as those that we experienced during the recent Kona storm.

Water

Maui's water future depends upon its watershed health. Maui Tomorrow continues to stand with broad community coalitions who work to protect water quality and achieve water justice for small farmers, rural communities and kuleana water users. Over many decades, we and our allies have made definite progress, but there is more to do.

For many years, we have recommended that the County take control of private water systems that it relies on to provide public water. It is poor policy for Maui's public water supplies to be exposed to the risk of changes in corporate ownership and/or priorities. That's why we strongly supported this year's successful amendment to the County Charter, which created the East Maui Regional Water Authority, and allows for the formation of regional water authorities elsewhere in Maui County. This charter amendment is particularly important and timely as an initial

step in shifting control of public water from corporations to our communities. There has been a severe lack of accountability, maintenance, and investment in our water resources.

Regional water authorities will have the power not only to acquire and manage water collection and delivery systems, but to obtain leases of state watershed land. They will also have the ability to create and implement long-range watershed management plans, which are essential to minimizing the effects of climate change. Water authorities will be able to qualify for funding that is not available to private, for-profit entities. Going forward, we will be supporting this process, with the initial aim of the East Maui Regional Water Authority being to obtain the state lease for the Nāhiku, Ke'anae, Honomanū, and Huelo license areas.. It is important to recognize that Mahi Pono, the largest user of water from East Maui, will still be able to get water for bona fide agriculture. However, their water use will need to minimize waste, be based on proven needs,



Waterfall in East Maui

and not be at the expense of public trust uses such as kalo cultivation, native stream life, offshore fisheries, cultural use, recreational use, and aesthetic use.

Maui Island Water Use & Development Plan

The Maui Island Water Use & Development Plan (WUDP) is a long-range plan for the use, development, conservation, protection and management of Maui's water resources. This plan is critical to Maui's water future.

Our thanks go out to our supporters, who helped persuade the County Council to make improvements to the previous version. The WUDP does call for increased water conservation and the use of reclaimed water, which Maui Tomorrow supports. However, the plan still has some serious shortcomings:

- It remains poorly organized, and is still based on old data.
- The plan is 1,360 pages long, which makes it challenging to read through, and thus limits its usefulness.
- Stream information has changed, and safe

withdrawal limits ("sustainable yields") for some East Maui aquifers remain outdated.

- The plan still assumes that resorts will use a whopping 17,000 gallons per acre per day. This is excessive, and needs to be significantly reduced.
- It still calls for the drilling of new wells in Ha'ikū – for export to South Maui to support more development there, even though many people who live in the Ha'ikū area still don't have access to the water resources near their own homes.
- The plan does mention County acquisition of privately controlled water systems, but it does not go far enough in that regard. Maui's public water supplies remain exposed to the risk of potential changes in corporate ownership and/or priorities.

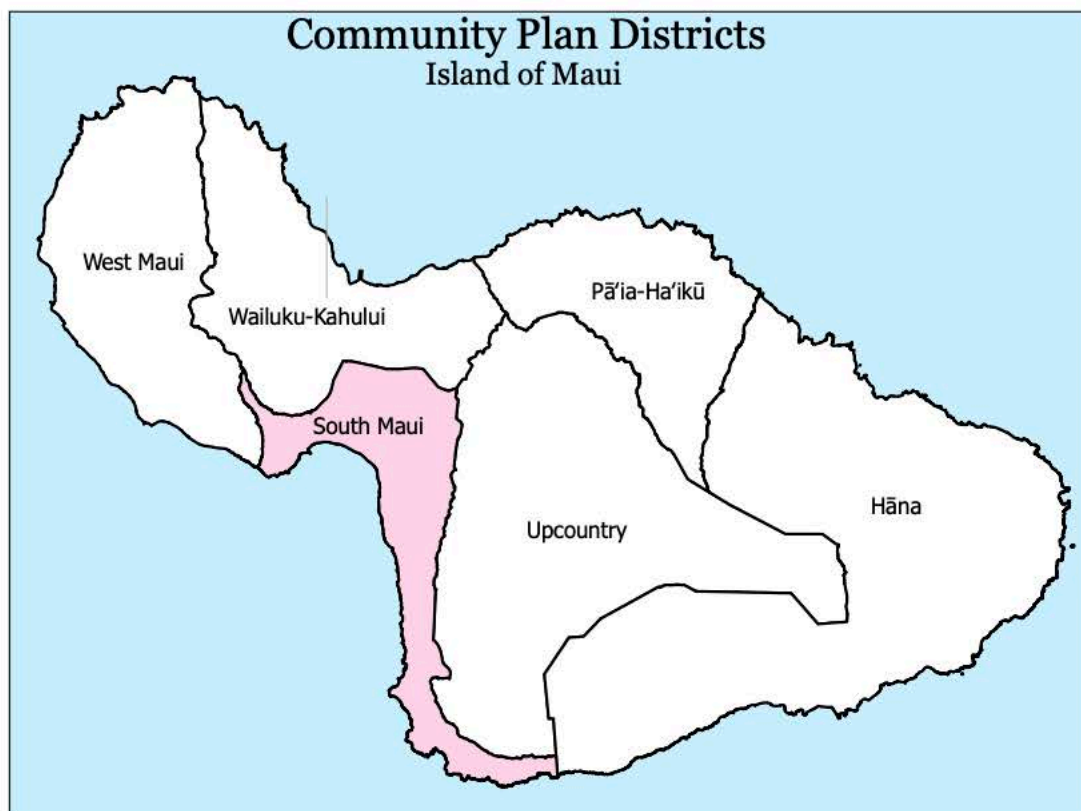
That's why we are asking the state Commission on Water Resource Management (CWRM) to send the WUDP back to the County for further revision.

Maui Tomorrow needs your help to protect public trust waters. Your donations help us to ensure that Maui's water will be used wisely to restore our streams and aquifers, and to ensure water for all.

Community Plan Update

During the Charter Commission Review process this past year, Maui Tomorrow testified against a proposed amendment to speed up the Community Planning process by eliminating Community Plan Advisory Committees (CPACs). This proposal demonstrated a lack of appreciation of who the community plans are supposed to serve. The voice of the community is the voice of the people, which should be encouraged and respected. Fortunately the Charter Commission rejected the proposal.

Community plans are important for the future of Maui because they are a part of the County general plan, which regulates decision-making with regard to issues such as land use planning, water resources, transportation, and affordable housing. Citizens express their vision through these plans because they care about the future of their communities. In order to implement that vision, community plans and all parts of the general plan need to be written with specific language that is enforceable.



Updating of the South Maui Community Plan is now underway

Maui Tomorrow will be supporting strong, enforceable language, and we invite you to join us. To get involved, please go to maui-tomorrow.org, click "Get Involved," and sign up for our email list.

West Maui:

The updated version of the West Maui Community Plan has now been completed. Many good policies were incorporated, including those that recognize the reality of sea level rise and the need for protection of natural resources. Maui Tomorrow monitored the update closely, testified frequently, and helped citizens to participate. Unwise proposals for large development projects in Launiupoko and Olowalu were rejected. However, we are concerned that the vague wording of the updated land use descriptions may limit the plan's enforceability. Maui Tomorrow will continue to work to make sure all community plans are respected by developers and government agencies alike.

South Maui:

The South Maui Community Plan update is well underway. Each week, dedicated Community Plan Advisory Committee members listen to guest presenters and public testimony, and vote on proposed revisions to the existing plan. Maui Tomorrow supports land use requirements that promote ecologically sound development, prioritize respect for the 'āina, and enhance the quality of life on Maui. The South Maui community planning region is particularly vulnerable because it does not include mauka areas that bring floodwaters and debris into the area. We are asking that coordination with the Upcountry area be written into this plan.

If you would like to participate in the drafting of the plan, resources and information are available at www.wearesouthmaui.org. This is an excellent opportunity to make a real difference in the future of South Maui.

Tools For The 'Āina Protector

Maui Tomorrow is consistently on the front lines, advocating for the 'āina and defending the will of Maui's people. With your support, we will continue to help your voice to be heard in the planning process. This year we continued our webinar series, "Tools for the 'Āina Protector," to empower our island community by showcasing actions we can all take to safeguard what makes Maui "no ka 'oi." Community advocates shared how consistent and strategic action resulted in significant wins that benefited Maui's people and environment despite overwhelming odds. Our community is powerful when we mobilize and use our voices to enact change, and from the beginning Maui Tomorrow has focused on empowering the community to protect the 'āina we all love. To view this and other previous webinars, please visit maui-tomorrow.org/workshops-webinars.

Maui Tomorrow presents

HOW YOU CAN MAKE A DIFFERENCE

A workshop for civic engagement

Free webinar held live via Zoom
June 16, 2022
6:00pm

Maui Tomorrow and our guest speakers presented another webinar in our "Tools for the 'Āina Protector series.

In Memoriam

Founding Board member Mark Sheehan passed away in September of this year. Maui Tomorrow was fortunate to have him serve on our Board beginning in 1990. Mark worked for decades to help Maui achieve a sustainable future, and was a strong supporter of healthy ecosystems and water justice. As an educator, Mark believed that raising people's consciousness was the key to achieving lasting change. Maui Tomorrow's role as a future-oriented educational organization resonated with him, and he was integral to many of our achievements over the years. As Mark often said, "There's only one Maui." Aloha Mark!



"There's only one Maui."

– Mark Sheehan

Mark Sheehan was a founding Maui Tomorrow Board member. As a way of honoring and continuing Mark's work, Maui Tomorrow is accepting donations in his honor

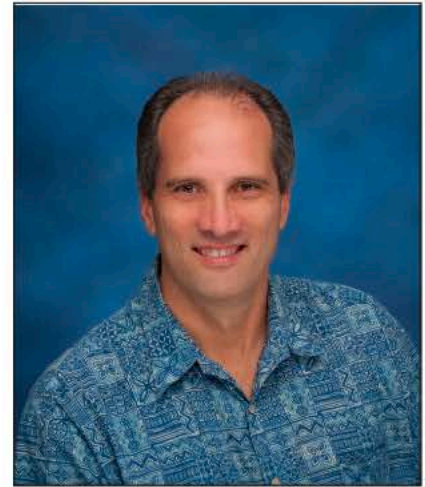
Making a Difference - With Your Help

For 33 years, Maui Tomorrow has advocated for decisions that protect the 'āina and enhance the quality of life on Maui. We have developed a reputation as an organization that does not shy from taking on tough issues. This important work is made possible by your generous support. When our community works together, great things can happen.

We invite you to join us!

Mahalo nui loa,

Albert Perez



Albert Perez, Executive Director

To learn more about Maui Tomorrow, to get involved, or to donate to our efforts, please visit us at www.maui-tomorrow.org. Every contribution is sincerely appreciated.

Maui Tomorrow Foundation is a 501(c)(3) charitable organization, and your contributions are tax-deductible as allowed by law. To learn more about tax-wise options for current or planned giving, please contact us.

Where would we be without Maui Tomorrow?

Quality of Life
Stream Restoration
Mega Mall **Olowalu** Truly Affordable Housing
Makena
Preserving Open Space
Sustainable Agriculture Overtourism
Community Plans

Partnering with Maui's communities to protect
the 'āina since 1989.

Go to: maui-tomorrow.org to learn more
about what you can do to protect our 'āina.



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www.maui-tomorrow.org



To help Maui Tomorrow with a gift,
please go to
www.maui-tomorrow.org/donate

Please note: We continue to receive reports of the post
office returning mail that is sent to our Wailuku street
address. When contacting us or sending in a donation,
please use the above post office box instead.

Maui Tomorrow Foundation is a tax-exempt 501(c)(3)
organization.

MAHALO!