

From: [cindy Freitas](#)
To: [Planning LPC Testimony](#)
Subject: oppose agenda 1
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April 22, 2026

Cindy Freitas
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LEEWARD PLANNING COMMISSION TESTIMONY (OPPOSITION)

RE: Agenda Item 1 – Rezoning (PL-PDI-2026-000015 / REZ 17-000220)

April 23, 2026

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 stand in strong opposition to Agenda Item 1.

I. 'Ike Kūpuna – The Land Is Not Empty

The subject area is not just “zoned land.”

It is part of a cultural landscape tied to the Great Wall of Kuakini, with identified historic sites (HRHP features) and evidence of traditional use.

Under 'ike kūpuna, these lands were:

Pathways of movement

Areas of habitation and refuge

Connected systems of agriculture, water, and spiritual practice

The presence of:

Stone walls

Platforms

Archaeological features

confirms what our kūpuna already knew —

this is a living cultural landscape, not vacant land.

To rezone this land without fully protecting its cultural integrity is to erase 'ike passed down for generations.

II. Constitutional Protection of Native Hawaiian Rights

The State of Hawai'i Constitution protects these practices:

Article XII, Section 7

Protects traditional and customary Native Hawaiian rights

Article XI, Section 1

Protects natural and cultural resources for present and future generations

The Hawai‘i Supreme Court has made this very clear:

Ka Pa‘akai o Ka ‘Āina v. Land Use Commission

The County MUST:

1. Identify cultural resources
2. Identify traditional practices
3. Show how those practices will be protected

If the Commission cannot clearly do all three on the record,
you cannot legally approve this rezoning.

III. Duty to Protect – Not Just Acknowledge

Kalipi v. Hawaiian Trust Co.

Access and gathering rights must be preserved

Public Access Shoreline Hawaii v. Hawaii County Planning Commission

The County has an affirmative duty to protect Native Hawaiian rights

Ching v. Case

Cultural rights must be considered before approval, not after

This means:

You cannot say “we’ll address it later.”

You must protect it now, before rezoning.

IV. Failure to Meet Hawai‘i County Code & HRS Requirements

This proposal raises serious legal deficiencies under:

HRS Chapter 6E (Historic Preservation Law)

Requires protection of historic properties and burial sites

HRS Chapter 343 (Environmental Review)

Requires full disclosure of impacts

Hawai‘i County Code Chapter 25 (Zoning)

Must be consistent with public health, safety, and welfare

Rezoning from agricultural/open classifications back to residential:

Increases development pressure

Risks destruction of cultural sites

Fragments the cultural landscape

Without a complete and adequate cultural impact assessment, approval would be premature and legally vulnerable.

V. Cumulative Cultural Impact

This is not just one parcel.

This area of North Kona is already under:

Rapid development

Increased infrastructure pressure

Cultural site degradation

Each approval adds to:

cumulative harm to Native Hawaiian cultural practices

The law requires you to consider cumulative impacts, not isolated decisions.

VI. What the Commission Must Do

Based on ‘ike kūpuna and Hawai‘i law, I respectfully request:

1. DENY this rezoning request

OR

2. At minimum:

Require a full Cultural Impact Assessment (CIA)

Require consultation with lineal descendants

Require SHPD compliance and archaeological inventory survey review

Establish permanent preservation protections, not mitigation

VII. Closing – From the Kūpuna

Our kūpuna did not separate land into “zones.”

They understood:

The land feeds us

The land holds our history

The land holds our identity

If we allow this rezoning without full protection,
we are not just changing land use we are breaking the continuity of ‘ike Kupuna.

I respectfully urge this Commission to uphold its legal and moral duty and protect this place.

Mahalo,

Cindy Freitas