

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON
ECONOMIC DEVELOPMENT AND BUSINESS CONCERNS
TUESDAY, FEBRUARY 26, 2008
10:00 a.m.
Room 325**

**HOUSE BILL 2607
RELATING TO LAND USE**

Chairperson Yamashita and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2607 which seeks to prevent development of lands along North Kohala's western coast (Kawaihae to Pololu Valley) by having the Office of Planning petition the State Land Use Commission to reclassify 12 State-owned parcels from the Agricultural District to the Conservation District. Upon approval, the county shall not issue any Special Permit or other land use, subdivision, building, or other permit for the affected parcels. The Department of Agriculture defers to the State Land Use Commission, the Office of Planning, and the Department of Land and Natural Resources regarding the reclassification of land and the effect on existing lessees, if any.

From our information, all the parcels are existing State or county parks or are lands adjacent to these parks. Should this measure move forward, existing agricultural lessees, if any, on the affected parcels should be allowed to seek permits for uses directly in support of their operations.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management

Russell Y. Tsuji
First Deputy

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Deputy Director - Water

Aquatic Resources
Boating and Ocean Recreation
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Engineering
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Historic Preservation
Kahoowale Island Reserve Commission
Land
State Parks

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

On House Bill 2607 – Relating To Land Use

**BEFORE THE HOUSE COMMITTEE ON
ECONOMIC DEVELOPMENT AND BUSINESS CONCERNS**

February 26, 2008

House Bill 2607 directs the Office of Planning to petition the State Land Use Commission to reclassify certain lands along the North Kohala coastline in the County of Hawaii from the agricultural district to the conservation district. These lands are identified by Tax Map Keys: 5-6-01: 11, 36, 37 and 60; 5-7-01: 21 and 22; 5-7-03: 04, 13 and 15; 5-8-01: 12 and 13; and 5-9-03: 01, and contains sites such as the Mahukona Park and Lighthouse, Kapaa County Park, and Lapakahi State Historical Park. Although the Department of Land and Natural Resources (Department) supports the protection and preservation of cultural and historic resources on lands throughout the State, the Department does not support this proposed bill.

With the exception of parcel 15 of 5-7-03 and portions of parcel 11 of 5-6-01, the rest of the properties are State-owned. As such, the State can regulate uses via the conditions imposed through land dispositions for leases, revocable permits, executive orders, and easements. Other mechanisms for resource protection can be found through public and private management agreements. The Department further notes that parcel 04 of 5-7-03 and parcel 22 of 5-7-01 are already in the Conservation District.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT
AND BUSINESS CONCERNS**
Tuesday, February 26, 2008
10:00 AM
State Capitol, Conference Room 325

in consideration of
HB 2607
RELATING TO LAND USE.

Chair Yamashita, Vice Chair Wakai, and Members of the House Committee on Economic Development and Business Concerns.

The Office of Planning (OP) does not support the proposed bill which directs OP to petition the State Land Use Commission to reclassify lands along the North Kohala coastline from the State Agricultural District to the State Conservation District. OP fully supports protection of the State's cultural, historic, and scenic resources. However, the identified properties all appear to be in government ownership, with nearly all of the parcels belonging to the State.

Placing land into the State Conservation District may serve to limit the type and intensity of uses but is not always the most effective strategy to protect and manage our resources. The State can most effectively regulate uses and protect resources on State lands through provisions or restrictions in executive orders transferring property to the

County of Hawaii, lease agreements, by withdrawing certain resource lands from a lease, or through public and private management activities. These types of decisions would be made by both the Department and Board of Land and Natural Resources in consultation with its staff, the County, and in certain cases a lessee. In the case of Federal properties, the State can negotiate inter-governmental agreements that serve to protect and maintain such resources.

Thank you for the opportunity to testify.



HB 2607, RELATING TO LAND USE

House Committee on Economic Development & Business Concerns
February 26, 2008 10:00 a.m.
Room: 325

The Office of Hawaiian Affairs (OHA) SUPPORTS HB 2607 which would direct the Office of Planning to petition the Land Use Commission to reclassify certain lands along the North Kohala coastline in Hawai'i County from the agriculture district to the conservation district.

Community efforts for the protection of the North Kohala coastline have been ongoing for many years now, and yet development via the subdivision of large tax map key (TMK) parcels has continued with additional development planned in the future.

Upon initial viewing, one is immediately impressed by the scenic natural beauty of the area from the valleys of Polulu, Honokane and Awini along the rugged coastline around Upolu Point and into the lee of the island, with the bordering 'Alenuihaha Channel constantly demonstrating the awesome power of nature.

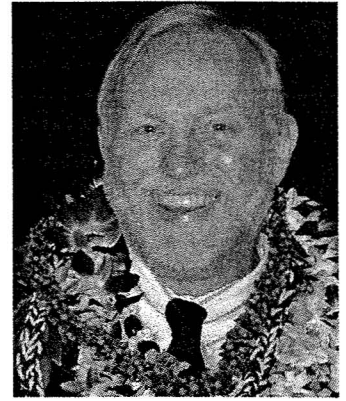
These lands also hold an immeasurable significance to the culture and heritage of the generations who have called it home. The preservation of the numerous Native Hawaiian cultural sites found along this coastline is critical in ensuring that the history, traditions and practices of the area are passed down to future generations and perpetuated. In modern times, paniolo have worked cattle along this coastline, and it is here that laborers from around the world first landed to toil in the fields during the plantation era. It is also important to note that these lands continue to provide resources for those in the North Kohala community who hunt, fish and gather for subsistence.

By placing these lands into the conservation district, uses within them would be limited and any proposal for use would require a conservation district use application, which provides the public, and public agencies such as OHA, with the opportunity to review and comment on the proposed use.

OHA urges the Committee to PASS HB 2607. Thank you for the opportunity to provide testimony.

BOB JACOBSON
Councilmember

Chair, Environmental Management Committee
Vice-Chair, Finance Committee



HAWAI'I COUNTY COUNCIL

County of Hawai'i

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February 22, 2008

Representative Kyle T. Yamashita, Chair
Representative Glenn Wakai, Vice-Chair
And Members
Committee on Economic Development and Business Concerns

Conference Room 325
State Capitol
415 South Beretania Street

Hearing February 26, 2008 at 10:00 a.m.

Aloha Chairpersons, and Committee Members,

I strongly urge passage of House Bill 2607. This Bill would direct the Office of Planning to petition the Land Use Commission to reclassify certain lands along the North Kohala coast from an agriculture district to a conservation district. This House Bill would protect and preserve the North Kohala coastline which provides cultural, historic, and scenic benefits to the residents of the County of Hawaii. The area has great significance to the Hawaiian culture which includes the birthplace of Kamehameha the Great. I believe in protection of Open Space and reclassify the land will protect this important coastline.

I humbly ask for your support of House Bill 2607.

Mahalo nui loa,

wakai1-Karen

From: Gail Byrne
Sent: Monday, February 25, 2008 3:14 PM
To: EDBtestimony
Cc: Gail Byrne
Subject: Please pass HB-2607

Aloha, Members of the Committee on Economic Development and Business Concerns:

I am writing on behalf of Malama Kohala Kahakai, a project sponsored by the North Kohala Community Resources Center. We urge you to support and pass HB-2607, a bill that rezones North Kohala STATE lands makai of Akoni Pule Highway from Ag-5 acre to Conservation.

This bill applies **only** to State lands. No private lands are affected. I will forward a map of the TMKs in this bill in a subsequent email, so you will know the exact locations of the parcels.

This bill is aligned with 30+ years of work by the community to preserve this coastline, which has the MOST NUMEROUS, intact, pre-contact archeological and cultural sites in the State. This bill is a direct result of a two-year community planning effort and the action to rezone State land to Conservation is a recommendation in the draft North Kohala Community Development Plan.

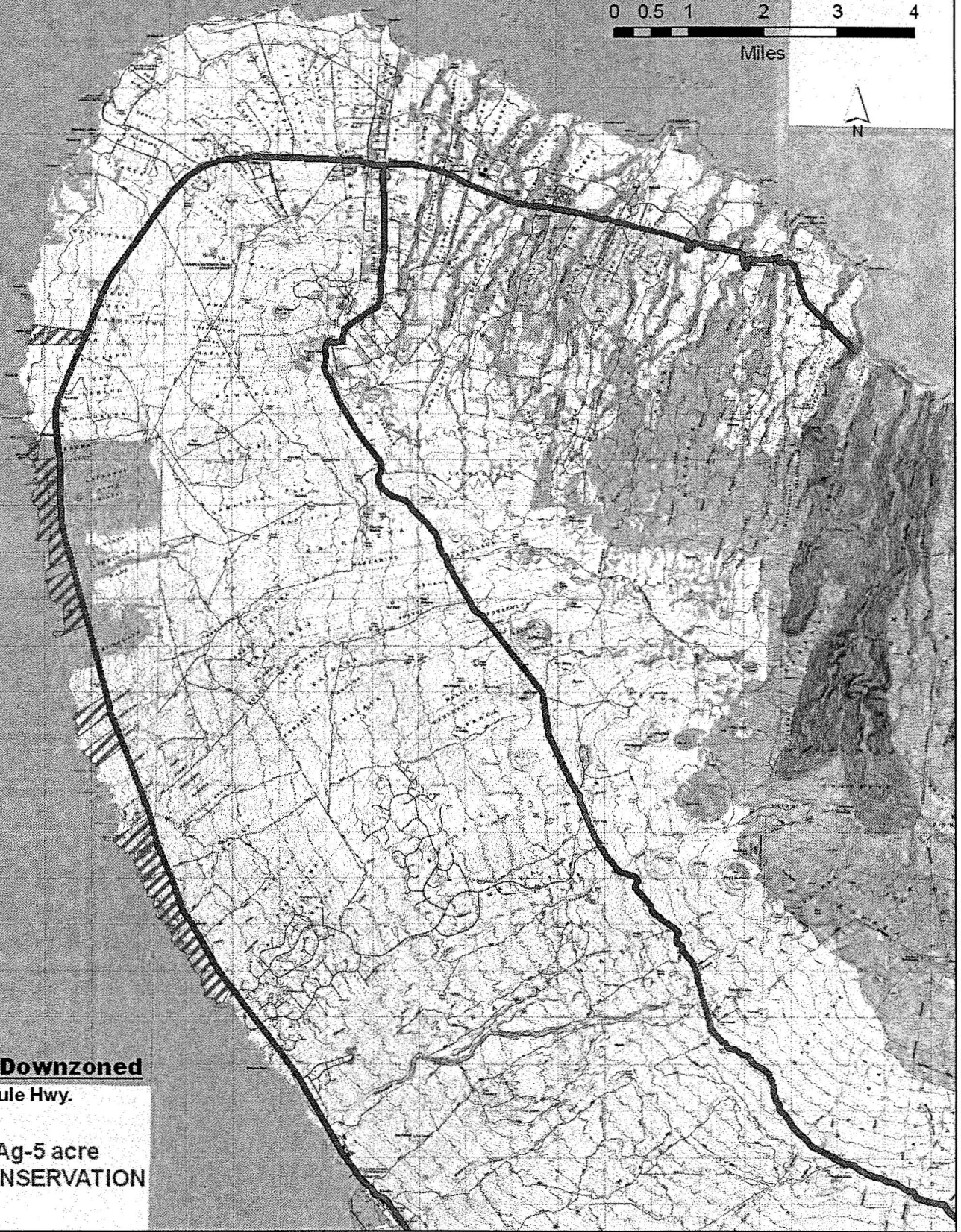
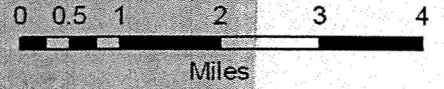
This area is a treasure and deserves much better protection than Ag 5 acres. Conservation zoning will provide this.

The community is very supportive of this bill and the Chairman of the Hawaii County Council has submitted testimony in support of this bill as well as several North Kohala organizations, which, together, represent nearly 400 families in North Kohala.

Please support and pass this HB-2607 on February 26.

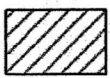
Aloha,
Gail Byrne

North Kohala State Lands- Proposed Downzonings



Areas To Be Downzoned

Makai of Akone Pule Hwy.



From Ag-5 acre
To CONSERVATION

Prepared By O. Smith Co. for the Hawaii Wildfire
Management Organization, 501(c)(3), Nonprofit Organization

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To The Community!**

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wakai1-Karen

From: Stephanie Laxton [naihe@msn.com]
Sent: Monday, February 25, 2008 3:49 PM
To: Rep. Kyle Yamashita; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. Tom Brower; Rep. Robert Herkes; Rep. Lyla B. Berg; Rep. Jerry Chang; Rep. Faye Hanohano; Rep. Joey Manahan; Rep. Ryan Yamane; Rep. Corinne Ching
Cc: EDBtestimony
Subject: SUPPORT AND PASS HB-2607

Aloha Chair, Vice Chair and Representatives

I am sending you this e-mail on behalf of Maika'i Kamakani 'O Kohala, Inc. We are a 501(c)(3) native hawaiian organization based in North Kohala, Hawaii. Our character of our organization is to protect and preserve traditions and customs for our Hawaiian citizen community:

We urge you to support and pass HB-2607 on tuesday, February 26, 2009. This a bill that rezones North Kohala STATE lands makai of Akoni Pule Highway from Ag-5 acre to Conservation.

Sincerely in Aloha,

Stephanie N. Naihe Laxton
Founder and President
P.O. Box 40
Kapaau, HI 96755-0040
Phone: (808) 884-5757

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

wakai1-Karen

From: FredCachola@aol.com
Sent: Monday, February 25, 2008 5:11 PM
To: Rep. Kyle Yamashita; EDBtestimony
Subject: SB2607

Testimony Regarding SB 2607

To: Chairman Yamashita and committee members of the Economic Development and Business Concerns.

From: Fred Cachola, Director
Malama Na Wahi Pana O Kohala (Caring for the Special Places of Kohala)

Aloha Chairman Yamashita and the Committee on Economic Development & Business Concerns:

I urge you to pass on this bill for the following reasons:

1. North Kohala has a vwell-documented, 30+ history to preserve their coastline makai of Akoni Pule Hwy. in open space.
2. The coastline has a series of ancient fishing villages that are described as being some of the best and most intact archaeological coastal sites in the State.
3. This bill pertains only to State Land and are completely within the jurisdiction of the State to take action on any kind of zoning. Zoning these State Lands in Conservation is a recommendation of the 2008 draft of the North Kohala Community Development Plan. This is a strong unified expression of the Kohala community and SB2607 is a direct result of that recommendation.

Please support the Kohala community in their continuing efforts to preserve and conserve some of the most precious historic coastline in our State.

Mahalo,

Fred Cachola

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