



LATE

March 24, 2008

Subject: **HB3286, Relating to Mining - Support**

Aloha Chair Tokuda, Chair Inouye and Members,

My name is Shane Peters, Vice President of the Hawaii Developers' Council (HDC). We represent over 250 members and associates in real estate development-related businesses.

The mission of Hawaii Developers' Council (HDC) is to educate developers and the public regarding land, construction and development issues through public forums, seminars and publications. It is also the goal of HDC to promote high ethics and community responsibility in real estate development and related trades and professions.

HDC supports HB 3286.

The Hawaii Developers' Council finds that quarries serve as the literal and figurative foundation of our Islands' infrastructure. Hawaii's roads, highways, harbors, homes, offices and resorts all rely on quarries to supply aggregate for their construction. Establishing new quarries however, is probably more challenging than ever. Urban expansion and development makes it increasingly difficult to identify appropriate quarriable sites away from residential and commercial areas. The litany of State and County approvals required to establish a quarry has also made it more difficult.

HB 3286 will help to streamline the approval process for quarries on land within the State Agricultural districts. At the same time, HDC understands that community concerns must be addressed in the approval process and is confident that the Land Use Commission will remain vigilant and mindful of these concerns. Furthermore, by allowing quarries within the Agricultural district, the State will have helped to ensure these valuable resources with continue to be available to the Islands for years to come.

Mahalo for the opportunity to testify.

Kawaihapai Ohana
c/o Thomas T Shirai Jr
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LATE

Hearing Notice
Monday, March 24, 2008
1:30PM
State Capitol Conference Room 229

Senate Committee on Agriculture & Hawaiian Affairs
Senator Jill Tokuda, *Chair*

Senate Committee on Intergovernmental & Military Affairs
Senator Lorraine Inouye, *Chair*

RE: Testimony Opposing HB 3286 HD1 (Relating to Mining)

Aloha Chair Tokuda, Inouye & Committee Members,

The *Kawaihapai Ohana* strongly opposes **HB 3286 HD1**. Part of our *kuleana* is *malama iwi kupuna*. It's known that *iwi kupuna* were buried in sand and tragedy happened when *iwi kupuna* were disturbed at a known *ohana* burial ground at *Kawaihapai Airfield* where sand was removed. Another act of desecrating the *aina* is the former *Kealia Rock Quarry* cracking the water table where fresh water became brackish water. Lastly the North Shore Community defeated Ameron's proposal for a rock quarry located on agriculture land where *Poamoho Estates* is situated sighting numerous environmental and social impacts to our community.

We understand resources needed for construction industries however strongly ensure strict compliance with HRS Chapter 6E and NAGPRA (Native American Graves Protection Act) which is Chapter 106 consultation whichever is applicable. This also applies to EIS (Environmental Impact Statement) and CIS (Cultural Impact Statement) contained in HRS Chapter 343.

The another *hoailona* to provide *mana'o* is HRS Chapter 343 coincidentally matches *Palapala Sila Nui 343 (Grant 343)* which once was *Ohana Aina* at *Kawaihapai Ahupua'a* where *Kawaihapai Airfield* is situated.

Ao'e HB 3286 HD1. Malama Iwi Kupuna.

Thomas T Shirai Jr
Kawaihapai Ohana - Po'o

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RE: Testimony Opposing HB 3286 HD1 (Relating to Mining)

Aloha Chair Tokuda, Inouye, Committee Members,

I'm currently serving on the Native Hawaiian Historic Preservation Council (NHHPC) which is an advisory board regarding historic preservation to the Office of Hawaiian Affairs's (OHA) board of Trustees (BOT). Additionally I'm a past member of the Oahu Island Burial Council (OIBC) as *Waiatua Moku* Representative. However, I'm providing testimony as an individual and recognized Lineal Descendant of *Kawaihapai Ahupua'a* and other places within *Waiatua Moku*.

I strongly oppose HB 3286 HD1. It's known that *iwi kupuna* were buried in sand. This has happened to my *Ohana* being disturbed at *Kawaihapai Airfield* on a known burial ground (*Palapala Sila Nui 343*) reported to the State Historic Preservation Division (SHPD). When the *Kealia Rock Quarry* (also at *Kawaihapai Airfield*) was in operation, it cracked the fresh water table which then became brackish water.

The North Shore Community rallied to defeat Ameron's proposal for a rock quarry where *Puumaha Estates* is situated sighting numerous environment and social impact on our community.

Although resources are needed for construction, strict compliance with HRS Chapter 6E, NAGPRA (Native American Grave Protection Act) Chapter 106 consultation whichever applicable. Chapter 343 regarding EIS (Environmental Impact Statement) and CIS (Cultural Impact Statement) is also applicable here. This legislation could create another *Honokahua* where many *Iwi Kupuna* were disturbed.

Ao'le HB 3286 HD1. Malama Iwi Kupuna

Thomas T Shirai Jr



Sierra Club Hawai'i Chapter

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LATE

**SENATE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS
SENATE COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS**
March 24th, 2008, 1:30 P.M.

(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 3286 HD1

Chairs Tokuda and Inouye and members of the committees:

The Sierra Club, Hawai'i Chapter, with over 5500 dues paying members statewide, opposes SB 3286 HD1, allowing mining to be an approved activity within the agricultural district.

Mining is an intensive activity requiring special conditions to deal with noise, dust, traffic, explosives, and other potential negative impacts. These issues would need to be addressed if residents live nearby—a situation the existing special use permit process addresses. But if mining is made simply a right in the agricultural district, this decision making and public input process would not occur.

Please hold HB 3286 HD1. Mining can still occur in the agricultural district, but a special permit is required.

Thank you for the opportunity to testify.