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## COMMENTS TO DRAFT HAWAII 2050 SUSTAINABILITY PLAN

LURF expresses appreciation for the hard work of the Task Force and generally agrees with the some of the concepts in the Draft Hawaii 2050 Sustainability Plan (Plan). However, LURF has the following comments:

### **The Plan should be written for “the next generation” and should focus more on the major goals of job creation and more housing.**

- If the major goals of the 2050 Sustainability Plan include assuring that our children, grandchildren and great-grandchildren can live and work in Hawaii, then creating more jobs and more housing should be important Strategic Actions.
- **Hawai'i 2050 Sustainability Conference (9/22/07):** 9 students took the stage and admitted that none of them see a future in which they can return to Hawaii when they are 35 years old. They don't see job opportunities and they don't see how they will be able to afford housing here. If the next generation sees no hope in returning based on those two issues - Jobs and Housing - then the 2050 Sustainability plan should attempt to address these two issues head on. If not, or the plan provides no reasonable solution for future jobs (quality jobs) and housing, who are we writing the 2050 Plan for?
- **The Vision for Sustainability, Guiding Principles of Sustainability, Goals: Where we want to be in 2050, (pp. 41-43).** Specific goals and incentives to assure opportunities for providing jobs and housing for future generations should be added.

### **The Plan should include criteria, guidelines and a process to resolve inherent conflicts between differing Goals and Strategic Actions.**

- A number of the Goals, Strategic Actions and Indicators have inherent conflicts with each other: open space vs. more housing; providing water to agricultural lands to increase production and consumption of locally produced products vs. preservation and non-diversion of stream waters; incentives to create and support emerging/innovative technology industries vs. incentives to support and sustaining established industries (tourism, defense, construction and agriculture); smart growth and increasing urban density vs. the *ahupua'a* resource and behavioral management system.

- The agency, group or body who will make the “balancing decisions or recommendations” regarding conflicting priorities should be identified in the Plan. We do not recommend that the council act as the decision-maker.
- The criteria, guidelines and process for making such “balancing” decisions should be added to the Plan.

**The Plan and supporting documents should address how the implementation of the Goals and Strategic Actions will impact Hawaii’s “economic sustainability.” The implementation of the Plan will mean increased costs – Smart Growth/increasing density in the urban core will require funding of costly infrastructure improvements – which will pay?**

- Is there data to show whether the implementation of the various Sustainability Goals and Strategic Actions will increase or decrease the costs of doing business in Hawaii? Increase or decrease State taxes and county real property taxes?
- Prior to making its recommendations, did the Task Force take into consideration any data relating to the increase or decrease in costs, and/or the lost or new opportunities based on the implementation of the Goals and Strategic Actions?
- We know that the real answer is – “We cannot afford not to implement Sustainable practices!” While that may be true, a review of such financial data could affect whether implementation is mandatory vs. voluntary, or whether it is implemented in a 5, 10 or 20-year time frame.
- The wording of the 2050 Sustainability Poll resulted in a response that 67% of the respondents believed that the best use of unused land should be agriculture or open space, as opposed to 20% who say the best use would be for housing. If the resulting “balancing” decision is that no more vacant land should be used for housing then what will be the effect on the availability and price of housing? - - The Opinion Poll should have provided information regarding the financial impact on home prices – based on an increasing demand and the resulting limited supply of housing.
- Many local businesses are struggling, and mainland businesses hesitate to come to Hawaii because the cost of doing business in Hawaii is too high. If the implementation of Task Force recommendations is costly, the result may be the closing of local businesses and discouraging new industries to locate in Hawaii.
- LURF recommends that the Task Force and the Plan address the issue of the financial and economic impact of the implementation of the Plan; add such financial information to the Plan documents; and add the financial impact as part of the balancing/decision-making criteria.

**Government incentives for sustainable practices should be an integral part of the Draft Plan.** The most successful way to motivate positive sustainability changes in human and corporate behavior is to provide incentives. If government tries to impose punitive requirements and deterrents, the public and business will find loopholes to avoid the requirements. If government provides incentives to live and work sustainably, the public and business will find ways to comply and take advantage of the incentives.

- **Goal I Living Sustainably (pp. 46-48).** This Goal emphasizes creating public awareness and educational programs, and briefly mentions government incentives and deterrents. An explanation and examples of the concept of incentives should be added to the Goals, Strategic Actions and Indicators.
- **Goal II Diversified and globally competitive economy (pp. 49-52).** The Goal section should add providing incentives that foster sustainability-related industries, including, but not limited to the agriculture industry. Incentives to

provide affordable workforce housing should also be added to the Goals. Providing housing should be addressed as one of the challenges. Incentives are mentioned in the Strategic Actions, but should also be added to the Indicators.

- **Goal III Responsible and respectful use of natural resources (pp. 53-56).** Government incentives should be added to the Strategic Actions to reduce the reliance on fossil fuels. However, Incentives should also be added to the Indicators for conservation of water and protection of habitat.
- **Goal IV Community & Social Well-Being (pp. 57-61).** Only passing references is made to jobs and housing and there is a note that the average price of \$650,000 for a single family home is among the highest in the nation. A sentence should be added: “We can choose to provide more housing opportunities for our children, grandchildren and aging population.” The Strategic Actions should specifically target providing incentives to increase affordable housing opportunities. An Indicator should be added to measure government incentives to produce affordable housing.

**If the Plan will be a compliance/policy guidance document, its definitions should be clearly interpreted and capable of implementation.**

- **With respect to land, water and natural resources, the term “replenished” should be replaced with “protected” (pp. 41, 43, 53, 54).** The term “replenish” is capable of multiple interpretations, will be very challenging to enforce, and will result in litigation. It should be changed to “protected” or “protect.”
  - Citation: “*Our land, water and natural resources are used responsibly, and are **replenished** and preserved for future generations.*” (pp. 41, 43, 53, 54)
  - “Replenish” may be misinterpreted to create a new requirement to “restock, refill, replace, recover, or bring back” land, water and natural resources which may be used in the future. It would be impossible to comply with such a new sustainability requirement.
  - The “replenish” provision might be misinterpreted to justify an argument that the Plan requires a “one-for-one trade off” in urban and non-urban lands in future land use entitlements. For the agricultural industry, the word ‘replenishment’ might be used as authorization to condition requests to utilize water for agricultural purposes on the promise that farmers who use water for agricultural purposes must “replenish” or replace the same amounts of water in the future. This would be a disincentive for agriculture which, in other parts of the plan, is a desired industry.
  - “**Protected**” or “**protect**” would be better terms, and both are already used in water and land use regulations.
- **If Smart Growth means “increasing density,” this should be specifically stated (pg. 55 and 56).** In discussions, members of the Task Force have used the term “Smart Growth” and “increased density” interchangeably – and have stated that the terms mean the same thing – however, the Plan does not include the specific concept of “increasing density” in the urban core. If this is what the Task Force intends, then the term “increased density” should be specifically included in Goal III Environment and Natural Resources and also in the related Strategic Actions and Indicators, and elsewhere where “Smart Growth” is mentioned.
- **Conservation of “viable” agricultural lands and Important Ag Lands (IAL) (pg 55).** The Farm Bureau and LURF are supporters of the conservation

and preservation of viable agricultural lands and Important Agricultural lands (“IAL”). The references to conservation of agricultural lands should be clarified to refer to “viable” agricultural lands and Important Agricultural Lands (pg. 55).

**The Plan should serve as a guide towards the creation of a sustainable Hawaii as opposed to recommending specific mandates.**

- The Strategic Action for water conservation requires water conservation plans from large private users only (pg. 54) The large public users (the State and counties) as well as the public at large should also be encouraged to develop and use water conservation plans.
- For equity, this Strategic action should be revised to read: “Encourage the development and use of water conservation plans.”

**What is the *Ahupua’a* Resource Management System? (pg 25, 53, 55)**

- It is unclear what the scope and impact will be of incorporation of this concept values and philosophy will have on the Draft Plan.
- Perhaps adding provisions to the Draft Plan to further clarify the scope and definition of the *Ahupua’a* Resource Behavioral Management system along with an example of how this concept may be applied would provide additional clarity and understanding to this provision.

**Do we really need a “quasi-governmental” Sustainability Council? (pp 66-**

**69)** We appreciate the well-intended effort of the Task Force to create a Sustainability Council (“council”) to ensure implementation and accountability and to include a diverse cross section of the public on the council. However, LURF is **opposed** to the creation of the proposed council, based on the following concerns.

- **Creating the council as another duplicative layer of government is contrary to sustainability.** The proposed council would create a new level of government, which would duplicate the work of other State and government agencies, increase costs and increase the government process - all of which directly conflict with the concept of a sustainability economy.
- **Powers and Authority of the proposed council are too broad and absolute.** The Draft Plan calls for establishing and empowering a permanent Sustainability Council (“council”) which shall have absolute powers – “absolute power corrupts absolutely.” The powers of the proposed council include the following:
  - Scope and function is to **carry forward the Plan to action**, coordinate, **implement**, measure and evaluate the progress of the Plan and activities, publicly report, and build a publicly accessible bank of knowledge about sustainability;
  - A Governing Board (not clear whether it is paid or unpaid);
  - 15 voting Board members, including six government appointment, and 9 public members appointed by the governor. Council members are expected to have statewide knowledge and expertise in various areas ;
  - Authority to hire an executive director and staff (no limitation on staff);
  - **Appropriate powers and duties to implement and carry out its mission.** It unclear whether the power to “implement” (enforcement, imposition of fines, or power to issue corrective or cease and desist orders?);
  - **A dedicated revenue source and funding stream with a nexus to sustainability, to insulate itself from short-term political pressures.** The Council should not divert or raid monies from established

funds which are targeted for specific uses (i.e. the Bottle Bill, Conveyance Tax, Gasoline and other fuel taxes);

- **Exemption from Hawaii's public procurement laws and authority to negotiate and execute contracts as necessary to achieve its functions.** There is a major concern that the council is not required to be subject to any rules or guidelines relating to entering into contracts;
- **A financial and management audit of the council's "Action, Implementation and Accountability" activities every two years to determine the appropriateness of its fiscal activities and progress made in implementing the Plan.** If it is necessary to appoint a council because the State administration, legislature and government agencies cannot be trusted to do the job, if the council is the solution to "Action, Implementation and Accountability," and the council is entrusted with broad and absolute powers, authority and exemptions from the law to implement, measure and evaluate the progress of the Plan - - then why is there a need to audit the council every two years? Does the Task Force really trust the council to do the right thing and spend its funding appropriately?
- **The appointment of a council may not resolve the claimed "lack of political will" of Governors.** Critics of the current system claim that the State Plan and Functional Plans have not been fulfilled due to the "lack of political will" of Hawaii's Governors. It seems unusual that the solution would be to create a 15-member council, where 10 of the 15 members are appointed by the Governor.
- **The proposed council will lack the necessary technical expertise to make "balancing" decisions and recommendations.** It is proposed that 9 of the council members have expertise in various areas; however, existing government departments have more expertise, staff, information and data and more time to address such important issues. These areas include, but are not limited to: the economy (Department of Business & Economic Development), planning (Office of Planning), agriculture (Department of Agriculture), etc.
  - "This plan is not an "all-inclusive and comprehensive list of goals and strategies which could be pursued. That list is too exhaustive...." (pg. 39) Will the council be empowered to interpret and dictate goals for other state and county agencies to follow? We do not believe that the proposed council will have the technical expertise or information to do so.
- **The proposed council would have unrestricted decision-making and enforcement powers and would not be accountable to anyone.** Because the council would have its own source of funding and would not be a part of the State Administration, it appears that the proposed council will not be accountable to any government agency, the legislature or have any other oversight (it would be assigned to the Auditor's Office only for administrative purposes). This could result in creating a "Sustainability Czar" who did not need to answer to anyone and could make the delicate "balancing" decisions and punitive enforcement decisions without any recourse or appeal.
  - Instead of the proposed council, LURF would recommend that the Plan should be utilized by the Governor (and executive departments) and the Legislature as a guide towards the creation of a sustainable Hawaii.
  - We would further recommend that the Office of Planning be given the responsibility, authority and base budget funding for the measurement and public reporting on Hawaii's sustainability activities.