



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF  
SB 2248 WITH COMMENTS**  
**Senate Committee on Water and Land**  
**Saturday, February 9, 2008, 11:00 a.m., Room 229**  
**testimony@capitol.hawaii.gov**

Aloha Chairperson Hee and Vice-Chair Kokubon:

The Trust for Public Land (TPL) was one of the lead conservation organizations that supported the passage of the Legacy Lands Act. TPL supports the intent of SB 2248 Relating to Legacy Lands, which proposes to appropriate an unspecified amount of general revenue to the Legacy Lands Fund and direct the Board of Land and Natural Resources to use those funds to purchase property along the Ka 'Iwi coast which is currently threatened by development. However, TPL has the following concerns and comments.

First, running the appropriation through the Legacy Lands Fund is unnecessary. The Legislature has in the past made direct CIP appropriations for conservation land acquisitions such as Moanalua Valley (\$3 million) and Pūpūkea-Paumalū (\$1 million).

Second, running the appropriation through the Legacy Lands Fund creates unintended consequences that could have a very negative effect on the Legacy Lands Commission. The Legacy Lands Fund receives small percentage of the conveyance tax per year (currently, \$4.7 million per year). TPL supports supplementation of the Fund by general funds, but is concerned that "earmarking" of funds for specific projects could undermine the authority of the Legacy Lands Commission, which consists of experts from all four counties in the areas of agriculture, land conservation, Hawaiian culture, and science (biology, zoology, etc.). The Commission reviews grant applications, develops policies and procedures relating to grant applications, and makes recommendations regarding grant awards to the Board of Land and Natural Resources. The Legislature created the Commission to depoliticize the grantmaking process, and ensure that each project that receives funds is meritorious.

The Ka 'Iwi coastline is a meritorious project and incredibly valuable to our community. If the State was able to negotiate a deal with the landowner for acquisition, there is no question that Ka 'Iwi would compete very well among all of the other potential projects that the Legacy Lands Commission considers. An "earmark" specifically for the Ka 'Iwi coastline therefore is unnecessary, and supplants the authority of the Legacy Land Commission.

Third, if a deal for Ka 'Iwi could not be consummated, the monies earmarked for Ka 'Iwi would be frozen in the Fund, and could not be used for other worthy projects. TPL recommends at minimum that the following language be added to the bill to make clear that, if the funds earmarked for Ka 'Iwi are not deployed in a set time



frame (e.g, 18 months), the Legacy Lands Commission could deploy those funds to other worthy projects:

SECTION 4. There is appropriated out of the land conservation fund the sum of \$ \_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2008 to acquire property along the Ka 'Iwi coast.

The sum appropriated shall be expended by the board of land and natural resources by December 31, 2009 from the land conservation fund for the purposes of this Act. If the sum appropriated is not expended for the purposes of Act by December 31, 2009, the monies shall be used by the legacy land conservation commission for purposes consistent with the land conservation fund.

And finally, Section 4 of the bill is unclear and raises serious concerns. Does the Legislature intend to deposit general revenue funds into the Legacy Lands Fund and then appropriate that same amount money now in the Legacy Lands Funds for Ka 'Iwi? Or does it intend to also allocate all or some of the \$4.7 million in the Legacy Lands Fund for Ka 'Iwi. If the Legislature intends to earmark both the general revenue funds deposited in the Legacy Lands Fund, and an additional amount from the Legacy Lands Fund, TPL would strongly oppose such a move. The Legacy Lands Fund has more worthy projects to fund than funds available. Ka 'Iwi should compete for those limited funds just as all other projects compete. Given its importance and history, Ka 'Iwi is likely to receive funding in any event.

TPL supports SB 2248 with comments/concerns, and stands ready to support efforts to protect the Ka 'Iwi coastline.

Mahalo for this opportunity to testify.

  
Lea Hong  
Hawaiian Islands Program Director

## testimony

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**From:** Jeannine Johnson [jeannine@hawaii.rr.com]  
**Sent:** Thursday, February 07, 2008 10:03 PM  
**To:** testimony  
**Cc:** killeens@hawaii.rr.com; Rep. Barbara Marumoto; zbolt@hawaii.rr.com; bertha.leong@pruhawaii.com; bchuck@ch2m.com; cdjou@co.honolulu.hi.us; chrisbhi@aol.com; Cindy.S.Inouye@hawaii.gov; hihaven@hotmail.com; schellj001@hawaii.rr.com; casen@hawaii.edu; gbruce@honolulu.gov; heatherwood@hawaii.rr.com; jschn@lava.net; jamallster@yahoo.com; kho4@honolulu.gov; Kquinn@hawaii.rr.com; Linda.w.starr@hawaii.gov; Rep. Lyla B. Berg; melvyn.yap@morganstanley.com; mparke@hawaii.edu; peter.reply@flatearthventures.com; sbh@lava.net; Hawaii.film@hawaiiantel.net; sroig@HonoluluAdvertiser.com; bearstp@yahoo.com; 'Donna Wong HTF'; 'Elizabeth Reilly'; Rep. Barbara Marumoto; Rep. Gene Ward  
**Subject:** NB#2 Testimony in Strong Support of SB2248 re Legacy Lands (Ka Iwi)  
**Attachments:** image001.jpg

Jeannine Johnson, Legislative Sub-Committee Chair  
**Kuli'ou'ou / Kalani Iki Neighborhood Board #2**  
5648 Pia Street, Honolulu, Hawai'i 96821  
Phone: 373-2874 (h) / 523-5030 (w)  
February 7, 2008

*Sent via email to [testimony@capitol.hawaii.gov](mailto:testimony@capitol.hawaii.gov)*

### COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair

Senator Russell S. Kokubun, Vice Chair

**Re:** SB 2248 - RELATING TO LEGACY LANDS.

**Hearing:** Saturday, February 9, 2008, at 11 am in Conference Room 229

Dear Chair Hee and Vice Chair Kokubun,

As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** supports SB2248 for an appropriation for the board of land and natural resources to purchase the Ka 'Iwi coast using the land conservation fund. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

At its November 1, 2007, regular meeting, **Neighborhood Board #2** was informed of the belief that the State had reached a condition overload/carrying capacity on tourist facilities and nonresident investments, energy and water consumption, and sewer and traffic infrastructure. Also, that our small state is losing that which people who come to Hawai'i seeking: the "Land of Aloha" with great natural charms.

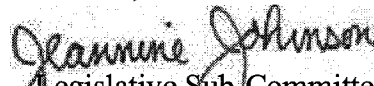
2/8/2008

Therefore, **Neighborhood Board #2** voted unanimously to support the preservation of undeveloped lands, especially conservation and preservation lands and resources, in order to help maintain wetland functions (filtering and capturing water, especially storm flows), buffer zones, and open space.

SB2248 is an excellent bill, one which the majority of residents on O'ahu support, as hundreds of residents from all over the island attended meetings to oppose the Mau'uwai and Queen's Rise "vacation cabins" development proposed by QRM on undeveloped preservation land, fronting the untouched Ka Iwi coastline.

Sustainability is the contemporary way to think about, "When do we say: enough is enough?" Your support of this bill is respectfully requested.

Mahalo,

  
Glanville Johnson  
Legislative Sub-Committee Chair

**Kuli'ou'ou / Kalani Iki Neighborhood Board #2**

cc via email: Chair Robert Chuck  
Sen. Sam Slom  
Rep. Lyla Berg  
Rep. Barbara Marumoto  
Rep. Gene Ward  
Ka Iwi Coalition  
Livable Hawai'i Kai Hui  
Aloha 'Aina 'O Kamilo Nui

**testimony**

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**From:** Jeannine Johnson [Jeannine@pittluck.com]  
**Sent:** Friday, February 08, 2008 9:08 AM  
**To:** testimony  
**Cc:** Rep. Barbara Marumoto; Rep. Lyla B. Berg; Rep. Gene Ward; Sen. Sam Slom; htf@lava.net; hawaiiikaihui@aol.com  
**Subject:** Testimony in Strong Support of SB2248 (Ka Iwi)

**Aloha 'Āina 'O Kamilo Nui**

Box: 25304, Honolulu, Hawaii 96825  
Ph: 396-7011 ☒ Fax: 396-5399

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

Re: SB 2248 - RELATING TO LEGACY LANDS.  
Hearing: Saturday, February 9, 2008, at 11 am in Conference Room 229

Dear Chair Hee and Vice Chair Kokubun,

Aloha 'Āina 'O Kamilo Nui is a non-profit community organization dedicated to the protection and preservation of the land, natural and cultural resources of Kamilo Nui Valley and the East Honolulu area. Aloha 'Āina 'O Kamilo Nui embraces the Hawaiian values of "aloha 'āina" and "mālama 'āina" (love and care for the land) and strives to protect and perpetuate the 'āina and its cultural resources for the benefit of future generations.

Aloha 'Āina 'O Kamilo Nui strongly supports SB2248 for an appropriation for the board of land and natural resources to purchase the Ka 'Iwi coast using the land conservation fund. O'ahu has been ravaged by rampant over-development, and East O'ahu has lost more green open spaces to development than any other part of the island. It is essential, and indeed in the higher public interest, to move toward a consciousness that will sustain the beauty and attractiveness of our island. Preserving the last open and accessible coastline except for Ka'ena Point will enable all our residents, tourists and future generations to enjoy this pristine area.

Mahalo for the opportunity to testify today.

Jeannine Johnson  
5648 Pia Street, Honolulu, Hawai'i 96821  
Phone: 373-2874 (h) / 523-5030 (w)

cc via email:

Sen. Sam Slom  
Rep. Lyla Berg  
Rep. Gene Ward  
Rep. Barbara Marumoto  
Livable Hawai'i Kai Hui  
Hawai'i Thousand Friends  
Ka Iwi Coalition

2/8/2008

Hearing February 9, 2008 11:00 a.m. Room 229

Honorable Clayton Hee, Chair

Committee on Water and Land

Hawaii State Capitol

Honolulu, Hi

Dear Senator Hee;

Thank you for this opportunity to lend my support for SB2248,  
Relating to Legacy Lands.

The Ka Iwi Action Council is proud that we played a part, along with the State government, in protecting the existing Ka Iwi Scenic Shoreline area makai of the highway from Sandy Beach Park to Makapuu Point. Today there is another threat to the scenic integrity of this eastern point of Oahu. This bill can help remove that threat by providing funds to help purchase the last remaining open space along the Ka Iwi shoreline.

As residents and visitors leave the urban development of Honolulu and Hawaii Kai we find relief as we pass Hanauma Bay and enjoy the cliffs of Koko Crater, then catch sight of the sea and the blowhole. We pause to enjoy Sandy Beach and look mauka to reflect on the beauty of the sea in contrast to the mountains. The mauka view is Mauuwai, now threatened with development of vacation cabins.

We travel further along the Ka Iwi Scenic Shoreline and again look mauka to see the wildness of Queen Rise, also threatened by construction of vacation cabins. We stop at Makapuu and are gladdened by the view of the sea toward Waimanalo and back toward Queens Beach. The contrast of the blue sea with the hill that is Queen's Rise reminds us of the contrasts that are nature's beauty. Development must not spoil this experience.

It's time to put these two parcels in the public domain. Please help us do this by working with us to purchase these last remaining open lands in East Honolulu.

Sincerely,

Anna Hoover  
Of the Ka Iwi Action Council

409 Puamamane Street  
Honolulu, HI 96821

**testimony**

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**From:** Rosebud626@aol.com  
**Sent:** Friday, February 08, 2008 12:46 PM  
**To:** testimony; ChairSen.ClaytonHee@capitol.hawaii.gov; Sen. Russell Kokubun  
**Cc:** Sen. Sam Slom; Rep. Lyla B. Berg; Rep. Gene Ward; Sen. Fred Hemmings; Hawaiiikaihui@aol.com; htf@lava.net  
**Subject:** testimony re: Ka Iwi

Rosalind and Randy Mason

626 Kaumaka Place

Honolulu, Hawaii 96825

(808) 395-1250

February 8, 2008

**To:** COMMITTEE ON WATER AND LAND  
**Re:** SB 2248 - RELATING TO LEGACY LANDS.

Dear Chair Hee and Vice Chair Kokubun,

My testimony is in **strong support of the legislation as per SB2248** for ALL of the following reasons:

- \* protect and perpetuate the 'āina and its cultural resources for the benefit of future generations
- \* Ka Iwi is the last open and accessible coastline except for Ka'ena Point
- \* the Ka Iwi State Park boundary should be extended to include mauka and kept a passive /natural recreational and educational area
- \* O'ahu has been ravaged by rampant over-development, and East O'ahu has lost more green open spaces to development than any other part of the island
- \* the 7 mile Ka Iwi coast drive supports the visitor experience to the East end of O'ahu - it is what the visitor expects when they come to Hawaii
- \* preserving will enable all our residents, tourists and future generations to enjoy this pristine area
- \* the Ka Iwi area is an irreplaceable natural, scenic resource for the State of Hawaii
- \* the Ka Iwi scenic shoreline has rich cultural significance, some documented and some yet to be discovered

2/8/2008



Thank you,

Rosalind and Randy Mason

cc: Sen. Sam Slom [senslom@capitol.hawaii.gov](mailto:senslom@capitol.hawaii.gov)  
Rep. Lyla Berg [repberg@capitol.hawaii.gov](mailto:repberg@capitol.hawaii.gov)  
Rep. Gene Ward [repward@capitol.hawaii.gov](mailto:repward@capitol.hawaii.gov)  
Sen. Hemmings [senhemmings@Capitol.hawaii.gov](mailto:senhemmings@Capitol.hawaii.gov)  
Livable Hawaii'i Kai Hui [hawaiiikaihui@aol.com](mailto:hawaiiikaihui@aol.com)  
Hawaii'i Thousand Friends [htf@lava.net](mailto:htf@lava.net)

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Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

**testimony**

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**From:** Tiger2Balm@aol.com  
**Sent:** Friday, February 08, 2008 12:49 PM  
**To:** testimony  
**Subject:** SB 2248 - RELATING TO LEGACY LANDS.

**Dear Chair Hee and Vice Chair Kokubun,**

**I would like to provide written testimony in strong support of the legislation SB2248 for the meeting on February 9, 2008 and any subsequent hearings on this matter. I have been a resident of Hawaii Kai since 1983 and am appalled at the rapid growth in the area. O'ahu has been ravaged by rampant over-development and East O'ahu has lost more green open spaces to development than any other part of the island. The Ka Iwi is the last open and accessible coastline, except for Ka'ena Point, and needs to be preserved for the enjoyment of current and future generations. In addition, the 7 mile Ka Iwi coast drive is what multitudes of visitors expect when they come to Hawaii. The natural beauty of the area is an irreplaceable natural, scenic resource for the State of Hawaii and must be maintained in its current condition for residents and visitors alike. I strongly urge you to support SB 2248 as it relates to legacy lands.**

**Please feel free to contact me at 395 1300 or [Tiger2balm@aol.com](mailto:Tiger2balm@aol.com) if you have any questions. Mahalo for your support.**

**Sincerely,**

**Jo Ann C. Kocher  
7124 Naakea Street  
Honolulu, HI 968235**

**cc:**

**Sen. Sam Slom [senslom@capitol.hawaii.gov](mailto:senslom@capitol.hawaii.gov)  
Rep. Lyla Berg [repberg@capitol.hawaii.gov](mailto:repberg@capitol.hawaii.gov)  
Rep. Gene Ward [repward@capitol.hawaii.gov](mailto:repward@capitol.hawaii.gov)  
Sen. Hemmings [senhemmings@Capitol.hawaii.gov](mailto:senhemmings@Capitol.hawaii.gov)  
Livable Hawaii'i Kai Hui [hawaiiikaihui@aol.com](mailto:hawaiiikaihui@aol.com)  
Hawaii'i Thousand Friends [htf@lava.net](mailto:htf@lava.net)**

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Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

**testimony**

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**From:** Hawaiiikaihui@aol.com  
**Sent:** Friday, February 08, 2008 4:42 PM  
**To:** testimony  
**Subject:** SB2248 - Feb 9 Hearing/ Water and Land

**LATE TESTIMONY**



6650 Kalaniana'ole Highway, Ste. 116, Honolulu, Hawaii 96825

February 8, 2008

**COMMITTEE ON WATER AND LAND**

RE: SB2248 - Relating to Legacy Lands

Hearing: Saturday, February 9, 2008, at 11:00 a.m. in Conference Room 229

Dear Chair Hee and Vice Chair Kokubn,

We are Livable Hawaii Kai Hui, a non-profit community action group dedicated to improving the livability of East Honolulu through encouraging community participation at the Neighborhood Board level and through upholding the integrity of the City and County's East Honolulu Sustainable Communities Plan. On behalf of our membership we **submit testimony in FAVOR of SB2248** for the reasons noted below and within the Ka Iwi Brief. The Ka Iwi Brief was developed in response to the 2006 threat of development on the Ka Iwi Coast and used to make our case as to why an application to build on Ka Iwi land should be denied - this document was filled with the Department of Planning and Permitting.

1. SB2248 supports the vision of the East Honolulu Sustainable Communities Plan:

The vision of the East Honolulu Sustainable Community Plan is to protect the "community's natural, scenic, cultural and historic resources." Among the seven key elements of this vision, the most relevant elements, for purposes of this case, include:

- "Preserve the scenic value of the Koko Head-Makapuu viewshed"
- "Protect and preserve natural areas"

*Revised Ordinance of Honolulu,  
East Honolulu Sustainable Community Plan, P.5.22.1.1 Protect Community Resources*

2. SB2248 moves towards completing "the people's will" from over 30 years ago. Ka Iwi, is the last remaining open coast area in East Honolulu. For over 30-years citizens of Hawaii have expressed their overwhelming desire to see this land preserved and protected in perpetuity as documented through the Sandy Beach Initiative and Save Queen's Beach success. Today there are only two parcels (TMK: No. 3-9-10:46 and TMK: No. 3-9-10:47) left to purchase -- we need to finish what was started in 1973.

3. SB2248 strengthens the Visitor Industry. The 7 mile Ka Iwi coast drive supports the visitor experience to the East end of O'ahu as evidenced through the millions of visitors to Hanauma Bay. Ka Iwi is part of the Hanauma Bay experience and what the visitor expects when they come to Hawaii. .

4. SB2248 supports the Ka Iwi Master Plan. The Ka Iwi State Park Plan was prepared pursuant to House Concurrent Resolution No. 261 H.D.1, (H.C.R. 261), entitled "Concerning an Integrated Scenic Shoreline Park in East Oahu Extending from Hanauma Bay to Makapu'u Point." 1988 Legislative Session. H.C.R. 261 directed the Department of Land and Natural Resources to "take all steps necessary to keep this costal area in open space."

*Ka Iwi Master Plan Background,  
Ka Iwi State Park Master Plan, P.I-1, Legislative Intent*

Thank you for the opportunity to share our testimony.

Sincerely,

Marian Grey, *Vice President, Livable Hawai'i Kai Hui*

Enclosure: Ka Iwi Brief

## Ka Iwi Brief

Submitted by

**Livable Hawaii Kai Hui**

August 29, 2006

## SUMMARY

The purpose of this brief to assist the City & County of Honolulu Department of Planning & Permitting by bringing to their attention legal issues surrounding the proposed development of vacation cabins on preservation land across from the Ka Iwi Shoreline. Several facts contained herein are based on information provided to the Hawaii Kai Neighborhood Board by the developer, QRM. Livable Hawaii Kai Hui concludes that accepting QRM's application for a conditional-use permit would be unlawful for the following reasons:

- I. The development of vacation cabins across the Ka Iwi Shoreline would violate the East Honolulu Sustainable Community Plan.
- II. The proposed development does not meet the requirements of vacation cabins, as specified in Honolulu Revised Ordinance Section 21-5.660.
- III. QRM fails to meet the requirements of a conditional use permit, as specified in Honolulu Revised Ordinance Section 21-2.90-2.

## ARGUMENT

### **The development of vacation cabins across the Ka Iwi Shoreline would violate the East Honolulu Sustainable Community Plan.**

The 1973 Revised Charter of the City and County of Honolulu (hereinafter, "Charter") was amended for creation of eight development plans for the City and County of Honolulu. A development plan is a "relatively detailed scheme for implementing and accomplishing the development objectives and policies of the general plan within the several parts of the city." *Lum Yip Kee, Ltd.*, 70 Hawai'i 179, 182, 767 P.2d 815, 817 (Hawai'i, 1989). (citing Charter § 5-409).

Honolulu's general plan has been described as a long range plan setting forth various policies for new development. Designed to cover a wide range of objectives, the Honolulu general plan is supposed to "set forth the city's broad policies for the long range development of the city," addressing the general social, economic, environmental, and design needs of the city. It includes within its purview policy and development objectives relating "to the distribution of social benefits, the most desirable uses of land within the city, the overall circulation pattern and the most desirable population densities" within the city. The development plans are supposed to implement the general plan's goals. Professor David Callies, *Regulating Paradise: Land Use Controls in Hawai'i* 26 (1984) (footnote omitted). *Save Sunset Beach Coalition v. City and County of Honolulu*, 102 Hawai'i 465, 470, 78 P.3d 1, 6 (Hawai'i, 2003).

The development plan for East Honolulu is now referred to as the "East Honolulu Sustainable Community Plan". This plan has been adopted and made part of the Honolulu Revised Ordinances. The "East Honolulu Sustainable Community Plan," has been prepared in accordance with the charter-prescribed requirements for development plans and is to be accorded force and effect as such for all charter- and ordinance-prescribed purposes, and is hereby adopted by reference and made part of this article. [emphasis added] *Revised Ordinance of Honolulu, Section 24-4.3(b)*.

The vision of the East Honolulu Sustainable Community Plan is to protect the "community's natural, scenic, cultural and historic resources." Among the seven key elements of this vision, the most relevant elements, for purposes of this case, include:

- "Establish an Urban Community Boundary to contain the spread of urban development"
- "Preserve the scenic value of the Koko Head-Makapuu viewshed"
- "Protect and preserve natural areas"

*Revised Ordinance of Honolulu,  
East Honolulu Sustainable Community Plan, P.5.2*

The development of vacation resort cabins violates all three elements listed above. First, the proposed development is beyond the Urban Community Boundary. Furthermore, the construction of 180 cabins would seriously disrupt the scenic value of the Koko Head-Makapuu viewshed. Finally, the development of high-priced resort cabins on preservation land would undermine the City's vision to protect and preserve these natural areas.

**The proposed development does not meet the requirements of vacation cabins, as specified by the Honolulu Land Use Ordinance.**

The Honolulu Land Use Ordinance states, in relevant part: "Vacation cabins shall be permitted only as an accessory use to outdoor recreation facilities." *Revised Ordinance of Honolulu, Section 21-5.660(a)*. At present, there are no recreation facilities on this preservation land. Since recreation facilities do not already exist, the construction of cabins on this preservation land clearly violates this requirement.

Furthermore, the developer is proposing to build 180 cabins. "The overall density for vacation cabins shall not exceed one vacation cabin per acre of land area." *Revised Ordinance of Honolulu, Section 21-5.660(b)*. Based on the close proximity between the individual cabins, this ordinance would clearly violate this requirement since there would be more than one cabin in a given acre. While the total acreage of this preservation land is about 180 acres, that does not give the developer the license to build 180 vacation cabins next to one another. For every given acre, there can only be one vacation cabin.

**QRM fails to meet the requirements of a conditional use permit, as specified in the Honolulu Land Use Ordinance.**

The general requirements for approving a conditional use permit include the following criteria:

- (1) The site is suitable for the proposed use considering size, shape, location, topography, infrastructure and natural features.
- (2) The proposed use will not alter the character of the surrounding area, in a manner substantially limiting, impairing or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district.
- (3) The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

*Revised Ordinance of Honolulu  
Section 21-2.90-2(a)(2)-(4).*

Each of these requirements are addressed below, and QRM's development fails all three tests. Considering the size, shape, location, topography, infrastructure involved in the constructing of 180 resort, vacation cabins, the project is simply unnatural and unsuitable, given the pristine nature of this preservation land.

Furthermore, "the proposed use [must] not alter the character of the surrounding area, in a manner substantially limiting, impairing or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district." The plethora of 180 individual structures spread throughout this confined area will substantially limit and impair the principal use of this preservation land.

Finally, "the use at its proposed location [must] provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood." These vacation resort cabins are designed for and targeted at nonresidents. It is difficult to comprehend how this project contributes to the general welfare of local residents in East Honolulu and Windward communities.

### CONCLUSION

There are several reasons to deny the application by QRM to develop 180 vacation cabins on the Ka Iwi coastline. The development would violate the East Honolulu Sustainable Community Plan. Furthermore, this development fails the requirements of vacation cabins, as specified in the Honolulu Land Use Ordinance. Finally, this development does not satisfy the criteria for allowing a conditional use permit. For these reasons, the Honolulu Department of Planning & Permitting should deny QRM's application.

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Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)



**testimony**

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**From:** Rich Figel [figeli001@hawaii.rr.com]  
**Sent:** Friday, February 08, 2008 4:27 PM  
**To:** testimony  
**Subject:** In support of SB2248

**LATE TESTIMONY**

Dear Sen. Hee and Sen. Kokubun:

As cofounder of Beach Access Hawaii, which has over 300 members and climbing fast, I want to express my support for SB2248. Ka Iwi is one of the few remaining undeveloped coastline areas on Oahu, and should be preserved for future generations. East Oahu has been overdeveloped and parts of Hawaii Kai are now an ugly eyesore of crammed together condos and shopping centers.

How much more development will our elected officials allow? When will it be too late to say "Stop!" We ask you to be the leaders that say now is the time to act to protect what's left of the aina and coastline. Mahalo for your time and consideration.

Aloha,  
Rich Figel  
Beach Access Hawaii  
801 Kainui Drive  
Kailua, HI 96734

**testimony**

**LATE TESTIMONY**

**From:** c keller [cynkeller1@yahoo.com]  
**Sent:** Friday, February 08, 2008 1:01 PM  
**To:** testimony; ChairSen.ClaytonHee@capitol.hawaii.gov; Sen. Russell Kokubun; Sen. Sam Slom; Rep. Gene Ward  
**Subject:** SB 2248 - RELATING TO LEGACY LANDS; Hearing: Saturday, February 9, 2008

Dear Chair Hee and Vice Chair Kokubun,

My testimony is in strong support of the legislation as per SB2248 for the following reasons:

- \* Ka Iwi is the last open and accessible coastline except for Ka'ena Point
- \* the Ka Iwi State Park boundary should be extended to include mauka and kept a passive /natural recreational and educational area
- \* O'ahu has been ravaged by rampant over-development, and East O'ahu has lost more green open spaces to development than any other part of the island
- \* the 7 mile Ka Iwi coast drive supports the visitor experience to the East end of O'ahu - it is what the visitor expects when they come to Hawaii
- \* preserving will enable all our residents, tourists and future generations to enjoy this pristine area
- \* the Ka Iwi area is an irreplaceable natural, scenic resource for the State of Hawaii
- \* the Ka Iwi scenic shoreline has rich cultural significance, some documented and some yet to be discovered

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**testimony****LATE TESTIMONY**

**From:** Hart4specs@aol.com  
**Sent:** Friday, February 08, 2008 1:04 PM  
**To:** testimony; ChairSen.ClaytonHee@capitol.hawaii.gov; Sen. Russell Kokubun  
**Cc:** Hawaiikaihui@aol.com; jay.ray@ferguson.com  
**Subject:** RE SB 2248 - Relating to Legacy Lands

Dear Chair Hee and Vice Chair Kokubun,

**My testimony is in support of the legislation as per SB2248.**

We have lived in our present home on the Hawaii Kai Golf Course for 28 years, and in Hawaii Kai for 40 years. During that time we have seen and experienced many changes. Some we like, some we don't, but this change goes beyond our likes and dislikes. This issue confronts the very **heart and soul** of not only Hawaii Kai but the entire island. This changes us from a residential community to a resort, which offers too many problems to address in this brief email, but will forever impact the very quality of our lives and those of tourists who come from all over the world to view our coastal beauty.

None of us, for a moment, believes that this package presented is anything less than opening the door to future resort building. If the State, Governor Lingle wants to preserve Kuilima, how can you think less of this. Please, we beg you, **stand firm against this development** that has only one benefit, money for the developer. Knowing this how can you morally and ethically turn away from the well fare of our local peoples? You cannot. Please, save us from this by preserving not only our way of life, but one of the most magnificent sights on Oahu.

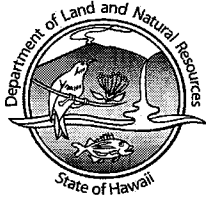
- \* protect and perpetuate the 'āina and its cultural resources for the benefit of future generations
- \* Ka Iwi is the last open and accessible coastline except for Ka'ena Point
- \* the Ka Iwi State Park boundary should be extended to include mauka and kept a passive /natural recreational and educational area
- \* O'ahu has been ravaged by rampant over-development, and East O'ahu has lost more green open spaces to development than any other part of the island
- \* the 7 mile Ka Iwi coast drive supports the visitor experience to the East end of O'ahu - it is what the visitor expects when they come to Hawaii
- \* preserving will enable all our residents, tourists and future generations to enjoy this pristine area
- \* the Ka Iwi area is an irreplaceable natural, scenic resource for the State of Hawaii
- \* the Ka Iwi scenic shoreline has rich cultural significance, some documented and some yet to be discovered

Mahalo for the opportunity to testify today.  
 Bob and Harriet Hoffman (residents since 1970)  
 7882 Makaaoa Place  
 Queen's Gate  
 Honolulu, HI 96825  
 395-2405  
 copy: Mr. Jay Ray, President  
 Queen's Gate Community Association

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Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

**On Senate Bill 2248— Relating To Legacy Lands**

**BEFORE THE SENATE COMMITTEE ON  
WATER AND LAND**

**LATE TESTIMONY**

**February 9, 2008**

Senate Bill 2248 proposes to make an appropriation for the Board of Land and Natural Resources to purchase the Ka 'Iwi coast using the Land Conservation Fund. The Department of Land and Natural Resources (Department) supports the intent of this measure, however has concerns with the budgetary implications this bill will have on the Executive Supplemental Budget request. Further, the bill fails to address key issues with respect to the potential acquisition.

The budgetary impacts of the bill are indeterminable because it fails to identify, to any reasonable degree of specificity, the parcel(s) targeted for acquisition, outside of being described as "land along the Ka 'Iwi Coast which is in imminent danger of being developed." The bill also fails to address the management and maintenance needs for the lands once acquired. It is paramount that any agency assuming responsibility for the management of the acquired property is also provided the requisite resources to do so. This defect could be remedied by the Legislature's favorable consideration of Senate Bill 3102 and its companion measure House Bill 3180, an administration bill that allows moneys from the Land Conservation Fund to be used for the operation, maintenance, and management of acquired lands.

This measure also attempts to utilize the Land Conservation Fund without consultation of the Legacy Land Conservation Commission (Commission) and without meeting the legal requirements for use of the funds. The Commission was established in Chapter 173A, Hawaii Revised Statutes (HRS) specifically for the purpose of providing expert advice on acquisitions that best manifest the resource values as enumerated in Chapter 173A, HRS. Use of Land Conservation Funds requires a finding that the targeted lands are considered property that has any of the resource values set forth in Section 173A-5, HRS. The bill makes no such finding and circumvents the legislatively mandated review by the Commission.

An alternative approach is to ask the State Office of Planning (OP) to conduct a regional boundary review to identify lands more appropriately designated for the state conservation district. The last boundary review was conducted in 1990, and it is certainly time to conduct another. The Legislature could task OP with identifying parcels of land in the State urban district that are zoned by the Counties for preservation or open space, and determine which state

classifications should be brought into conformity with the county classifications. The Department would be happy to work with OP to develop alternative language for amendments to support this approach.

**Senate Bill 2248**

Committee on Water and Land

Saturday, Feb. 9, 2008 11am Conference Room 229

**LATE TESTIMONY**

Aloha Chair Hee and Vice Chair Kokobun,

I am sending in testimony to support Senate Bill 2248 regarding the purchase of the Ka Iwi mauka lands which are in serious danger of being developed.

The Ka Iwi Coast is a precious natural resource for all people of Hawaii. The open space and beauty which runs **mauka to makai** is a constant reminder of what makes Hawaii a special place to live and a special place for visitors who come to our islands to see and experience.

Ka Iwi is a breath of fresh air for the overly developed and choking East Oahu communities. The drive along Ka Iwi between the ocean and the mountains is magical.

In the early morning, the light of the sunrise spreads out across the ocean and sweeps up the rugged cliffs of the coastline and reaches up to the top of the mountains and Koko Crater. The mid-day sun pierces the blue depths of the ocean and reveals the layers of life that abounds in the sea off Ka Iwi. At days end, the light of the setting sun blazes across the clouds in the skies of East Oahu and illuminates the ridges of the Ka Iwi mountains. When night falls, there is nothing else like the evening sky at Ka Iwi. The sky is bursting with brilliant stars which do not have to compete with the lights of the city. The stars only competition in the darkness is that of the rising shimmering moon above Ka Iwi.

The cultural significance of Ka Iwi cannot be denied. New information is being collected and studied about Hawaiians and Hawaiian practices in this area. We cannot lose the opportunity to learn more about our ancestors. We cannot allow their stories to be lost. We have an opportunity with SB 2248 to make sure this won't happen and that they, and their stories and culture at Ka Iwi, will be remembered.

Ka Iwi is one body. It cannot be separated. It cannot be divided. It is **mauka to makai**.

There is no other place like Ka Iwi on Oahu. It is wild, natural and unspoiled. It is perfect. It cannot be improved upon, it can only be slowly destroyed by development. I support any efforts to save this sacred area. Ka Iwi is a gift to all people of Hawaii; past, present and let us hope, with this legislation, the future.

I support Senate Bill 2248 and thank you for the opportunity to share my testimony.

Mahalo,

Ann Marie Kirk

PO Box 25342

Honolulu, Hawai'i 96825

371-3072

## testimony

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**From:** David Matthews [lizardave@hawaii.rr.com]  
**Sent:** Friday, February 08, 2008 3:59 PM  
**To:** testimony  
**Cc:** hawaii.kaihui@aol.com  
**Subject:** SB2248

LATE TESTIMONY

Senator Clayton Hee, Chair Committee on Water and Land Senator Russell S. Kokubun, Vice Chair Committee on Water and Land

Dear Chair Hee and Vice Chair Kokubun

My testimony is in support of the legislation as per SB 2248.

It is imperative that future generations enjoy the beauty of Hawaii as we have. We must not spoil the Ka Iwi Coastline with any kind of development, particularly since, except for Ka'ena Point, it is the last open and accessible coastline on Oahu.

It is our responsibility to see that the Ka Iwi Coast remain in its natural state for all to enjoy - residents, tourists and future generations. If we lose this pristine space to over-development, we lose what it means to see and enjoy the real feeling of Hawaii.

Mahalo for the opportunity to testify today.

Elizabeth G. Matthews  
7909 Makaaoa Place  
Honolulu, HI 96825  
Tel: 395-7600

**testimony**

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**From:** thoap@earthlink.net  
**Sent:** Friday, February 08, 2008 3:21 PM  
**To:** ChairSen.ClaytonHee@capitol.hawaii.gov; Sen. Russell Kokubun; testimony  
**Cc:** Sen. Sam Slom; Rep. Lyla B. Berg; Rep. Gene Ward; Sen. Fred Hemmings; Hawaiiikaihui@aol.com; htf@lava.net  
**Subject:** Re: SB 2248 - RELATING TO LEGACY LANDS.

**LATE TESTIMONY**

Dear Chair Hee and Vice Chair Kokubun,

**My testimony is in strong support of the legislation as per SB2248.** This land **MUST** be kept completely undeveloped preserving the beauty and ecology of this section of coastline. I feel, and I truly hope you do as well, that this must be the legacy of this and all following generations for all those yet to come. This is a benefit for all people not just a fortunate few. Being able to visit this area and feel that 'country' feeling is what it's all about to live here in Hawaii. Let the development move inland. Keep our coastline open and beautiful. You'll not only be protecting the 'sanity' of those who live here but also our livelihood. **THIS** is what tourists, by far Hawaii's biggest industry, expects to find when they come here. Do we give this up just so a very few people get rich. Yes, the state would benefit from taxes on the property, but this is miniscule when compared to all the benefits of leaving this land as is. East Oahu has handled about all the development it can stand and still keep the atmosphere that has kept Hawaii Kai a truly great place to live. Please have the foresight to stop this.

Mahalo and Aloha for your support,

Irby, Naomi, Alexis & Anika Gauthier

975 Wainiha Street

Honolulu, Hawaii 96825



testimony

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**From:** Hawaiiikaihui@aol.com  
**Sent:** Friday, February 08, 2008 2:08 PM  
**To:** testimony  
**Cc:** Hawaiiikaihui@aol.com  
**Subject:** SB2248 Ka Iwi - Hearing Water and Land

**LATE TESTIMONY**

**COMMITTEE ON WATER AND LAND**

Hearing: Saturday, February 9, 2008, at 11 am in Conference Room 229

**SB 2248 - RELATING TO LEGACY LANDS.**

Senator Clayton Hee, Chair &  
Senator Russell S. Kokubun, Vice Chair

Dear Chair Hee and Vice Chair Kokubun,

I am writing to express our support of SB2248 relating to legacy lands conservation fund for the purchase of lands within the Ka Iwi area to ensure protection in perpetuity.

I vacation in Hawaii every year and this year I brought 3 family members. I spent most of this morning at Sandy Beach where I come and enjoy the beach and natural beauty of the area.

While you deliberate on the importance of allocating funds to protect this amazing area remember the Visitor Industry and keep in mind we don't need additional resorts on Oahu. What we need is more access to experience and engage our senses "in and of Hawaii" as we do every time we drive the Ka Iwi Coast.

Lastly, we believe the aloha spirit comes from the beautiful people of Hawaii and we recognize that they need balance in their daily life. One of the unique aspects of the Ka Iwi Coast is how much it is enjoyed by the residents of Oahu and for us to play among them, in this natural setting, is when we truly feel the blessing of the aloha spirit. And it is for this reason we return year after year.

Sincerely,

Christine Sachko

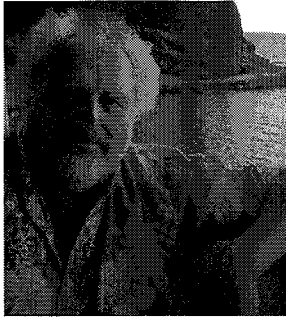
13 East 7th Street

New York, NY 10003

**1 917 750-6572**

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Mana Ikaika, Inc.  
Gary E. Weller  
President  
www.manaikaika.com

221 Iliaina St. Kailua, Hawaii 96734 Cell # (808)203-8217 Business # (808)253-0675  
Email address: wellerge@manaikaika.com Fax # (808)254-9693

## COMMITTEE ON WATER AND LAND

Senator Clayton Hee [ChairSen.ClaytonHee@capitol.hawaii.gov](mailto:ChairSen.ClaytonHee@capitol.hawaii.gov)

Senator Russell S. Kokubun, Vice Chair [senkokubun@capitol.hawaii.gov](mailto:senkokubun@capitol.hawaii.gov)

Re: SB 2248 - RELATING TO LEGACY LANDS.

Hearing: Saturday, February 9, 2008, at 11 am in Conference Room 229

Dear Chair Hee and Vice Chair Kokubun,

My testimony is in support of the legislation as per SB2248.

### Statement of my reasons

Protect and perpetuate the 'āina and its cultural resources for the benefit of future generations.

Ka Iwi is the last open and accessible coastline except for Ka'ena Point.

The Ka Iwi State Park boundary should be extended to include mauka and kept a passive /natural recreational and educational area.

O'ahu has been ravaged by rampant over-development, and East O'ahu has lost more green open spaces to development than any other part of the island.

The 7 mile Ka Iwi coast drive supports the visitor experience to the East end of O'ahu - it is what the visitor expects when they come to Hawaii.

Preserving will enable all our residents, tourists and future generations to enjoy this pristine area.

The Ka Iwi area is an irreplaceable natural, scenic resource for the State of Hawaii.

The Ka Iwi scenic shoreline has rich cultural significance, some documented and some yet to be discovered. (Go to this link and is what other have to say.)

<http://www.topix.com/forum/source/honolulu-advertiser/TG9HSLKTF1TQA3MJ#comments>

Mahalo for the opportunity to testify today.

Gary E. Weller

Cc: [hawaiikaihui@aol.com](mailto:hawaiikaihui@aol.com)

LATE TESTIMONY

Dear Senator Hee;

I am writing to support SB2248, Relating to Legacy Lands.

The existing Ka Iwi Scenic Shoreline area makai of the highway from Sandy Beach Park to Makapuu Point is a jewel in the "open space crown" in East Honolulu. Oahu residents as well as visitors benefit from having someplace that is scenic and not crowded. The Ka Iwi shoreline provides recreational activities to a large number of people precisely because it is open space, and not luxury residential development.

I hope you and the other members of the Senate have the foresight to invest in both parcels in this area. Thank you for your consideration.

Sincerely  
Janet Mason  
5645 Kawaikui Street  
Honolulu, HI 96821

Dear Senator Hee,

Please count me in STRONG SUPPORT OF SB 2248.

East Honolulu, particularly, Hawaii Kai to Kalama Valley does not want to have vacation cabins located on the Ka Iwi Coast.

We are presently under threat of having cabins built on our pristine Ka Iwi coast. Since 2006 I have consistently fought against this development including initiating a petition drive and organizing a massive protest at City Hall. If the developer (QRM LLC) is allowed to build these so-called "cabins", our community will never be the same again. We are already over-developed and don't need cabins for tourists in our bedroom community.

Thank you for introducing this legislation which could stop the tourist industry from gaining a foothold in East Honolulu.

Thank you for the opportunity to submit this testimony.

Rep. Gene Ward  
District 17, Hawaii Kai – Kalama Valley